

CRISIS INTERVENTION, SECLUSION-AND-RESTRAINT-POLICY

V. B. Glencoe Charter School

This document provides procedures/guidance for the use, reporting, documentation and oversight of crisis intervention, seclusion, and restraint at V.B. Glencoe Charter School in accordance with the applicable statutes, regulations, and guidelines as referenced below, and which may be amended from time to time.

This policy may be updated according to any legislative changes and in no way constitutes the totality of interventions and strategies that may be used by V.B. Glencoe Charter School and its personnel in addressing the educational needs of students with exceptionalities and students whose actions pose an imminent risk of harm to self or others. If you have any questions, please contact the Executive Director.

DEFINITIONS

Imminent risk of harm shall mean an immediate and impending threat of a person causing substantial physical injury to self or others.

Seclusion shall mean a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others.

Seclusion room means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

Mechanical restraint means the application of any device or object used to limit a person's movement. Mechanical restraint does not include: (1) A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider; and (2) Any device used by a duly licensed law enforcement officer in the execution of his/her official duties.

Physical restraint means the use of manual restraint techniques that involve physical force applied to restrict the movement of all or part of a person's body.-Physical restraint does not include:

- Consensual, solicited, or unintentional contact.
- Momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person.
- A school employee holding a student for less than three consecutive minutes within any given hour for the protection of the student or others.

- A school employee holding a student for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted.
- Minimal physical contact for the purpose of safely escorting a student from one area to another.
- Minimal physical contact for the purpose of assisting the student in completing a task or response.

Positive behavior interventions and support means a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

School employee means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

School health designee means a school employee designated to assess the use of seclusion and physical restraint in the event that a school nurse is not present on a school campus at the time such measure is used.

Seclusion means a procedure that isolates and confines a student in a designated separate room or area until he or she is no longer an immediate danger imminent risk of harm to self or others.

Seclusion room means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private safe, secure, and supervised setting and from which the student is involuntarily prevented from leaving until he is no longer at risk of imminent harm to self or others.

Sensory room means a room or space that is used for the monitored separation of a student in an unlocked setting in which school personnel may use positive behavioral interventions and support to help to calm or stabilize a student's disruptive behavior. A sensory room may also be referred to as a "calming room", "calming space", "comfort room", "comfort space", "sensory space", "timeout room", or "timeout space". The appropriate use of sensory rooms shall not be considered seclusion, which shall only be used for the limited purpose of responding to a student posing an imminent risk of harm to self or others.

APPLICABILITY

Seclusion and restraint requirements apply to all students whose actions pose an imminent risk of harm to self or others. Additional procedural protections apply to students with exceptionalities as through the IEP process as required by federal and state law. For purposes of this policy, the term “exceptionality” does not include students identified as gifted or talented unless such students have been identified as also having a disability

SECLUSION AND RESTRAINT

The V.B. Glencoe Charter School Board recognizes that, in order for students to receive a free appropriate public education, a safe learning environment needs to be provided. In doing so, the school also recognizes that there are circumstances in school under which reasonable and appropriate measures and techniques will need to be employed in dealing with students who pose an imminent risk of harm to self or others. In extraordinary circumstances, the use of seclusion and physical restraint as a means to safely de-escalate a situation in which a student poses a risk of imminent risk of harm to self or others.

The V.B. Glencoe Charter School Board fully supports the use of positive behavior interventions and support when addressing student behavior. The V.B. Glencoe Charter School Board reserves its right, however, to use physical restraint and/or seclusion consistent with state law to address the behavior of a student when school personnel reasonably believe the behavior poses an imminent risk of harm to the student or others. The V.B. Glencoe Charter School Board shall not preclude the use of physical restraint and/or seclusion performed consistent with the requirements of a student's Individualized Education Program (IEP) or behavior intervention/management plan.

No school employee shall subject a student to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

No school employee shall seclude or physically restrain a student who is known to have any medical or psychological condition that precludes such action, as certified by a licensed health care pediatrician, neurologist, or mental health provider in a written statement provided to the school in which the student is enrolled. The Executive Director or his/her designee shall notify each parent or legal guardian of a student enrolled at the school with an Individualized Education Program of the prohibition of the use of seclusion and physical restraint if the student has a condition as provided in this paragraph. Such notification shall be made annually and be incorporated into the student's Individualized Education Program meeting.

A school employee shall release a student from seclusion and physical restraint as soon as the reasons for justifying such action have subsided.

SECLUSION

Seclusion is a procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others. Seclusion does not include time-out, "which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming". The term does not include in-school suspension, student requested breaks, or "time outs."

School personnel may separate a student from other students for a limited duration in the form of a “time out” as a behavior management technique, as long as the student is monitored at all times and is not substantially isolated from instructional activities, and this is not considered seclusion.

Seclusion is permitted only:

- For behaviors that involve an imminent risk of harm.
- As a LAST resort when de-escalation and other positive behavioral interventions and support attempts have failed, and the student continues to pose an imminent-risk of harm to self or others.
- As long as necessary to minimize the imminent risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

Seclusion is prohibited:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).
- As a routine school safety, discipline, or intervention measure or to address behaviors such as general noncompliance, self-stimulation, and academic refusal, and other behaviors that, while disruptive to a classroom setting or other daily school activities, do not present an imminent risk of harm to self or others.
 - o Such School employees shall respond to such behaviors shall be responded to with less stringent and less restrictive techniques, such as those included in a school's or student's crisis intervention plan or a student's Individualized Education Program or Behavioral Intervention Plan.

SECLUSION ROOM

A seclusion room is permitted only under the following conditions:

- As a LAST resort if and when less restrictive crisis intervention measures such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student’s environment, have failed to stop a student’s actions that pose an imminent risk of harm to self or others.
- By a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he/she is in the seclusion room.
- Only one student may be placed in a seclusion room at any given time, and the school employee supervising the student must be able to see and hear the student the entire time the student is placed in the seclusion room.

A seclusion room shall:

- Be free of any object that poses a danger to the student placed in the room.
- Have an observation window
- Be of a size that is appropriate for the student's size, behavior, and chronological and developmental age.
- Have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

Seclusion Room is prohibited:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

Annual Report: Pursuant to La. RS 17:1944.1, the Executive Director shall provide for an annual report to be made to the school's special education advisory council, which shall include, among other things, the number of designated seclusion rooms as defined by R.S. 17:416.21.

MECHANICAL RESTRAINT

No student shall be subjected to any form of mechanical restraint by school employees.

Under no circumstances shall a student's mouth be taped shut or airway otherwise restricted.

PHYSICAL RESTRAINT

Physical restraint is permitted by trained personnel, except in emergency situations in which there is not sufficient time to have trained personnel respond. Minimum training requirements shall be specified in rules promulgated by the State Board of Elementary and Secondary Education. Physical restraint may only be used under the following conditions:

- If the student's behavior presents a threat of imminent risk of harm to self or others.
- As a last resort to protect the safety of self and others.
- To the degree necessary to stop dangerous behavior.
- Does not interfere in any way with a student's breathing or ability to communicate with others.
- Does not involve the use of any form of mechanical restraint.
- The student is not physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.
- Applied only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

- Never involve a drug or medication to control behavior or restrict freedom of movement (except as prescribed by a licensed physician or other qualified health professional).

Physical restraint is prohibited:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- In a manner that is disproportionate to the circumstances and to the student's size, age, and severity of behavior.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

MONITORING, DOCUMENTATION AND REPORTING

Seclusion and Restraint require monitoring, documentation, and analysis of data collected:

- Continuous monitoring of the student..
- Documentation every 15 minutes (with adjustments made accordingly).
- Students are released/removed as soon as the reasons for the action have subsided.

The Executive Director or his/her designee and the director or supervisor of special education shall review video and audio footage, if available, to ensure policies and proper techniques were followed during the incident.

Upon a student's release from seclusion or physical restraint, the following actions must be taken:

- **Notify Executive Director:** The school employee who secluded or physically restrained the student shall notify the Executive Director, and the Executive Director or his/her designee shall notify electronically the director or supervisor of special education as soon as is practicable but no later than one hour following the release of the student, or the end of the same school day, whichever occurs first.
- **Notify Parent or Guardian:** The school employee who secluded or physically restrained the student or a school administrator shall notify the parent or legal guardian of the student via a phone call as soon as is practicable but no later than the end of the same school day.
- **Inform School Nurse:** A school nurse or school health designee shall visit the student as soon as possible, but no later than the end of the same school day, to look for and document any signs of injury or distress.
- **Make necessary reports** as required below.

REPORTING

A school employee who secluded or physically restrained a student shall document and report the incident by completing the Seclusion/Restraint Incident Reporting Form for each incident of restraint and seclusion.

At a minimum, the Seclusion/Restraint Incident Reporting Form shall include the following:

- The name, age, grade, gender, race, and disability of the student secluded or restrained.
- The date, time, location, and duration of the seclusion or physical restraint.
- The name and title of each school employee involved and who was a witness.
- A description of the events requiring the use of seclusion or physical restraint, including a description of the procedures and types of restraint used, any actions taken in an attempt to de-escalate the situation, and the student's behavior that suggest the student posed an imminent risk of harm to self or others.
- A description of any student injuries, visible marks, or medical emergencies that occurred during or after the seclusion or physical restraint.
- A description of the actions taken immediately following the student's release from seclusion or physical restraint, including actions to notify the student's parent or legal guardian.
- A description of the student's actions immediately following the student's release from seclusion or restraint

Notice shall be given to the following:

- **Executive Director:** The employee shall submit such Seclusion/Restraint Incident Reporting Form to the Executive Director by the end of the next school day following the incident.
- **Parent/Guardian:** The Executive Director or his/her designee shall submit a copy of the Seclusion/Restraint Incident Reporting Form to the parent or guardian of the student by the end of the next school day following receipt of the report.
- **LDOE:** In accordance with state board policy, the school's governing authority shall report all instances where seclusion or physical restraint is used to address student behavior to the state Department of Education. Such report shall follow the guidelines and procedures adopted by The State Board of Elementary and Secondary Education for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.

STUDENTS WITH EXCEPTIONALITIES: THREE INCIDENTS

If a student with an exceptionality is involved in three incidents in a school year involving the use of seclusion or physical restraint as a result of posing an imminent risk of harm to self or others, the special education teacher shall send prior written notice of the intention to call an Individualized Education Program team meeting to the student's parent or legal guardian, and at such meeting, his Individualized Education Program team shall review and revise the student's Behavioral Intervention Plan, including any crisis intervention plans, to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or

escalates, requiring repeated use of seclusion or physical restraint, the director or supervisor of special education or his designee shall review the student's plans at least once every three weeks.

NOTICE OF POLICIES AND PROCEDURES

The Executive Director shall make available to school personnel and the parents/guardians/students of majority age, copies of local policies and procedures regarding the use of reasonable restraint and seclusion of students.

A copy of this policy, along with any additional guidelines and procedures adopted pursuant to this policy, shall be provided to the state Department of Education, all school employees, and every parent or legal guardian of a student with an exceptionality. At the beginning of each school year, the guidelines and procedures adopted in accordance with the provisions of this policy shall be published on the school website.

Information about the school's use of crisis intervention, including the proper use of seclusion and physical restraint, shall be included in the school's student handbook and made available to the parent and legal guardian of each student with an Individualized Education Program or Behavioral Intervention Plan. Such restraint and seclusion notification shall also be referenced and/or included in the annual notice of student rights and responsibilities provided to the parents/guardians/students of majority age.

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Ref: 20 U.S.C. §§ 1400–1482, 29 U.S.C. § 794; 42 U.S.C. §§ 12131–12165; La. Rev. Stat. Ann. § 17:416, 17:416.21, 17:416.1, 17:3996, Bulletin 1508: *Pupil Appraisal Handbook*, Bulletin 1706: *Regulations for Implementation of the Children with Exceptionalities Act*.