

**PRACTICES & PROCEDURES**

Name: <b>Positive Behavior Interventions, Support, Seclusion and Restraint</b>	Owner/Dept.: <b>Cindy Shinsky/Brian Gard</b>	Reference: <b>ED-124</b>
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**1. PURPOSE**

The purpose of this practice and procedure is to provide appropriate response to crisis situations requiring de-escalation, seclusion/isolation and restraint of students.

**2. PRACTICE**

Physical restraint and seclusion/isolation should not be used except in situations where the student’s behavior poses imminent danger of physical harm to self or others. Each school will follow the below procedures to maintain order and control during a crisis situation; ensure the safety and security of all students, school personnel and visitors; provide clear procedures for the use of seclusion/isolation and restraint; and provide proper reporting requirements whenever the use of seclusion/isolation or restraint is used in the school.

**3. APPLICABILITY**

This procedure applies to all National Heritage Academies (“NHA”) managed schools. This procedure is applicable when, as a result of a student’s action, de-escalation, seclusion/isolation or restraint is required. School personnel should refer to the school’s Safety Plan for all other emergency situations.

**4. RESPONSIBILITY**

- 4.1. An on-site student crisis management team consisting of a minimum of five school personnel, including the principal shall be trained to manage crisis situations involving seclusion/isolation and restraint of a student. Each team member shall be initially trained in Non-Violent Crisis Intervention (“CPI”) by a certified trainer. It is recommended that each team member attend a three (3) hour refresher course every 18 months. Failure to attend the refresher course within 18 months of the initial training shall not prohibit the team member from responding to a crisis situation requiring seclusion/isolation or restraint of a student. Each team member must be recertified every three (3) years from their initial training date by a certified trainer.

The principal or designated dean shall serve as leader of the student Crisis Management Team as the building supervisor. All incidents of Seclusion/isolation or Restraint shall be immediately reported to the principal or designated dean. The principal or principal’s designee is responsible for immediately reporting all instances of seclusion/isolation and restraint to the school’s Director of School Quality (“DSQ”) and to the parent of the student. Within 24 hours of the incident, the **Restraint and Seclusion Incident Report** (RSIR- Exhibit 8.1) must be completed and a copy provided to the Principal (to maintain on file for state reporting and audit purposes), parent of the student, Director of School Quality (“DSQ”) and sent to the following email address: [cpi@nhaschools.com](mailto:cpi@nhaschools.com). A copy of this form (RSIR) must be placed in the student’s cumulative school file and is subject to the Family Rights and Privacy Act (FERPA).

- 4.3. Required information and reports to the state regarding student de-escalation, seclusion/isolation, or restraint shall be submitted to the appropriate agency by the NHA

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Business Analyst assigned to support the school, consistent with state reporting requirements and requests.

- 4.4. The principal/designee shall train all staff working with students annually on the requirements and procedures of the Positive Behavioral Interventions and Supports, Seclusion and Restraint policy, and maintain written or electronic documentation of the type of training provided (i.e. presentation, webinar, hybrid model, etc.) along with a list of participants. All school staff shall receive training in NHA’s Behave with Care model, School-wide Behavior System, and Positive Behavior Intervention and Support (PBIS) approach.
- 4.5. Any staff member requiring assistance for a behavioral situation shall immediately notify the office or a trained crisis management team member to receive assistance.

**5. DEFINITIONS**

Terms used are defined as follows:

**Aversive behavioral interventions:** an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including interventions such as: application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalants or tastes. The term does not include such interventions as voice control, limited to loud, firm commands; time-limited ignoring of a specific behavior; token fines as part of a token economy system; brief physical prompts to interrupt or prevent a specific behavior; interventions medically necessary for the treatment or protection of the student; or other similar interventions. Aversive interventions shall never be used by school personnel. Corporal punishment is prohibited.

**Behavior management:** means those comprehensive, school-wide procedures applied in a proactive manner that constitutes a continuum of strategies and methods to support and/or alter behavior in all students. Behavior management techniques should be used to de-escalate a potential crisis situation.

**Chemical Restraint:** a drug or medication used to control a student’s behavior or restrict freedom of movement that is not (A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under state law, for the standard treatment of a student’s medical or psychiatric condition; and (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional’s authority under State law.

**De-escalation techniques:** are strategically employed verbal and non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

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**Functional Behavior Assessment (FBA):** is a collaborative problem-solving process that is used to describe the function or purpose that is served by a student’s behavior. Understanding the function that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

**Individualized Education Program (IEP):** means a student’s Individualized Education Program as defined by the Individuals with Disabilities Education Act (IDEA).

**Seclusion/isolation:** means the confinement of a student alone in a normal sized room without locking hardware, with comparable light, ventilation, heating, cooling and ceiling height to those systems that are in use in other places in the school.

**Mechanical Restraint:** (A) any method of restricting a student’s freedom of movement, physical activity, or normal use of the student’s body, using an appliance or device manufactured for this purpose; and (B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including: (1) restraints for medical immobilization; (2) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or (3) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

**Parent:** (A) a biological or adoptive parent; (B) a guardian generally authorized to act as the child’s parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State); (C) an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; (D) a surrogate parent who has been appointed in accordance with O.A.C. 3301-51-05; and (E) any person identified in a judicial decree or order as the parent of the child or the person with authority to make educational decisions on behalf of the child.

**Physical Escort:** the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

**Physical Restraint:** the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. This does not include a physical escort, mechanical restraint, or chemical restraint, or brief, but necessary physical contact for the following purposes: (A) to break up a fight; (B) to knock a weapon away from student’s possession; (C) to calm or comfort; (D) to assist a student in completing a task if the student

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does not resist the contact; or (E) to prevent an impulsive behavior that threatens the student’s immediate safety.

**Positive Behavior Interventions and Supports:** (A) a school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes and increase learning for all students, and (B) that encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminishes reoccurrences of challenging behaviors, and teaches appropriate behavior to students.

**Positive Behavior Support Plan (PBSP) or Behavior Intervention Plan (BIP):** design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

**Prone Restraint:** physical or mechanical restraint while the student is in a face down position.

**Seclusion:** involuntary seclusion/isolation (“Seclusion/isolation”) of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. See “Seclusion/isolation”.

**Section 504 Plan:** means a student’s individualized plan as defined by Section 504 of the Rehabilitation Act.

**Student:** a child or adult aged three to twenty-one enrolled in the school.

**Student personnel:** teachers, principals, counselors, social workers, school resource officers, teachers’ aides, psychologists, bus driver or other school staff who interact directly with students.

**Timeout:** a behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

**6. PROCEDURES**

6.3. **Seclusion/isolation is further defined as follows:** confinement of a student alone in a normal sized room without locking hardware, with comparable light, ventilation, heating, cooling and ceiling height to those systems that are in use in other places in the school.

The room must be free of objects that could cause harm. The student shall be monitored by an adult who has been trained to detect indications of physical or mental distress that may

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require immediate medical assistance. The adult monitor shall be one who is in close proximity and who is able to see and hear the student at all times. Monitoring shall be face-to-face unless personal safety of staff or student is significantly compromised in which case technology supported monitoring may be utilized. Seclusion/isolation shall only be used for the minimum amount of time necessary for the purpose of protecting the student and others from physical harm and **shall not exceed 40 minutes**. Seclusion/isolation shall never be used as a form of punishment for the convenience of school personnel or as a substitute for other less restrictive means of assisting a student in regaining control. Seclusion/isolation shall never be used in a manner that restricts a student’s breathing or harms the student. Seclusion/isolation may be used:

- a. In a situation where the student has caused or has the potential to cause immediate physical harm to themselves or another person and no other safe or effective intervention is available;
- b. As a last resort to provide an opportunity for the student to regain control of his or her actions;
- c. Seclusion/isolation should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.

6.4. **Physical restraint** is further defines as: use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. This does not include a physical escort, mechanical restraint, or chemical restraint, or brief, but necessary physical contact for the following purposes: (A) to break up a fight; (B) to knock a weapon away from student’s possession; (C) to calm or comfort; (D) to assist a student in completing a task if the student does not resist the contact; or (E) to prevent an impulsive behavior that threatens the student’s immediate safety.

All teachers, administrators, non-licensed school employees and school bus drivers are prohibited from inflicting or causing to be inflicted corporal punishment as a means of discipline upon a pupil attending the school. However, they may, within the scope of their employment, use and apply such amount of force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense or for the protection of persons or property (*RC 3313.66-.662; 3321.13(B)(4); 4510.32( B); 20 USC 7151(b)(1); NCLB 4141(b)(1)*).

Physical restraints should never be used as a form of punishment, for the convenience of school personnel or as a substitute for other less restrictive means of assisting a student in regaining control. Physical restraint shall never be used in a manner that restricts a student’s breathing, interferes with the student’s primary means of communication or harms the student. Physical restraint shall only be used:

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- a. In a situation where the student has caused or has the potential to cause immediate physical harm to themselves or another person;
- b. When less restrictive measures have not effectively de-escalated the situation and no other safe or effective intervention is available;
- c. After a determination that other less restrictive measures would be inappropriate or ineffective under the current crisis;
- d. As reasonably needed to obtain possession of a weapon or other dangerous object;
- e. As reasonably needed to maintain order or break up a fight;
- f. As reasonably needed for personal safety;
- g. As reasonably needed to ensure the immediate safety of any student, staff, volunteer or other person present;
- h. As reasonably needed to escort a student safely from one area to another;
- i. Without placing pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat of the student which restricts breathing, and without the use of pressure point, pain compliance, or joint manipulation techniques;
- j. By school personnel trained in the proper use of restraint using methods of restraint in which the person has received training. This does not prevent a school employee from reacting to a crisis situation in order to prevent serious harm or threat of death to a student or another person;
- k. With at least one additional adult present and in line of sight unless other school personnel are not immediately available due to the unforeseeable nature of the crisis situation. Physical restraint should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.

**6.3 Prohibited Practices** include the following under all circumstances, including emergency safety situations:

- a. Prone restraint;
- b. Child endangerment as defined in R.C. 2919.22;
- c. Seclusion/isolation or restraint of preschool students (if any);
- d. Deprivation of basic needs;
- e. Restraint that unduly risks serious harm or needless pain to the student, including the intentional, knowing, or reckless use of any of the following:
  - (i) Any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
  - (ii) Pinning down with knees to torso, head and/or neck;
  - (iii) Using pressure points, pain compliance and joint manipulation techniques;
  - (iv) Dragging or lifting of a student’s hair or ear by any type of mechanical restraint;
  - (v) Using students or untrained staff to assist with the hold or restraint;
  - (vi) Securing a student to another student or to a fixed object; or
  - (vii) Using any other technique used to unnecessarily cause pain.
- f. Any physical restraint that impacts the student’s primary mode of communication;
- g. Mechanical or chemical restraints;

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- h. Aversive behavioral interventions; or
- i. Seclusion/isolation of students in a locked room.

## 7. POST INCIDENT PROCEDURES

Following a crisis situation involving the use of seclusion/isolation or restraint the parent of the student shall be notified by school administration through verbal or electronic means of the incident immediately.

- 7.1 The *Restraint and Seclusion Incident Report* (RSIR) documentation form must be completed.
- 7.2. The school personnel involved in the seclusion/isolation/restraint **shall meet within 23 hours** of the incident to debrief the incident. The debriefing shall include:
  - a. statements from school staff
  - b. discussion of the events that led up to the crisis situation with school staff
  - c. why the intervention efforts were not effective
  - d. trauma reactions or injuries sustained on the part of the student, other students or school personnel
  - e. what, if anything, could have been done differently
  - f. an evaluation of the process implemented
- 7.3. The principal shall provide for review to the school DSQ a copy of the RSIR including a draft of any correspondence being sent to the parent.
- 7.4. Within 24 hours of the incident and after the staff personnel debriefing, a written incident report shall be provided to the parent that must include all of the following:
  - a. Date, time of day, location, duration, and description of the incident and interventions.
  - b. Event(s) that led up to the incident.
  - c. Nature and extent of any injury to the student.
  - d. Name of a school employee the parent may contact regarding the incident.
  - e. Plan to prevent the need for future use of seclusion/isolation or restraint.
- 7.5. If the student has an IEP or Section 504 Plan, a meeting of the IEP team shall be held within a reasonable amount of time following the crisis situation to review the incident and determine if changes to the student's IEP are needed, including consideration of the need to conduct a functional behavioral assessment ("FBA"), develop, or review and revise the behavior intervention plan (PBSP/BIP).

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- 7.6. The principal shall provide a copy of the RSIR within 24 hours of the incident to the parent, Director of School Quality (“DSQ”) and email a copy to the following address: [cpi@nhaschools.com](mailto:cpi@nhaschools.com). A copy of the “RSIR” must be placed in the student’s cumulative school file and is subject to the Family Rights and Privacy Act (FERPA). The principal shall also maintain a copy for state reporting (where applicable) and for audit purposes.
- 7.7. Repeated use of physical restraint or seclusion/isolation of a student, multiple times within a classroom or multiple uses by the same individual, should trigger a review the classroom strategies being employed by the teacher.
- 7.8. Prohibitions and restrictions contained in this procedure for special education students, and for IEPs or Section 504 plans, are subject to state and federal law, and any IEP or Section 504 plan team decisions.
- 7.9. Records shall be maintained in the student’s educational file documenting the use of seclusion/isolation or restraint showing the reason for use, when used, duration of use, names of school personnel involved, whether students or school personnel were injured, name and age of the student, whether the student has an IEP, Section 504 plan, BIP, or Behavior Corrective Action Plan (B-CAP), when the parents were notified, if the student was disciplined, and any other documentation required by federal or state law.

8. **EXHIBITS**

- 8.1. [Restraint and Seclusion Incident Report](#) (RSIR)