Cleveland Public Schools
Procedures for the Use of
Physical Restraint and Seclusion for Students with Disabilities

These procedures[1] provide information and guidance to employees to help them comply with the *Guidelines for Minimizing the Use of Physical Restraint for Students with Disabilities in Oklahoma* and the *Guidelines for Minimizing the Use of Seclusion for Students with Disabilities in Oklahoma* ("*Guidelines*"), as approved by the Oklahoma State Board of Education.

Purpose

The purposes of these procedures are to help ensure that any use of physical restraint or seclusion for students with disabilities complies with the *Guidelines* and to reduce the use of physical restraint and seclusion at school.

Authorized Use of Seclusion and Restraint

A. The district supports school-wide programs and services that motivate, teach and support positive behavior to create a school climate that is highly conducive to learning.

   1. The district expects each school to establish practices that have the goal of making the school climate and environment welcoming and supportive of learning and that promote the recognition and reinforcement of appropriate student behavior.

   2. The district expects that school staff will implement positive behavior interventions and supports, conduct functional behavioral assessments, develop behavior intervention plans and establish constructive methods to deescalate potentially dangerous situations.

   3. As to students with disabilities under the Individuals with Disabilities Education Act or Section 504/Title II, if district personnel anticipate that the student is likely to behave in a way that may be dangerous to the point of causing injury to another person, they should promptly seek parent consent to conduct a functional behavior assessment. After reviewing the assessment results, the student's IEP or 504 team should develop an appropriate behavior intervention plan, including a plan for teaching replacement behaviors.

B. The district authorizes its employees to use physical restraint and seclusion for students with disabilities only as set forth in the *Guidelines*, and as further explained in these procedures.

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Definitions

A. Chemical Restraint. Use of a drug or medication to control behavior or restrict freedom of movement that is not prescribed by a licensed physician for standard treatment of the student's medical condition and administered for that purpose as prescribed.

B. Crisis Intervention Training. Training provided to selected district employees that addresses how to deal with aggressive, violent or out of control behavioral emergencies. The training includes specific techniques for physical restraint and seclusion, the curriculum meets state standards for such training and the training results in certification of the individuals who complete the training. The district uses _ _____ as its system of crisis intervention training.

C. De-escalation. Causing a situation to become more controlled and calm and less dangerous, thus lessening the risk for harm to a person.

D. Functional Behavior Assessment. Ongoing process of gathering information that can be used to hypothesize about the function of student behavior. The analysis provides the information necessary to develop a behavior intervention plan.

E. Imminent. Immediate and impending.

F. Imminent risk of harm. The immediate and impending threat of a person causing serious bodily injury to self or others.

G. Mechanical restraint. Use of devices as a means of restricting a student's freedom of movement.

Child Safety Restraint Systems (CSRS) are not considered physical restraints under the *Guidelines*. Examples of CSRS include:

- adaptive and assistive devices used to support or secure students;
- mobility aids;
- special belts; and
- harnesses and devices.

H. Physical restraint. Any method of one or more persons limiting or restricting another person's freedom of movement, physical activity, or normal access to his/her body. It is a means for managing that person's movement, reconstituting behavioral management and establishing and maintaining safety for the student, other students and staff. Physical restraint, for purposes of these procedures, does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purposes of inducing a student who is acting out to walk to a safe location.

I. Prone physical restraint. A restraint that positions a student face down on his or her stomach or face up on the back. Prone physical restraints are prohibited.

J. Seclusion. Involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held by staff. Any time a student is involuntarily alone in a room and prevented from leaving is considered seclusion regardless of the intended purpose, the name applied to this procedure or the name of the place where the student is secluded.

K. Seclusion room. A room or other confined area in which a student with a disability is placed in isolation from other persons from which the student is prevented from leaving. A seclusion room must meet specific criteria.

L. Serious bodily injury. Bodily injury that involves –

- a substantial risk of death;
- extreme physical pain;
- protracted and obvious disfigurement; or
- protracted loss or impairment of the function of a bodily member, organ or mental faculty.

M. Time out. 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.

Informing Parents, Generally

District personnel will post on the district website (1) the *Guidelines for Minimizing the Use of Physical Restraint for Students with Disabilities in Oklahoma;* (2) the *Guidelines for Minimizing the Use of Seclusion for Students with Disabilities in Oklahoma* and (3) the district's policies and procedures regarding the use of physical restraint and seclusion for students with disabilities.

Conditions Governing Use of Physical Restraint

A. District employees will use physical restraint for a student with a disability only under specific emergency circumstances and when the student is acting in a manner that presents an imminent risk of harm to the student or others. The student's actions must demonstrate the immediate and impending ability to cause serious bodily injury.

B. District employees will use physical restraint for a student with a disability only as a last resort after other less restrictive methods of de-escalating the risk of injury have been attempted without success.

C. Any physical restraint will last only as long as necessary to resolve the risk of danger or harm, usually a matter of minutes.

D. The degree of physical restriction applied may not exceed what is necessary to protect the student or other persons from imminent bodily injury.

E. District employees will use physical restraint for a student with a disability only if they hold a current certificate earned as the result of participation in first aid, CPR and specific district-approved crisis intervention training in the use of physical restraint procedures. Each employee who directly participates in the physical restraint must have a current certificate covering all portions of the training. The crisis intervention training must include:

- conflict de-escalation;
- the crisis cycle and interventions at each stage;
- possible effects of physical restraint; and
- methods for monitoring a student's well-being during and following a restraint.

F. District employees will conduct the physical restraint of a student with a disability in a manner consistent with the techniques prescribed in the district-approved crisis intervention training program.

G. Mechanical and chemical restraints are prohibited.

H. Prone physical restraint is prohibited.

I. Any maneuver that places pressure or weight on the chest, sternum, lungs, diaphragm, neck, throat, or back is prohibited. Restraints that prevent a student from speaking or breathing are also prohibited.

J. IEP and 504 teams may, but are not required to address the use of physical restraint in student IEPs, 504 Plans and behavior intervention plans. If physical restraint is anticipated to be used for a student with a disability, the student must have in place an appropriate behavior intervention plan based upon current functional behavior assessment data.

K. If possible, at least one adult who is not involved in the physical restraint should be present during the restraint as a witness. Students will not serve as witnesses.

<u>When Physical Restraint Cannot Or Should Not Be Used</u>

A. District employees cannot use physical restraint of a student with a disability unless the student's actions present an imminent risk of harm to the student or another person.

A verbal threat or verbally aggressive behavior alone does not demonstrate an imminent risk of harm to a person.

B. Physical restraint will not be used for the purposes of discipline or as a punishment, to force compliance, as a convenience for staff or to prevent property damage.

Neither imminent nor actual destruction or damage to property demonstrates an imminent risk of harm to a person unless the act of destroying or damaging the property creates an imminent risk of harm to the student or another person.

C. Physical restraint should not be used when the known medical or physical condition of a student would make its use dangerous for that student (e.g., students with heart or circulatory conditions, asthma, etc.).

Conditions Governing Use of Seclusion

A. District employees will use seclusion for students with disabilities only under emergency circumstances and when the student is acting in a manner that presents an imminent risk of harm to the student or others, if the threat could be diminished if the student was in a secluded environment away from other students and staff.

B. District employees will use seclusion only as a last resort after other methods of de-escalating the risk of injury have been attempted without success. Seclusion will be used only when positive behavior intervention strategies and less restrictive measures appropriate to the behavior exhibited by the student and specified in the student's IEP, 504 Plan, or behavior intervention plan have been implemented, but have failed to de-escalate the risk of injury.

C. District employees will seclude the student only as long as necessary to resolve the risk of danger or harm or while waiting for the arrival of law enforcement or crisis intervention personnel, such as when the student has possessed a weapon or committed a crime. Seclusion will be discontinued when the student's actions no longer pose an imminent risk of harm to the student or another person.

D. District employees will use seclusion for a student with a disability only if they hold a current certificate earned as the result of participation in first aid, CPR and specific district-approved crisis intervention training in the use of seclusion procedures. Each employee who directly participates in the seclusion must have a current certificate covering all portions of the training. The crisis intervention training must include:

- conflict de-escalation;
- the crisis cycle and interventions at each stage;
- possible effects of seclusion;
- appropriate use of seclusion rooms; and
- process and techniques for escorting a student to a seclusion room, placing a student in a seclusion room and supervising a student while in seclusion.

E. District employees will use seclusion for students with disabilities only when the student can safely be transported to the seclusion environment in a manner consistent with the techniques prescribed in the district-approved crisis intervention training program.

F. IEP and 504 teams may, but are not required to address the use of seclusion in student IEPs, 504 Plans and behavior intervention plans. If seclusion is anticipated to

be used for a student with a disability, the student must have in place an appropriate behavior intervention plan based upon current functional behavior assessment data.

G. Time out procedures that do not constitute seclusion are permitted in the district.

H. Seclusion may be used only if a district employee continuously monitors the student both visually and aurally.

1. Students will be permitted to use the restroom upon request and will be escorted to and from the restroom.

2. Students will be provided water to drink upon request.

3. District employees will take immediate action if the student displays any signs of medical distress.

I. The site principal and a special education coordinator will inspect each seclusion room no less than annually for adherence to the following room requirements:

- of reasonable size, permitting students to lie or sit down;
- has adequate heating, cooling, ventilation and lighting systems that are comparable to those in other rooms throughout the same building;
- has adequate lighting;
- is free of any potential or predictable safety hazards that pose a potential risk of harm to the student;
- permits direct continuous visual and auditory monitoring of the student; and
- permits automatic release of any locking device if fire, severe weather, or other emergency arises in the school.

The site principal and special education coordinator will complete a district-provided form at least annually to reflect the results of their inspection.

J. If possible, at least one adult who is not involved in the seclusion incident should be present during the seclusion as a witness. Students will not serve as witnesses.

When Seclusion Procedures Cannot Or Should Not Be Used

A. District employees cannot use seclusion for a student with a disability unless the student's actions present an imminent risk of harm to the student or another person.

A verbal threat or verbally aggressive behavior alone does not demonstrate an imminent risk of harm to a person.

B. District employees cannot continue to use seclusion after the risk of danger or harm has passed except when waiting for the arrival of law enforcement or crisis intervention personnel when, for example, the student has possessed a weapon or has committed a crime.

C. District employees will not use seclusion as discipline, as a punishment, to force compliance, or as a convenience for staff.

D. District employees should not use seclusion when the student's known medical or physical condition would make the seclusion procedures dangerous for that student (e.g., student expressing suicidal thoughts, students with heart or circulatory conditions).

E. Seclusion should not be used to manage student behavior.

Training

A. The district will provide appropriate basic training to employees about conflict de-escalation procedures, the *Guidelines*, district policies and procedures regarding restraint and seclusion, and procedures for contacting fully trained and "certified" employees when behavioral emergencies occur.

B. The district will determine on an ongoing basis a method of providing training related to physical restraint and seclusion that will meet any applicable state standards.

C. A core group of appropriate personnel will be trained and "certified" in each building in crisis intervention techniques that will include the use of physical restraint and seclusion.

Recurrent training to maintain "certification" will be provided on a regular basis no less than annually to meet the requirements for the program used and applicable state standards.

Reporting, Documentation and Debriefing Requirements

A. Immediately after the student has regained emotional and behavioral control following the use of physical restraint and/or seclusion, a district employee shall attempt to determine if the student sustained any injury during the restraint or seclusion. It is preferable that an employee who was not involved in the incident make this determination.

B. An employee involved with the physical restraint or seclusion will notify the building administrator immediately or, if the administrator is unavailable, as soon as possible following the incident.

C. The building administrator or designee will verbally notify the parent immediately after the restraint or seclusion incident.

1. The administrator or designee will also update the parent on the student's current physical and emotional state.

2. The administrator or designee should be prepared to discuss strategies to assist the parent in dealing with any residual effects of the incident.

D. The individuals involved with the incident shall complete the pre-debriefing meeting portions (approximately the first two pages) of OSDE Form #12 (for physical restraints) or OSDE Form #13 (for seclusions) before the debriefing meeting convenes.

1. All employees involved in the incident will contribute to completion of the form.

2. Each incident in which physical restraint or seclusion is utilized will be documented on a separate form, describing the incident and behaviors that occurred.

E. The building administrator or designee will promptly attempt to schedule a mutually agreeable date and time for a debriefing meeting with the parent. The debriefing meeting must be held within two school days following each physical restraint/seclusion incident and prior to any extended breaks from school. The purpose of the debriefing is to focus on alternatives to physical restraint/seclusion and how to avoid future use of physical restraint/seclusion, including antecedent events that led to the use of the physical restraint/seclusion.

1. A Notification of Meeting form is not sent to the parent for a debriefing meeting. A debriefing meeting is not an IEP or 504 team meeting.

2. If physical restraint or seclusion is used multiple times in one day with the same student, one debriefing meeting can be convened to address the multiple incidents, as long as each incident is addressed individually during the meeting.

F. The following persons should attend the debriefing meeting:

- all individuals involved in the incident;
- a building administrator;
- the parent of the child with a disability;
- the child (if able to participate); and
- the witness, if there was one, to the physical restraint/seclusion.

G. The debriefing meeting will be held without the parent in attendance only if the parent is unable or unwilling to attend. All efforts to obtain the parent's participation in the debriefing meeting must be documented on the Record of Parent Contact. The administrator or designee should offer the parent as many different times to convene the meeting as possible and offer the parent the opportunity to participate via phone and in any other ways that may be possible under the circumstances. Even if the parent does not participate, school personnel must still convene and hold the debriefing meeting within two school days of the incident and prior to an extended break from school.

H. At the debriefing meeting, the group will sign the Record of Access to Educational Records and complete and sign the debriefing meeting portion of OSDE Form #12 or OSDE Form #13. At the conclusion of the debriefing meeting, the building administrator or designee will provide the parent with a copy of all documentation

concerning the physical restraint/seclusion incident, including OSDE Form #12 or OSDE #13. This will typically be done by handing the parent a copy or mailing a copy. If the parent is not present, the administrator or designee will promptly mail the parent a copy of the documentation.

A Written Notice to Parents form is not completed for a debriefing meeting, even if the parent does not attend the meeting.

I. OSDE Form #12 and OSDE Form #13 contain space to record all information that is required to comply with the record-keeping requirements of the *Guidelines*.

J. During the debriefing meeting, the group may determine that changes in the student's IEP, 504 Plan, or behavior intervention plan are necessary or seek parent consent for a functional behavior assessment. It is permissible to seek parent consent for a functional behavior assessment during the debriefing meeting. However, changing the student's IEP, 504 Plan, or behavior intervention plan requires action at an IEP or 504 team meeting. If district personnel are willing and the parent specifically agrees, the group may immediately convene an IEP or 504 team meeting as part of the debriefing meeting by giving the parent a completed Notification of Meeting form and then completing (in addition to OSDE Form #12 or OSDE Form #13) the necessary IEP or 504 paperwork, including a Written Notice to Parents form. District personnel must document the parent's agreement to the IEP or 504 team meeting on the Record of Parent Contacts and in any other appropriate places. If district personnel are unwilling or if the parent expresses discomfort or unwillingness to immediately convene an IEP or 504 team meeting as part of the debriefing meeting, then only a debriefing meeting will be held. If an IEP or 504 team meeting is necessary following the debriefing meeting, then district personnel will take the necessary steps to schedule the IEP or 504 meeting for a later date.

K. Promptly after the debriefing meeting, the building administrator or designee will send a copy of the completed and signed OSDE Form #12 or OSDE Form #13 to the designated district administrator. The administrator or designee will also place a copy of the completed and signed OSDE Form #12 or #13 and all other documentation concerning the physical restraint/seclusion incident in the student's confidential folder.

L. The building administrator or designee supervisor will provide support and/or assistance, including further training, to the employees involved in the physical restraint/seclusion incident.

M. The student, with assistance from staff, will process the incident at the earliest appropriate time.

<u>Annual Review, Planning Process and Oversight</u>

A. A district administrator will be designated as the coordinator of data, planning and oversight of the use of physical restraint and seclusion procedures in the district.

B. Any district employee who is aware of the inappropriate use of restraint or seclusion of any child with a disability must immediately notify the designated district

administrator. The district administrator will promptly review and address any report of inappropriate use and any issue apparent from review of data.

C. The district shall establish a committee or use a standing committee to conduct an annual review of individual and program-wide data associated with these procedures. Following this review, the committee shall make recommendations to the Director of Special Services concerning changes needed at the building and district levels to ensure compliance with the *Guidelines* and to fulfill the district's goal of reducing the use of physical restraint and seclusion.

Cleveland Public Schools
Consideration for Extended School Year Services

34 CFR § 300.309 Extended school year services.
(a) General.
(1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.
(2) Extended school year services, must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§ 300.340-300.350, that the services are necessary for the provision of FAPE to the child.
(3) In implementing the requirements of this section, a public agency may not –
(i) Limit extended school year services to particular categories of disability; or
(ii) Unilaterally limit the type, amount, or duration of those services.
(b) Definition. As used in this section, the term extended school year services means special education and related services that –
(1) Are provided to a child with a disability –
(i) Beyond the normal school year of the public agency;
(ii) In accordance with the child's IEP; and
(iii) At no cost to the parents of the child; and
(2) Meet the standards of the SEA.

The following information may be completed by the IEP team during the annual IEP review or any time the need for ESY services is being considered by the IEP team to ensure a free appropriate public education (FAPE). Documentation should be considered and maintained in the child's individual special education records.

1. List/explain skill areas and annual goals being considered:

_____
_____
_____

2. Describe/explain the degree of the impairment:

☐ Mild ☐ Moderate ☐ Severe

_____
_____
_____

3. Degree of regression and the time necessary for recoupment of skills:

   a. Documented degree of regression in the past (include source/basis):

   _____
   _____
   _____

   b. Documented amount of time required for recoupment of skills in the past:

   _____

c. Predicted degree of regression during interruption of child's educational program (such as school breaks):

d. Predicted amount of time required for recoupment at the beginning of each school year if this child does not receive ESY services:

4. Describe the ability of the child's parents to provide educational structure at home:

5. The child's rate of progress, including information/data reviewed and comments on IEP annual goals and progress:

6. Describe any behavioral problems:

7. Describe physical problems which the child has:

8. Availability of alternative resources for this child:

9. The ability of the child to interact with nondisabled children, including comments on IEP determination for least restrictive environment:

10. Area(s) in curriculum which require continuous attention for the child:

_____

_____

11. Child's vocational needs:

_____

_____

_____

12. Whether requested service(s) is "extraordinary" for this child's disability, as opposed to an integral part of a program for those with the child's disability:

Yes ❒ No ❒

13. Other relevant factors as determined by the IEP team:

_____

_____

_____

Additional information or comments:

_____

_____

_____

The IEP team has determined ESY services are necessary for the provision of FAPE to this child.

*Yes ❒ No ❒

*The IEP annual goals and benchmarks or short-term objectives requiring ESY service(s) are determined by the IEP team in accordance with 34 CFR §§ 300.340 – 300.350. The type, amount and duration of ESY services will be determined by the IEP team on an individual basis and not based on particular categories of disability.

IEP TEAM MEMBERS PARTICIPATING IN REVIEW OF EXISTING DATA FOR ESY:

_____

Parent(s) Date

_____

Student (as required) Date

_____

Special Education Teacher Date

_____

Regular Education Teacher Date

_____

Administrative Representative Date

_____

Related Service Provider(s) (as appropriate) Date

Others (indicate name and title) Date