

## 6123-R Restraint and Seclusion in Schools

### DEFINITIONS

All definitions used in this policy shall be consistent with the definitions in the Rules. For the purpose of clarity, the following definitions are restated:

- **Administrative Review** is when an administrator or other appointed-personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty (30) minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- **Emergency** means a situation constituting an imminent risk to health or safety.
- **Imminent Risk** means an immediate and impending threat of a person causing substantial physical injury to self or others.
- **Preventative Measures**
  - **Time Out** means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment, and the student is not physically prevented from leaving the time out area.
  - **Behavior Intervention** is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student's behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.
  - **Assistive or Protective Device** means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.
  - **Escort** means guiding a student by touching the student's back, arm, or hand, or holding the student's arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.
- **Restraint and Seclusion**
  - **Restraint** means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student's body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team.
  - **Seclusion** means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is involuntarily placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion.

*The term does not include a student- requested break or in-school suspension, detention or other appropriate disciplinary measure. Seclusion does not include time out, which means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment, and the student is not physically prevented from leaving the time out area. The use of time out is not regulated by this policy.*

- **Involuntary Seclusion from the Learning Environment** means visually or auditorally isolating the student from the classroom or other school activity, away from peers in an area that obstructs the student's ability to participate in regular classroom or school activities.
  - **Involuntary Seclusion in an Isolation Room** means purposefully placing the student in an enclosed room built in compliance with all relevant health and safety codes and in compliance with Wyoming Department of Education (WDE) Physical Space Requirements for Isolation Rooms. Isolation rooms are located in designated buildings.
- **Prohibited Practices** means that certain activities or objects are prohibited from being utilized with students under any circumstances. Prohibited practices include:
    - **Aversives** means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.
    - **Locked Seclusion** means a seclusion room with a locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact, which upon release immediately permits the door to be opened from the inside.
    - **Mechanical Restraints** include devices or equipment designed or utilized to restrict the free movement of all or a portion of a student's body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which such devices or equipment were designed and prescribed.
    - **Prone Restraints** include holding a student in a face down position or in any position that will:
      - Obstruct a student's airway or otherwise impair the ability to breath;
      - Obstruct a staff member's view of a student's face;
      - Restrict a student's ability to communicate distress;
      - Place pressure on a student's head, neck, or torso; or
      - Straddle a student's torso.

## **STAFF TRAINING**

- All staff shall receive evidence-based training in the prevention of physical restraint and seclusion including skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management. Professional development in this area will be ongoing. In addition to ongoing training, staff shall annually receive information regarding the implementation of this policy.
- A core group of classified and non-classified staff shall receive training and certification by the evidence-based training program in safe and appropriate use of physical restraint. This core group of staff shall be recertified according to selected model program standards.

- The district adopts at least one evidence-based model for the purpose of training and safe implementation of seclusion and restraint.
  - The initial training for each staff member shall be completed in accordance with the model program.
  - The ongoing training shall be completed in accordance with the model program.

## **RESTRAINT AND SECLUSION PROCEDURES**

### **Restraint**

- **Non-emergency situations:** Only staff with current certification in the evidence-based training model shall be permitted to use restraint as part of a planned behavior intervention.
- **Emergency situations:** Any staff member may intervene for purpose of restoring safety in a bona fide emergency situation constituting an imminent risk to the health or safety of students, staff or others.
- **Durational guidelines:** The following durational guidelines are to be followed when implementing a restraint:
  - The minimum amount of time necessary to establish safety necessitating the use of restraint will always be used.
  - The duration of the initial restraint and any additional restraint needed thereafter to establish safety shall be that recommended by the evidence-based model(s) referenced above.
- **Administrative review:** An administrator or administrative designee currently certified in the use of physical restraint and seclusion shall be contacted immediately for all restraints exceeding durational guidelines and review the following elements to determine if and under what conditions the restraint may continue:
  - The reason for the restraint, including the likely harm to the student or others;
  - The type of restraint being used;
  - The factors, if known, which precipitated the conduct necessitating restraint;
  - Other options available to eliminate the risk of harm or safety to student or others;
  - The likelihood that continued restraint will prevent harm to the other student or others.
- **Debriefing:** Following a restraint event, the following debriefing procedures will be utilized:
  - A conference will be held involving all staff present and/or involved with the restraint, as well as the responsible administrator. The debriefing will include:
    - A discussion of the factors that precipitated the conduct necessitating the restraint;
    - A review of all interventions and de-escalation techniques, procedures or efforts utilized in advance of the restraint;
    - A review of the behavior plan or other plan, if one exists, for dealing with the behaviors of the student;
    - A review of training received by staff involved with the restraint procedure and a determination of whether such restraint was done in compliance with this policy;
    - A discussion of changes that could be made or implemented that might assist in preventing the student conduct or eliminating the need for restraint;

- **Documentation:** The completion of an incident report as referenced below is required for each restraint.

## **Involuntary Seclusion**

- School staff must be able to see and hear the student in seclusion at all times.
- Students placed in seclusion must be permitted access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.
- The use of a locked seclusion room is prohibited in all school facilities.
- **Involuntary Seclusion from the Learning Environment:**
  - **Durational guidelines:** These durational guidelines are to be followed when implementing involuntary seclusion from the Learning Environment. Seclusion should not be used any longer than necessary to allow a student to regain safety of his/her behavior. Initial involuntary seclusion from the Learning Environment and any additional exclusion shall be in accordance with the training used by the district.
  - *Using time out or voluntary seclusion is not regulated by these rules.*
- **Involuntary Seclusion in an Isolation Room:**
  - The use of an Isolation Room will be limited to locations specifically built and/or modified for that purpose, meeting all relevant health and safety codes and the Wyoming Department of Education Chapter 42 Rules Physical Space Requirements for Isolation Rooms. An isolation room may be used in an emergency.
  - **Durational guidelines:** These durational guidelines are to be followed when implementing a removal to an Isolation Room. The Isolation Room is used when a student's behavior requires removal to a specially designated area, which is isolated from common areas. The Isolation Room should not be used any longer than necessary to allow a student to regain safety of his/her behavior. The Isolation Room should not be used to prevent or extinguish dangerous behaviors. Physical Restraint should only be used to physically guide the student into the Isolation Room.
- **Administrative review:** An administrator or administrative designee shall be contacted and shall review the following elements to determine if and under what conditions the involuntary seclusion may continue:
  - The reason for the use of the involuntary seclusion, including the likely harm to the student or others.
  - The duration of the involuntary seclusion.
  - The factors, if known, which precipitated the conduct necessitating the use of the involuntary seclusion.
  - Other options available to eliminate the risk of harm or safety to student or others.
  - The likelihood that continued use of the involuntary seclusion will prevent harm to the student or others.
- **Debriefing:** The following debriefing procedures will be utilized. A conference will be held involving all staff present and/or involved with the involuntary seclusion, as well as the responsible administrator. The debriefing will include:
  - A discussion of the factors that precipitated the conduct necessitating the involuntary seclusion;

- A review of all interventions and de-escalation techniques, procedures or efforts utilized in advance of the involuntary seclusion;
  - A review of the behavior plan or other plan, if one exists, for addressing the behaviors of the student;
  - A review of training received by staff involved with the Isolation Room procedure and a determination of whether such Isolation Room was used in compliance with this policy;
  - A discussion of changes that could be made or implemented that might assist in preventing the need for the involuntary seclusion.
- **Documentation:** The completion of an incident report as referenced below is required for each involuntary seclusion.
  - *The use of appropriate disciplinary measures involving such things as after-school detentions or in-school suspensions and/or other disciplinary measures is not regulated by this policy and may continue in accordance with the approved district policies and procedures relating to such disciplinary measures.*

### **Documentation of Restraint and/or Involuntary Seclusion**

- **Incident Report.** For each incident involving a need to implement a restraint and/or involuntary seclusion an Incident Report will be completed. See 6123-Forms.
- **Parent Notification.** Parents shall be notified of each use of involuntary seclusion and/or restraint according to the following procedure:
  - An attempt shall be made to contact the parent by phone as soon as reasonably possible after the event.
  - A copy of the incident report will be provided (mail, email, personal delivery) to the parent within twenty-four (24) hours of the incident unless the parent and school have agreed in writing to an alternative time frame.

### **ENFORCEMENT PROCEDURES**

**Complaint Process:** The following process for the receipt of complaints from any individual or entity regarding the use of restraint or seclusion shall be utilized:

- Parent shall be directed to provide written notice of their complaint, specifically including the following:
  - The conduct complained of;
  - A statement as to whether or not they felt the conduct violates this seclusion and restraint policy and, if so, how;
  - A statement of other options or alternatives that the complainant believes should have been utilized in lieu of the restraint or seclusion procedure used; and
  - A statement as to the remedial action being requested.
- Upon receipt of the written notice of complaint, a copy shall be provided to the Wyoming Department of Education. WDE may review violations in policies and work with the school and District to create an improvement plan.
- Subsequent to receipt of the written complaint, the investigation process shall be initiated. The investigation process shall include the following requirements:

- The responsible administrator (principal or special education director) or his/her administrator designee shall immediately conduct an investigation, including meeting with the complainant and with all staff involved separately, interview witnesses, gather information regarding the event expressed in the written complaint. The administrator in his/her discretion may elect to have a meeting involving the complainant and the staff who are being complained about, after which the administrator shall make a written determination as to the complaint with a finding as to whether or not the seclusion and restraint policy was complied with, as well as recommendations for any subsequent action or changes involving the student impacted by the restraint or seclusion, as well as any remedial actions applicable to the staff involved. A copy of the decision shall be provided to both the complainant and the staff involved/included in the complaint.
- In the event the complainant is not satisfied with the decision of the responsible administrator, the complainant may appeal that determination to the superintendent of schools who, in his/her sole discretion, may elect to conduct an additional investigation or, alternatively, review the information provided by the complainant, the staff involved, and the investigating administrator and either affirm, reverse or modify the decision. The determination of the superintendent shall be submitted in writing to the complainant, the staff involved in the complaint, and the original investigating administrator.
- In the event the complainant is not satisfied with the decision of the superintendent, the complainant may appeal the decision to the board of trustees. The board of trustees shall review all information submitted to and reviewed by the original administrator and the reviewing superintendent. The board in its sole discretion may elect to receive verbal communication from the complainant, the staff involved in the complaint, or the building administrator. Should the board elect to receive input from the original investigating administrator or the superintendent, the board shall extend an equal opportunity to the complainant to present information. In the event the board elects to receive verbal information, such information shall be informally presented to the board. No formal contested case hearing will be initiated.
- The board will, at the next regular board meeting following the first meeting at which the information is presented to the board, render a decision upon the complaint, which decision shall thereafter be submitted in writing to the complainant, the superintendent, the original investigating administrator, and the staff member(s) involved in the complaint.

### **PUBLICATION OF POLICY**

This policy shall be adopted in the regular course of policy adoption by the board and included with other policies within the district and maintained in the official policies of the district. All students and parents shall be given notice that the district has a seclusion and restraint policy and advised as to where such policy may be reviewed. District policies and regulations published on an official school website shall include a complete copy of this seclusion and restraint policy. Notification of the existence of this policy and where it may be reviewed shall be included in all student handbooks. In addition thereto, to the extent a behavioral intervention plan, IEP or other behavioral document applicable to any student incorporates the possibility of utilizing a restraint or seclusion procedure, the student and parent shall be notified of this policy for review.

### **REPORTING**

Schools are required to collect and report annually to the Wyoming Department of Education the number of students involved in the use of regulated interventions, the number of incidents of seclusion and restraint, and the type of regulated intervention utilized.

ADOPTION DATE: December 13, 2011; Revised March 24, 2020

LEGAL REFERENCE(S): Wyoming Education Rules Ch.42, Sec 4 (a)(b)(i)(ii)(E)(F)(I)(V); Wyoming Education Rules Ch. 42, Sec 7; W.S. '21-2-202(a)(xxxii), W.S. '21-3-110(a)(xxxi)

CROSS REFERENCE(S): 6123

ADMINISTRATIVE REGULATION: