

SECLUSION AND RESTRAINT POLICY PRESENTATION

Bismarck Public Schools

New Policy Adoption: July 1, 2015

- Key Components
 - *Common definitions*
 - *Behavioral intervention strategies*
 - *Safety vs. Discipline*
 - *Prohibitions*
 - *Appropriate interventions*
 - *Training*
 - *Documentation*
 - *Reporting and Review*
 - *Policy violation, adoption and review*

Common Definitions

- Building Common Understanding

Behavioral Intervention Strategies

- District staff shall use positive behavioral intervention strategies to the greatest extent possible.
- Emphasis on behavior intervention plan in place when a concern has been noted.
- Involvement of parents in the writing of the behavior intervention plan.

Safety vs. Discipline

- Harm to self or others
- Extreme or extensive damage to property
- Parent approved plan

Prohibitions

- Mechanical restraints
- Discipline
- Simultaneous use
- Chemical restraint
- Prone
- Longer than necessary
- Knowingly cause harm to a child

Appropriate Interventions

- Foreseeable
 - *12 considerations*
- Unforeseeable
 - *A team of at least two staff*
 - *Consider the age of the student and his/her needs*
 - *Take necessary measures to ensure safety of the student, including continuous monitoring*
 - *Shall be reviewed by a team to determine the need for a plan*

Training

- Staff training
- All administrators trained on policy
- All administrators charged with training building staff
- On-going staff training on positive behavioral interventions

Documentation and Parent Notification

- Staff report to principal
- Principal reports to district
- Parents contacted as soon as possible
- Parents may waive notification if part of a plan

Reporting and Review

- Reporting form
- Committee will be meeting within the first two weeks of August to review the data

Key Learnings

- Data without context is meaningless
 - **Example:** *10 instances of seclusion within one school year*
 - 10 students one time? One student 10 times?
 - Was there a danger to self or others?
 - What was the duration of the seclusion?
 - Is the seclusion a part of a parent approved behavior intervention plan?
 - Did the team implement positive behavior strategies prior to the seclusion?
 - Are there patterns embedded within the 10 instances?
 - Is it evident that the team debriefed and determined what could be done differently to avoid a seclusion in the future?

More Key Learning

- Collecting and analyzing data with context is challenging but meaningful
 - **Challenges**
 - Length of report
 - Number of data fields
 - Development of and staff training on the electronic format for multiple users
 - **Meaningful**
 - Patterns for committee to examine
 - Strengths and areas of continued need in terms of policy implementation
 - Fidelity to the policy
 - Information can be reviewed routinely to provide on-going support to school teams
 - **Next Steps**
 - Create drop down menu items to replace some narrative items
 - Consider the input of the review committee for other changes

Policy Violations, Adoption and Review

- Violation of this policy may be subject to disciplinary action up to and including termination
- This policy will be reviewed at least annually

Restraint or Seclusion

Restraint and seclusion shall be implemented in a nondiscriminatory manner. Interventions authorized by this policy may be applied to any student enrolled in the Bismarck Public Schools so long as such interventions are implemented in compliance with this policy.

Definitions

For the purposes of this policy:

- *Dangerous behavior* is violent, disturbed, or depressed behavior which may **immediately** result, or has resulted, in harm to that person or other persons or behavior that has or may immediately result in extensive or extreme damage to property.
- *Chemical restraint* is medication used to control behavior or restrict freedom of movement that is not a standard treatment for the student's medical or psychological condition.
- *Mechanical restraint* is any device or object used to restrict or limit a student's body movement or any normal function of any portion of his/her body to prevent or manage dangerous behavior. Mechanical restraints are prohibited in Bismarck Public Schools. Mechanical restraints do not include devices used by trained school personnel or by a student him/herself for approved therapeutic or safety purposes for which devices were designed and, if applicable, prescribed.
- *Physical restraint* is the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to deescalate dangerous behavior or used as part of a parent-approved plan such as, but not limited to, a behavioral intervention plan (BIP), Individualized Education Program (IEP), or 504 Plan. This definition excludes physical prompts and physically escorting a student so long as the physical prompt/escort does not render a student immobile.
- *Behavioral intervention strategies* shall not be construed to mean a name-brand method of identifying and assessing students potentially in need of a behavioral intervention plan. Under this policy, *Behavioral intervention strategies* is defined as methods used to identify students who exhibited past incidents of dangerous behavior or exhibit the potential likelihood to engage in such behavior. Each school shall determine the appropriate scope and method of conducting a needs assessment for implementation of behavioral intervention strategies under this policy and should document completion of this assessment.

- *Seclusion* is placing a student in a room or limited space alone to deescalate dangerous behavior or as part of a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan except for the presence of a staff monitor who shall monitor the student directly in the space or immediately outside it. This definition excludes disciplinary sanctions designed to penalize students by separating them from the student population (such as, but not limited to, detention and in-school suspension), and alternative placement (which is often used to separate the student from the student population for safety reasons).
- *Timeout* is a behavior intervention strategy that occurs when the ability of a student to receive normal reinforcement in the environment is restricted. Timeout may be inclusionary (where the student remains in sight and sound of others in the classroom) or exclusionary (where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving). Timeouts are not a form of seclusion.

Behavioral Intervention Strategies

To minimize the need for physical restraint or seclusion to respond to dangerous behavior, the District shall use positive behavioral intervention strategies to the extent possible. To implement behavioral intervention strategies the District should at least take the following steps:

1. Identify students in need of behavioral intervention strategies because of past incident(s) of dangerous behavior or the potential to engage in such behavior in the future; and
2. Train staff on identifying the need for behavioral intervention strategies and on implementing these interventions once established; and
3. Develop a behavioral intervention plan (BIP) for identified students. This plan should at least identify antecedents that cause the student to engage in dangerous behavior, include procedures for diminishing or removing such environmental factors, list interventions that will be used to maintain appropriate behavior and respond to inappropriate behavior, and contain an overview of self-regulating techniques on which the student will be trained; and
4. Involve parents in the development of the BIP and receive their consent on the document. In the case of students with mental or physical disabilities, behavior intervention strategies, if necessary, should be addressed in the IEP or 504 Plan.

Prohibitions

The Bismarck Public School District prohibits district employees, contractors, volunteers, and other individuals serving or working in any capacity for the District (hereafter district staff) from use of any form of restraint and/or seclusion on students except when the following conditions are met and then only in compliance with this policy: An emergency means the use of physical restraint or seclusion to control violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that person or other persons or to control behavior that has or

may immediately result in extreme or extensive damage to property. Restraint or seclusion may also be used when authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.

The District further prohibits district staff from the following:

1. Using restraint and seclusion interventions simultaneously except when necessary, temporary measure (e.g., to evacuate a classroom, restrain a secluded student who is exhibiting self-destructive behavior).
2. Using restraint or seclusion to discipline a student.
3. Using restraint or seclusion as a behavioral intervention when:
 - a. Behavior does not pose an immediate risk of harm or has not resulted in harm to the student or others,
 - b. Behavior does not pose an immediate risk of extensive or extreme damage to property,
 - c. Or when not authorized by a parent-approved plan such as, but not limited to, BIP, IEP, or 504 Plan.
4. Using mechanical restraints.
5. Using chemical restraints.
6. Using a physical restraint or seclusion technique that restricts breathing or ability to communicate (e.g., requiring a student to lie down or covering a child's face).
7. Using a restraint or seclusion technique that will knowingly cause harm to a child. An exception to this provision may be warranted if a district staff member is attempting to obtain possession of a weapon or other dangerous object within the control of a student, is attempting to stop a physical altercation between the student and another individual, or is acting in self-defense and inadvertently causes harm to the student in the process. Administration shall investigate anytime a student was harmed during restraint or seclusion to determine the appropriateness of the intervention technique under the circumstances.
8. Using physical restraint or seclusion for longer than when the dangerous behavior has subsided or longer than prescribed by the parent-approved plan.

Determining Appropriate Interventions when Need for Physical Restraint or Seclusion is Foreseeable

When the District identifies a foreseeable need for physical restraint or seclusion, it shall determine the appropriate physical restraint or seclusion intervention based on at least the following criteria:

1. Behavior at issue.

2. Age of the child.
3. Whether a proposed intervention would violate restraint or seclusion interventions prohibited by policy. Such interventions shall not be used.
4. The child's needs.
5. Terms of the child's BIP, IEP, and/or 504 Plan.
6. Whether staff have received appropriate training in the intervention proposed.
7. Number of staff needed to administer the intervention. At a minimum, two staff members should be on hand when physical restraint or seclusion is used—one to witness implementation of interventions.
8. Whether a staff member will be available to continually monitor a student who is restrained or placed in seclusion. The District requires continuous monitoring of a student placed in seclusion.
9. If seclusion is the recommended intervention, whether the school has a seclusion area free from any objects that the child could use to harm him/herself. If the District does not have such a room or area, alternative interventions must be used.
10. Whether the proposed interventions have been reviewed and approved by a qualified licensed or education specialist such as, but not limited to, a therapist, an individual certified in special education, or psychologist. The District recommends receiving this approval to ensure that proposed physical restraint or seclusion intervention does not substantially depart from accepted professional judgment, practice, or standards.
11. A review of physical restraint or seclusion interventions used to respond to the child in the past. Any interventions that were ineffective should be modified using the above criteria.
12. Whether parents have authorized the proposed physical restraint or seclusion intervention. Such authorization is required and should be documented in a BIP, IEP, or 504 Plan.

Determining Appropriate Interventions when Need for Physical Restraint or Seclusion is Unforeseeable

When a student engages in unforeseen dangerous behavior (i.e., dangerous behavior not covered by the BIP, IEP, or 504 Plan), trained staff members shall implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy, should respond in at least a team of two, should consider the age of the child and his/her needs when

determining the appropriate intervention method, and shall take necessary measures to ensure the safety of the student including continuously monitoring a student placed in restraint or seclusion. Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy.

Student engagement in unforeseen dangerous behavior shall be reviewed by a team convened by the building principal to review the circumstances surrounding the incident and determine the need for a BIP, IEP, or 504 Plan.

Staff Training

The District shall provide training to appropriate staff in physical restraint and seclusion and shall provide a copy of this policy to all district staff via the District's website. Only trained staff members should implement physical restraint or seclusion interventions.

If a trained staff member is unavailable in situation necessitating use of restraint or seclusion as defined by this policy, the untrained staff member should contact a trained staff member to seek assistance. If the urgency of the situation prohibits contacting a trained staff member for assistance, the untrained staff member shall implement physical restraint or seclusion interventions in compliance with all prohibitions contained in this policy and in the BIP/IEP/504 Plan (if the staff member is aware of the contents of such plan, if such plan exists). Staff administering restraint or seclusion under these circumstances are subject to administrator notification and reporting requirements contained in this policy. The building principal shall ensure that the staff member is debriefed after the incident and arrange for the staff member to receive training on physical restraint and seclusion if deemed appropriate.

Documentation, Notification, and Re-Evaluation

Whenever any student is placed in seclusion or is restrained, the intervening staff member shall contact the building principal or designee as soon as practical. The building principal or designee shall determine if the seclusion or restraint is necessary and compliant with this policy; determine the appropriate duration of the physical restraint or seclusion, not to exceed the length of the school day; and shall at least issue his/her decision in writing.

Anytime restraint or seclusion is used, the school staff member administering the intervention should document it using the district's restraint or seclusion reporting form and submit it to administration as soon as practical. An administrator or designee shall attempt to contact the student's parent as soon as practical to inform him/her of the restraint or seclusion intervention used. If parents cannot be reached, the administrator should document a description of his/her notification attempts.

This notification requirement may only be waived if the parent agreed in writing to this waiver in the student's BIP, IEP, or 504 Plan and if the restraint or seclusion intervention used was part of the student's BIP, IEP, or 504 Plan.

School administration shall monitor the number and content of restraint and seclusion reporting forms received. If restraint or seclusion is repeatedly used, used multiple times within the same classroom, or used multiple times by the same individual, the District shall review the student's BIP/504 Plan/IEP to determine the effectiveness of current intervention strategies and shall assess any implicated staff member's need for more training.

Policy Violations

District staff who violate this policy may be subject to disciplinary action up to and including termination in accordance with law, district policy, and, if applicable, the negotiated agreement.

Policy Adoption and Review

The Board should seek input of district parents prior to adoption of this policy and should form a committee to review this policy and implementation of restraint and seclusion interventions at least annually. As part of the policy review, the committee should examine the following:

1. Frequency of use of restraint or seclusion.
2. Outcomes of restraint or seclusion interventions.
3. Demographics of students subject to restraint or seclusion, programs/settings in which such interventions are used, and frequency of each staff member's use of these interventions to determine if policy is applied consistently.
4. Whether use of restraint or seclusion is reported accurately and consistently.
5. Whether data collected on restraint and seclusion are used to plan behavioral intervention strategies and staff development
6. Whether policy continues to protect students and staff.
7. Whether policy is still aligned with any applicable law.

Complementary Documents

- FCC-E, Restraint or Seclusion Reporting Form
- FFK, Suspension and Expulsion
- FFK-BR, Suspension and Expulsion Board Regulations

RESTRAINT OR SECLUSION REPORTING FORM

Your username (viola_keller@bismarckschools.org) will be recorded when you submit this form. Not [viola_keller? Sign out](#)

* Required

1. Select your role

Mark only one oval.

Teacher/Staff Member

Administrator *Skip to question 38.*

RESTRAINT OR SECLUSION REPORTING FORM

2. Name of staff member completing this report:

3. School

Mark only one oval.

- Centennial
- Grimsrud
- Highland Acres
- Liberty
- Lincoln
- Robert Miller
- Dorothy Moses
- Rita Murphy
- Jeannette Myhre
- Northridge
- Pioneer
- Prairie Rose
- Roosevelt
- Saxvik
- Victor Solheim
- Sunrise
- Will-Moore
- BECEP
- Horizon
- Simle
- Wachter
- BHS
- CHS
- Legacy
- South Central HS
- Life Ed

4. Location/Room

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5. Time of incident

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Example: 8:30 AM

6. Classroom teacher

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7. Date

.....
Example: December 15, 2012

8. Student's initials

.....

9. Age of student

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10. Student grade level

Mark only one oval.

- P
- K
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

11. Student Gender

Mark only one oval.

- Male
- Female

12. Student Ethnicity

Mark only one oval.

- African-American
- American Indian
- Asian
- Caucasian
- Hispanic
- Pacific Islander
- Other

13. Number of forms previously submitted for this student

Mark only one oval.

- 1
- 2
- 3
- 4
- 5+

14. Did the student's behavior pose an immediate threat of harm or cause harm to him/herself or others?

Check all that apply.

- Yes
- No

15. Please describe the harmful behavior, indicating specifically how it posed an immediate threat of harm to the student or others:

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16. Describe what was happening right before the student's escalation in behavior:

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17. Were there factors (environmental or otherwise) that caused or contributed to the dangerous behavior?

Mark only one oval.

- Yes
- No

18. If yes, please list factors:

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19. **Were prevention, redirection, and/or pre-correction strategies (verbal de-escalation) attempted prior to using restraint or seclusion?**

Mark only one oval.

- Yes
- No

20. **If yes, please describe. If no, please explain why they weren't used:**

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21. **Describe restraint or seclusion intervention used:**

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.....

22. **Was the restraint or seclusion intervention used part of the students BIP, 504 Plan or IEP?**

Mark only one oval.

- Yes
- No
- Unsure
- No BIP,504 Plan or IEP on file

23. **Was administration contacted as soon as practical to determine appropriateness and proper duration of restraint or seclusion?**

Mark only one oval.

- Yes
- No

24. **Start time of restraint or seclusion**

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Example: 8:30 AM

25. **End time of restraint or seclusion**

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Example: 8:30 AM

26. List school staff involved in the restraint or seclusion intervention - Administered

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27. List school staff involved in the restraint or seclusion intervention - Witnessed

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28. Describe student's behavior during the restraint or seclusion:

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29. Describe how the student was monitored during and after the incident:

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30. Did any injuries to the student, staff or others occur during the incident?

Mark only one oval.

Yes

No

31. If yes, please list:

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32. Was medical assistance sought?

Mark only one oval.

- Yes
- No
- N/A

33. Did any damage to property occur?

Mark only one oval.

- Yes
- No

34. List damage

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35. Was law enforcement contacted?

Mark only one oval.

- Yes
- No

36. How restraint ended (check all that apply):

Check all that apply.

- Determination by administrator (or staff member) that student was no longer a risk to him/herself or others
- Intervention by administrator(s) to facilitate de-escalation
- Arrival of law enforcement
- Arrival of medical assistance
- Other

37. If Other, please describe

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.....

Stop filling out this form.

RESTRAINT OR SECLUSION REPORTING FORM

38. Name of Administrator

.....

39. Date report form received

.....
Example: December 15, 2012

40. Time report form received

.....
Example: 8:30 AM

41. Date school administrator contacted student's parent (ideally same day as incident occurred)

.....
Example: December 15, 2012

42. Time school administrator contacted student's parent

.....
Example: 8:30 AM

43. Parent/Guardian

Check all that apply.

Mother

Father

Guardian

Parent/guradian has waived notificaiton for the form of restraint or seclusion intervention described above and documented in the

BIP

504 Plan

IEP

Attempts to contact parents were unsuccessful

44. If attempts to contact parent were unsuccessful, describe attempts (time manner, number, etc)

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45. If a school staff member other than an administrator contacted parents, please list:

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46. Describe any post-incident debriefing with staff and list date and time of this meeting:

47. Was a BIP created for the student post-incident?

Mark only one oval.

- Yes
- No
- Student already has one on file

48. If no, explain:

49. Was the student referred for a 504/IDEA assessment?

Mark only one oval.

- Yes
- No

50. Was the student's BIP, 504 Plan or IEP reviewed and reassessed post-incident?

Mark only one oval.

- Yes
- No
- N/A

51. Explain why or why not:

52. List any other measures taken by district as a result of this incident:

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53. Additional notes:

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54. Is this school elementary or secondary? *

Mark only one oval.

Elementary

Secondary

Send me a copy of my responses.

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