

Restraint and Seclusion



BACKGROUND

U.S. Department of Education (USDOE) in 2010 created a report entitled, "Summary of Seclusion and Restraint Statutes, Regulations Policies and Guidance, By State and Territory: Information Reported to Regional Comprehensive Centers and Gathered from Other Sources."

"The state of Alaska has limited coverage of issues concerning the use of restraint and seclusion in the K-12 schools. The applicable statutes and regulatory requirements are likely limited due largely to the fact there are few requirements at the federal level in relation to public pre-K/K-12 education's use of restraint and seclusion. The applicable states/regulations are as follows:

AS 14.33.120- School Disciplinary and Safety Program

AS 11.81.430 Justification: Use of Force, Special Relationships

AS 14.07.020 Duties of the Department

4 AAC 07.010. Establishment of district guidelines and procedures

4 AAC 7.900 Definition

USDOE RESTRAINT AND SECLUSION RESOURCE DOCUMENT

“The Department, in collaboration with Substance Abuse & Mental Health Services Administration (SAMHSA) has identified 15 principles that we believe States, local school districts, preschool, elementary, and secondary schools, parents, and other stakeholders should consider as the framework for when States, localities, and districts develop and implement policies and procedures, which should be in writing related to restraint and seclusion in schools does not occur, except when there is a threat of imminent danger of serious physical harm to the student or others, and occurs in a manner that protects the safety of all children and adults at school.”

USDOE PRINCIPLES 1-5

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional)
3. Physical restraint or seclusion should not be used except in the situation where the behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities
5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.

USDOE PRINCIPLES 6-9

6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.
8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.
9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.

USDOE PRINCIPLES 10-15

10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.

11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.

12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.

13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.

14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.

15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.

ALASKA HOUSE BILL 210:

An act relating to crisis intervention training for school personnel; and relating to restraint and seclusion of students in public schools.

ALASKA HOUSE BILL 210:

September 19, 2014 Governor Sean Parnell signed into law a statute making changes to physical restraint and seclusion practices in schools.

These new rules apply to ALL students for ANY use of physical restraint or seclusion implemented by ANY school personnel.

ALASKA HOUSE BILL 210: OVERVIEW

- **Section 1 AS 14.33.120 (a):**
 - **Adopting a Policy**
- **Section 2 14.33.120 (b):**
 - **Notifying Parents of Incidents**
- **Section 3 Sec. 14.33.125 & Sec. 14.33.127:**
 - **Limitations on Restraint and Seclusion**
 - **Requirements for Crisis Intervention Training**

ALASKA HOUSE BILL 210: DEFINITIONS

Physical restraint: a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs or head.

Seclusion: the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving.

ALASKA HOUSE BILL 210: SECTION 2

Section 2. AS 14.33.120 (b)

A school shall on the same day of the incident, provide to the parent or legal guardian of the affected student information relating to an incident involving disruptive or violent behavior by the student that resulted in restraint or seclusion of the student by school personnel.

PHYSICAL RESTRAINT OR SECLUSION MAY ONLY BE USED WHEN:

- a) The student's behavior poses an imminent danger of physical injury to the student or another person;
- b) A less restrictive intervention has already been ineffective or would be ineffective to stop the imminent danger to student or another person;
- c) The students is continuously monitored by direct face-to-face supervision

PHYSICAL RESTRAINT OR SECLUSION MAY ONLY BE USED WHEN:

d) The person(s) implementing the restraint have been trained in approved crisis intervention, de-escalation and restraint techniques.

e) The restraint or seclusion is discontinued immediately when the student no longer poses an imminent threat to student or others, or when a less restrictive intervention becomes effective.

PROHIBITIONS:

Mechanical and chemical restraints are prohibited under the Act.

Chemical restraint: a psychopharmacological drug that is administered to a student for discipline or convenience and that is not required to treat a medical symptom.

Mechanical restraint: the use of a device to restrict a student's freedom of movement but does not include the use of medical or therapeutic devices or protective gear including gear designed to protect a student from injury due to falling, to achieve proper body position or balance, or to protect a student from self-injuring behavior.

CRISIS INTERVENTION TRAINING

The bill requires crisis intervention training for staff which includes:

- Evidence-based techniques for preventing restraint.
- Evidence-based techniques that are effective at keeping school personnel and students safe when restraint is used as a last resort.
- Education in positive behavioral interventions and supports (PBIS), safe physical escort, conflict prevention, understanding antecedents, de-escalation, and conflict management.