

## **Positive Behavior Intervention and Supports & Limited Use of Restraint and Seclusion Administrative Guidelines**

The **Trumbull County Educational Service Center (TCESC)** is committed to the program-wide use of Positive Behavior Intervention and Supports (PBIS) with students. **TCESC** staff will work to prevent the need for the use of student restraints and seclusions by utilizing positive behavioral interventions and non-aversive intervention techniques.

**TCESC** staff, as determined appropriate by the **TCESC** Superintendent, are permitted to physically restrain or seclude a student, but only when there is an immediate risk of physical harm to the student or others, there is no other safe and effective intervention possible, and physical restraint or seclusion is used in a manner that is age and developmentally appropriate and protects the safety of all children and adults in the educational setting.

All restraint and seclusion shall only be done in accordance with **TCESC Policy 5630.01** and the standards adopted by the State Board of Education. Training in PBIS methods and the use of restraint and seclusion will be provided to staff determined appropriate by the **TCESC** Superintendent and in accordance with State Standards. Only staff trained in permissible seclusion and restraint methods may implement the methods.

Every use of restraint and seclusion shall be documented and reported to the **Program Supervisor and TCESC Superintendent**.

### **Positive Behavior Interventions and Supports**

Positive Behavior Intervention Supports (PBIS) is a non-aversive systematic approach to embed evidence-based practice and data-driven decision making to improve school climate and culture in order to improve academic and social outcomes and increase learning for all students. PBIS includes a range of both systematic and individualized positive strategies to reinforce desired behaviors, reduce the occurrence of challenging behaviors and teach appropriate behaviors to students. PBIS includes:

- Training to identify conditions such as where, under what circumstances, with whom and why specific inappropriate behaviors may occur;
- Preventative assessments that may include a review of existing data; interviews with students and family members; an examination of previous and current behavioral intervention plans;
- The development and implementation of preventative behavioral interventions and the teaching of appropriate behaviors, including: the modification of environmental factors that escalate inappropriate behaviors; supporting the attainment of appropriate behaviors; and the use of de-escalation techniques to defuse potentially dangerous behaviors.

## **Seclusion**

Seclusion, (the involuntary isolation of a student in a room, enclosure or space from which the student is prevented from leaving by physical restraint, closed door or other barrier) may be used only when a student's behavior poses an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. Seclusion may be used only as a last resort safety intervention that provides the student with an opportunity to regain control of his/her actions. Seclusion must be used in a manner that is age and developmentally appropriate, for a minimum amount of time necessary to protect the student or others from physical harm and otherwise compliant with TCESC's PBIS policy and procedures. Seclusion may be implemented only by staff trained in accordance with the Ohio Department of Education and TCESC's PBIS policies.

In the event that seclusion is needed, TCESC staff must:

- Continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- Use verbal strategies and research-based de-escalation techniques to help the student regain self-control as quickly as possible;
- Remove the student from seclusion when the immediate risk of physical harm has been dissipated;
- Conduct a debriefing with all staff involved in the incident to evaluate the trigger for the incident, staff response and methods to address the student's behavioral needs;
- Complete all required reports and document their observations of the student.

A room or area used for seclusion must provide for adequate space, lighting, ventilation, clear visibility and the safety of the student. A room or area used for seclusion must not be locked or otherwise prevent the student from exiting the area in the event staff becomes incapacitated or leaves the area.

Seclusion will not be used as a punishment or to force compliance and will not be used for:

- The convenience of staff;
- As a substitute for an educational program;
- As a form of discipline or punishment;
- As a substitute for less restrictive alternatives;
- As a substitute for inadequate staffing;
- As a substitute for staff training in positive behavior supports and crisis prevention and intervention;
- To coerce, retaliate or endanger a student; or
- If it deprives a student of basic needs.

Seclusion of preschool-age children is prohibited, except that a preschool-age child may be secluded from his or her classmates, either in a classroom or in a safe, lighted and well-ventilated

space, for an amount of time that is brief in duration and appropriate to the child's age and development, if the child is always within sight and hearing of a preschool staff member.

## **Restraint**

Restrain includes physical restraint, prone restraint, mechanical restraint and chemical restraint. **The use of restraint other than physical restraint is prohibited.** Physical restraint may be used by staff only when a student's behavior poses an immediate risk of physical harm to the student and/or others and no safe and/or effective intervention is possible. The physical restraint will be implemented in a manner that is age and developmentally appropriate, does not interfere with the student's ability to communicate in his/her primary language or mode of communication, and otherwise compliant with **TCESC's** PBIS policy and procedures.

Physical restraint will be implemented only by staff trained in accordance with the Ohio Department of Education and **TCESC** PBIS Policies to protect the care, welfare, dignity and safety of the student, except in the rare and unavoidable emergency cases where trained personnel are not immediately available.

If **TCESC** staff use physical restraint, they will:

- Continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- Use verbal strategies and research-based de-escalation techniques in an effort to help the student regain control as soon as possible;
- Remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has been dissipated;
- Conduct a debriefing including all staff involved in the event to evaluate the trigger for the incident, staff response and methods to address the student's behavioral needs;
- Complete all required reports and document their observations of the student.

Physical restraint will not be used for punishment or discipline or as a substitute for other less intrusive means of assisting a student in regaining self-control.

The following restraint practices are **prohibited under all circumstances**, including emergency safety situations:

- Prone restraint (face-down position for an extended time);
- Physical restraint that restricts the airway of a student or obstructs the student's ability to breathe;
- Physical restraint that impacts the student's primary mode of communication;
- Restraint that deprives the student of basic needs;
- Restraint that unduly risks serious harm or needless pain to the student, including physical restraint that involves intentional, knowing or reckless use of:

1. Any method that is capable of causing loss of consciousness or harm to the neck or restricting/obstructing respiration in any way;
  2. Pinning down the student by placing knees to torso, head or neck of the student;
  3. Using pressure points, pain compliance, or joint manipulation;
  4. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
  5. Using other students or untrained staff to assist with the hold or restraint; or,
  6. Securing the student to another student or fixed object.
- Mechanical restraint (other than the devices used by trained staff or the student for specific and approved therapeutic or safety purposes for which such devices were designed);
  - Chemical restraint (excluding medication administered as prescribed by a licensed physician).
  - Physical restraint of preschool-age children, except for holding a child for a brief period of time, such as a protective hug, so that the child may regain control.

The following practices are prohibited under all circumstances, including emergency safety situations:

- Corporal punishment;
- Child endangerment as defined in the Ohio Revised Code;
- Aversive behavioral interventions (interventions intended to induce pain or comfort to a student).

### **Student Assessment and Behavior Intervention**

If a student repeatedly engages in dangerous behavior that leads to repeated instances of restraint or seclusion, school personnel will conduct an assessment to identify the student's needs and more effective ways of addressing those needs. If necessary, staff will also develop a behavior intervention plan that incorporates positive behavioral interventions.

### **Training and Professional Development**

**TCESC** shall provide training as described below:

- All **TCESC** staff who interact directly with students will be trained annually on the requirements of the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion.
- The Superintendent, in consultation with each program supervisor, shall identify **TCESC** employees who should receive additional training to ensure that an adequate number of personnel in each building are trained in crisis management and de-escalation techniques, including the use of restraint and seclusion. **TCESC** employees who receive such additional training must keep their training current in accordance with the requirements of the provider of the training.

- The Superintendent shall develop a plan to provide training to student personnel so that Positive Behavior Intervention and Supports are implemented on an organization-wide basis. Implementation of PBIS across TCESC may be a multi-year process, with training occurring over several years.

TCESC will maintain written or electronic documentation on training provided and lists of participants in each training session.

Only individuals trained in accordance with the PBIS Policy and Guidelines in the appropriate use of restraint and seclusion may use those techniques.

### **Monitoring and Complaint Procedures**

The TCESC Superintendent will monitor restraint and seclusion reports completed by staff to ensure the PBIS Policy is appropriately implemented.

Any parent of a child enrolled in a TCESC program may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent will investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint.

If the parent is not satisfied with the response provided, the parent may request to meet with the Board in executive session to address the situation.

### **Required Data and Reporting**

Each use of restraint or seclusion shall be:

- Documented in writing;
- Reported to the program supervisor immediately;
- Reported to the parent immediately; and
- Documented in a written report.

A copy of the written report shall be made available to the student's parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. A copy of the written report shall also be maintained in the student's file.

All written documentation of the use of restraint or seclusion are educational records pursuant to the Family Educational Right to Privacy Act (FERPA). TCESC personnel are prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with FERPA requirements.

The Superintendent shall review restraint and seclusion documentation reports submitted by TCESC personnel and shall report information concerning the use of restraint and seclusion annually to the Ohio Department of Education (ODE) as requested by that agency. TCESC records concerning restraint and seclusion will be made available to ODE upon request.

**Complaint Involving the Use of Restraint or Seclusion****Limited Use of Restraint and/or Seclusion**

As set forth in TCESC Policy 5630.01, the Governing Board is committed to the Educational Service Center-wide use of Positive Behavior Intervention and Supports (PBIS) with students. Student Personnel are required to work to prevent the need for the use of restraint and/or seclusion. PBIS emphasizes prevention of student behavior problems through the use of non-aversive techniques which should greatly reduce, if not eliminate, the need for restraint and seclusion.

Professional staff members and support staff determined appropriate by the Superintendent are permitted to physically restrain and /or seclude a student, but only when there is an immediate risk of physical harm to the student and/or others, there is no other safe and effective intervention possible, and physical restraint or seclusion is used in a manner that is age and developmentally appropriate and safely protects all children and adults at school.

All restraint and seclusion shall be done in accordance with Policy 5630.01, which is based on the standards adopted by the State Board of Education regarding the use of student restraint and seclusion

**Complaint Procedure**

If a parent or guardian believes that his or her child has been improperly restrained or placed in seclusion in violation of Board Policy 5630.01 and/or Ohio law, the parent or guardian should complete the form below and submit it to the Superintendent. The Superintendent will investigate the complaint and respond in writing to the parent within 30 days of the receipt of the complaint.

Student: \_\_\_\_\_ DOB: \_\_\_\_\_

Parent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Date of incident involving the use of restraint or seclusion: \_\_\_\_\_

Did you receive a written report from TCESC concerning the restraint or seclusion incident?

Y\_\_\_ N\_\_\_

If yes, what was the date you received the written report? \_\_\_\_\_

Does the student have an IEP or Section 504 Plan? Y\_\_\_ N\_\_\_

If yes, was the IEP Team or Section 504 Team notified of the incident? Y\_\_\_ N\_\_\_

Was there an IEP Team or Section 504 Team meeting following the incident? Y\_\_\_ N\_\_\_

If yes, what was the date the meeting occurred? \_\_\_\_\_

Description of incident involving the use of restraint or seclusion:

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Identify the staff members involved in the incident and/or who witnessed the incident:

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What action are you requesting?

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\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

For Office Use Only

Date Received: \_\_\_\_\_  
\_\_\_\_\_

Receive By:

### Record of Investigation

Investigation completed by: \_\_\_\_\_  
Name Title

Brief description of the complaint:

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Nature of the Investigation – Records Reviewed:

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Nature of the Investigation – Persons Interviewed:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Date \_\_\_\_\_

Summary of the Interview:

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Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date \_\_\_\_\_

Summary of the Interview:

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Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date \_\_\_\_\_

Summary of the Interview:

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Disposition of the complaint:

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\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date

If you are not satisfied with the disposition set forth above, you may request to meet with the Board in executive session to address the situation. Please submit your request in writing to the Treasurer within fourteen (14) calendar days of receiving the Superintendent/designee's disposition.

## Restraint or Seclusion Incident Report

**DIRECTIONS:** This report must be completed within 24 hours of the incident/threat and submitted to the program supervisor and to the student's parent(s). It is to be used in all incidents involving restraint or seclusion of students by **TCESC** staff. Witnesses should complete the accompanying Witness Statement. This report is confidential and will not be released without the permission from **TCESC**.

Name of Individual Completing Report: \_\_\_\_\_

Position: \_\_\_\_\_ Building: \_\_\_\_\_

Individual(s) Involved in the Use of Restraint or Seclusion:

\_\_\_\_\_

\_\_\_\_\_

Witness's Name and Position:

\_\_\_\_\_

Is the witness a **TCESC** Employee?  Yes  No

Witness phone number and building location:

\_\_\_\_\_

\_\_\_\_\_

Incident Date and Time: \_\_\_\_\_

Incident Location:

\_\_\_\_\_

Description of the Use of Restraint or Seclusion:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Parental Notification: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor/Director Comments:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Restraint or Seclusion Witness Statement

Witness Name: \_\_\_\_\_

Position: \_\_\_\_\_ Building: \_\_\_\_\_

Restraint or Seclusion Date and Time: \_\_\_\_\_

Incident Location: \_\_\_\_\_

Description of the Use of Restraint or Seclusion:

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_