RESTRAINT AND TIME-OUT

Legal Framework: Restraint and Time-Out
Category: Restraint and Time-Out Template update 2024

PERSONS RESPONSIBLE: Campus Administrator, Teacher or Persons Involved, PEIMS Clerk

TIMELINES: On the day of restraint, within one (1) school day

MATERIALS:

Restraint:
- Restraint Cover Letter (Frontline)
- Written Summary of Restraint Use (Frontline)
- Documentation of Restraint of Student (TDAS)
- Internal Tracking Review (Frontline)

Time-Out:
- Time-Out Documentation (Frontline)
- Time-Out Documentation (form)

Both:
- NVCI Guidance Document

Methods:

Tomball ISD uses Nonviolent Crisis Intervention training (NVCI). This comprehensive training includes de-escalation techniques, preventative strategies, and the use of physical restraint. There are NVCI certified trainers in Tomball ISD who train school employees on the use of NVCI. The initial NVCI training is a six (6) hour course that teaches these strategies. Candidates for initial certification are employees who have never been trained in Tomball ISD. The refresher course is three (3) hours that acts as an update for participants to become recertified. Candidates for refresher certification are employees who have received NVCI training in Tomball ISD. NVCI certification is good for one (1) calendar year.

In conjunction with NVCI training, TISD trains staff on disability-related behaviors and prioritizes positive behavior supports and individualized, developmentally appropriate de-escalation over physical restraint. Training includes effective use of time-out as a behavior management intervention for students who require a separate area to de-escalate. Training focuses on implementing positive behavior supports in the classroom and teaching students strategies for calming down.

Definition of Restraint:

Restraint means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body.

(A) "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.

(B) "Mechanical restraint" refers to the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical or related services provider.

Restraint does not include:

- Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
- limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
- limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the individualized education program (IEP) as required by 34 CFR, §300.324(a)(2)(i), to promote student learning and reduce and/or prevent the need for ongoing intervention; or
- seat belts and other safety equipment used to secure students during transportation.

Use of Restraint:

Restraint- may only be used in emergency situations where the student's behavior poses an imminent, serious physical harm to themselves, others, or serious property destruction.

Restraint may not be used as a disciplinary or behavior management technique or as a method to gain student compliance. Restraint-must be limited to the use of such reasonable force to address the emergency, and it must be discontinued at the point an emergency no longer exists. Restraint must be implemented in such a way as to protect the health and safety of the student and others. Restraint must not deprive the student of basic human necessities. It should be combined with other approaches that will help the individual learn more adaptive behavior (diminishing the need for physical intervention in the future).

The student's ARD committee must review, at least annually, the use of restraint and determine if changes are needed for the Behavior Intervention Plan (BIP). If a student has a BIP in their

IEP, the ARD committee must review it more frequently than annually when one of the following is true:

- A review is needed to address the safety of the student or others;
- There is an increase or persistence in behavioral incidences resulting in restraint.

Notification and Documentation of Restraint:

When a restraint happens, a campus administrator must be notified verbally or in writing regarding the use of restraint. On the day of the restraint, a good faith effort must be made to verbally notify the parent(s)or person standing in a parental relation to the student regarding the use of restraint and documented with a call log completed either in Frontline or campus call log. Documentation of the restraint should be completed on the same day of the restraint.

Written notification of the use of restraint must be provided to the parent(s) or person standing in parental relation to the student within one (1) school day of the use of restraint. Written notification must also be sent to the campus PEIMS clerk to enter into PEIMS. Multiple restraints may not be combined into a single restraint notification form.

Documentation process for students receiving special education:

1. In the Frontline ARD Forms, select the “Restraint Documentation” screen
2. Add restraint.
3. Fill out the form
4. Archive the “Restraint: Written Summary of Restraint” and “Restraint: Cover Letter” as one document
5. Share this archived document (referred to in #4 above) with parents or person standing in parental relation to the student and the campus PEIMS clerk through the “Document Share” application in Frontline.

Documentation process for students not in special education:

1. In TDAS, complete the “Documentation of Restraint of Student” located in the Discipline Management folder within the Document Library
2. Consider convening a SIT meeting to consider the student for MTSS.
3. Add the student to the student’s RING profile.
4. Upload the file to the documents tab in RING.

Monitoring the Use of Restraint: In Tomball ISD, the use of restraint is monitored through the documentation process through Frontline. In addition to the documentation process, restraints are monitored through PEIMS.

Definition of Time-Out:

Time-out means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

(A) that is not locked; and
(B) from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.
(C) that may occur within or outside the classroom setting; and
(D) that may occur with or without other students present.

Use of Time-Out:

Physical force or threat of physical force must NOT be used to place, maintain, or keep a student in time-out.

Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or behavior improvement plan or behavioral intervention plan if it is utilized on a recurrent basis to increase or decrease a targeted behavior.

The student's ARD committee must review, at least annually, the use, amount, and effectiveness of time-out as a behavioral intervention and consider whether revisions to the student's IEP, behavioral intervention plan, or positive behavior supports are necessary to reduce or eliminate the need for time-out.

Use of time-out must NOT be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

Use of time-out or a cool down room must not be used as a punishment, but rather an opportunity to help students regain physical and/or emotional control. Strategies that are recommended for use in a cool down room include but are not limited to: using short concise phrases/language, visual supports, reminders for individualized strategies such as belly breathing, counting back from 10, wall push-ups, etc. It is recommended that 2 people remain in the cool down room with the student while the student is escalated for student and staff safety.

Training on use of Time-Out:

Training for school employees, volunteers, or independent contractors must be provided according to the following requirements.

1. General or special education personnel who implement time-out based on requirements established in a student's IEP and/or behavior improvement plan or behavioral intervention plan must be trained in the use of time-out.
2. Newly-identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or behavior improvement plan or behavioral intervention plan must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out.
3. Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.
4. All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out.

Notification and Documentation of Time-Out:

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or behavior improvement plan or behavioral intervention plan. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

The ARD committee must use any collected data to evaluate the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

When the use of time-out happens, a campus administrator must be notified verbally or in writing regarding the use of time-out. Documentation of the time-out should be completed on the same day of the time-out.

For students receiving special education services not in a self-contained setting or PASS:

1. In the Frontline ARD Forms, select the “Time-Out Documentation” screen
2. Add the time-out.
3. Fill out the form
4. Archive “Time-Out: List of Occurrences During the Current Reporting Period”

For students served in a special education self-contained setting or PASS

1. Complete the Time-Out Documentation form
2. In Frontline, upload the form(s) as a pdf and archive at the end of each reporting period and at the end of the annual ARD year.

For students not in special education:

1. Complete the Time-Out Documentation form.
2. Upload to Ring.

Monitoring the Use of Time-Out: In Tomball ISD, the use of time-out is monitored through the documentation process through Frontline.

Use of Aversive Techniques: An aversive technique is defined as a technique or intervention that is intended to reduce the likelihood of a behavior occurring by intentionally inflicting significant physical or emotional discomfort to a student.

The use of aversive techniques is prohibited in Tomball ISD. Aversive techniques include, but are not limited to: electric shock, pressure points, joint locks, noxious, toxic, and unpleasant spray near a student's face, denying food, sleep, air, shelter, bedding, physical comfort, supervision, or a restroom, verbal abuse, ridiculing or demeaning a student, impairing the student's breathing, restricting a student's circulation, securing a student to a stationary object, chemical restraint, inhibiting, reducing and hindering the student's ability to communicate and any time out that does not allow the student to be involved in and progress appropriately in the required curriculum or annual goals.

"No child should be subjected to the abusive or potentially deadly use of seclusion or restraint in a school. Importantly, the Individuals with Disabilities Education Act (IDEA) promotes the use of positive behavioral interventions and supports to address behavior that impedes learning; neither the IDEA nor other federal laws specifically prohibit the use of seclusion and restraint techniques in schools. However, if the use of seclusion and restraint is implemented in a school in a discriminatory manner on the basis of race, color, national origin, sex, or disability, the Department's Office for Civil Rights would have jurisdiction over such use pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act." *OSERS Letter to Anonymous* (December 16, 2010).

Application Guidance

- Texas Behavior Support (TBS) (Region 4 ESC)
- Positive Behavioral Interventions and Supports (PBIS) (TBS)
- Written Summary of Restraint Use Sample Form (TEA)

Through the implementation of the policies and procedures as outlined in the Legal Framework for the Child-Centered Special Education Process, ensures that restraint and time-out are administered in accordance with the IDEA and its accompanying federal regulations, state statutes and regulations.