

Shelby County Board of Education
ISOLATION OR RESTRAINT OF STUDENTS
RECEIVING IDEA SPECIAL EDUCATION SERVICES

6053

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I. PURPOSE

To establish guidelines to ensure the safe and appropriate use of isolation and restraint as a form of acceptable behavior intervention for students receiving special education services under the Individuals with Disabilities Education Act (IDEA); and to ensure proper training of staff serving such students in positive behavioral support and use of isolation and restraint.

II. SCOPE

This policy applies to students of Shelby County Schools receiving IDEA special education services under and District personnel serving such students including during school sponsored events.

III. DEFINITIONS¹

1. IDEA - a federal law governing how states and public agencies provide early intervention, special education and related services to children with disabilities.
2. Behavior intervention training program - a training program in positive behavioral supports, crisis intervention and the safe use of restraint and isolation.
3. Emergency situation - any circumstance in which a student's behavior poses a threat to the physical safety of the student or others nearby.
4. Isolation or seclusion – (a) the confinement of a student alone in a room with or without a door, or other enclosed area or structure pursuant to T.C.A.49-10-1305(g) where the student is physically prevented from leaving; and (b) does not include time out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, time-out may involve the voluntary separation of an individual student from others.

5. Extended isolation - isolation which lasts longer than one (1) minute per year of the student's age or isolation which lasts longer than the time provided in the child's individualized education program (IEP).
6. Isolation room - any space, structure, or area pursuant to TCA 49-10-1305(g) used to isolate a student. Any space used as an isolation room shall be (1) unlocked and incapable of being locked; (2) free of any condition that could be a danger to the student; (3) well ventilated and temperature controlled; (4) sufficiently lighted for the comfort and well-being of the student; (5) where school personnel are in continuous direct visual contact with the student at all times; (6) at least forty square feet (40 sq. ft.); and (7) in compliance with all applicable state and local fire, health, and safety codes.
7. Restraint
 - a. Chemical restraint - medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, a student's regular drug regimen to control extreme violent physical behavior. The medications that comprise the student's regular medical regimen, including PRN medications, are not considered chemical restraints, even if their purpose is to treat ongoing behavioral symptoms.
 - b. Mechanical restraint - application of a mechanical device, material or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body. Mechanical restraint does not include the use of restraints for medical immobilization, adaptive support, or medical protection.
 - c. Physical Holding Restraint - use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body.
 - (1) Extended Restraint - a physical holding restraint lasting longer than five (5) minutes or physical holding restraint which lasts longer than the time provided in the child's IEP.
8. Positive Behavioral Supports - a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that (a) is proactive and instructional, rather than reactive and punitive; (b) operates on an individual, group or classroom, and whole school level; (c) includes a system of continual data collection; (d) utilizes data-based decision-making; (e) applies research-validated positive behavioral interventions; and (f) improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs.

IV. POLICY STATEMENT

It is the policy of Shelby County Schools to use positive behavioral interventions with students to promote safety and support appropriate behavior. The District, however, recognizes that occasionally more restrictive interventions may be necessary to effectively handle behaviors that present a threat to the physical safety of the student and/or others. In such circumstances, the District shall support the reasonable use of isolation and/or physical restraint as an approved behavior intervention for students receiving IDEA special education services.

Nothing in this policy shall prohibit District staff from taking actions to break up a fight or to take a weapon from a student; however, these acts shall be reported to the school Principal, Vice-Principal or Assistant Principal.²

A. Conditions for Use of Isolation and Restraint

To respect the dignity and rights of students receiving special education services, isolation and physical restraint shall always be a last alternative and shall be administered only in emergency circumstances³. Isolation and restraint procedures shall be administered in accordance with state law and Board policy by school personnel verified by the Department of Exceptional Children as certified in District-approved behavior intervention training program. Other staff in emergency situations may administer isolation or restraint procedures when staff certified in a District-approved behavior intervention training program is not immediately available.³

1. Isolation^{3,2}

In accordance with state law, school personnel shall maintain a continuous direct line of sight to a student who is in isolation and any space used as an isolation room shall be: (a) unlocked and incapable of being locked; (b) well ventilated and temperature controlled; (c) sufficiently lighted for the comfort and well-being of the student; (d) where school personnel are in continuous direct visual contact with the student at all times; (e) at least forty square feet; and (f) in compliance with all applicable state and local fire, health, and safety codes.

2. Restraint³

The administration of a restraint procedure shall be observed by an additional staff member when possible, to monitor the health and safety of individuals involved. Appropriate documentation and reporting of any

incident involving isolation or restraint of a student receiving IDEA special education services shall be completed in accordance to guidelines established under state law and Board policy.

*Exception*²

In accordance with state law, minimum contact necessary to physically escort a student from one area to another; assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety is permissible and notification of the parent/guardian shall not be required.

3. Isolation and Restraint Restrictions²

In accordance with state law, the District shall prohibit (a) the use of isolation and restraint as a form of punishment, coercion, retaliation or convenience; (b) the use of mechanical restraint or noxious gas; (c) the use of chemical restraint except as administered for therapeutic purposes under the direction of a physician and with the consent of the parent/guardian; (d) any form of life threatening restraint; (e) the removal or disabling of any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, augmentative communication device, or walker; and (f) the use of a locked door, or any physical structure, mechanism, or device that substantially accomplishes the function of locking a student in a room, structure, or area.

B. Documentation, Notification and Reporting (including reporting of suspected criminal activity)⁴

All records of isolation and restraint of any student receiving IDEA special education services must be maintained by the principal at the school in accordance with T.C.A. § 49-10-1306.

1. Individualized Education Plans (IEPs)^{3,9}

a. ~~(b)~~ IEPs that provide for the use of restraint or isolation in emergency situations shall contain a data driven functional behavior assessment and a plan for modification of the behavior developed and implemented by a qualified team of professionals. When the use of restraint or isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of T.C.A. § 49-10-1301, et seq. Tennessee

Board of Education Rule 0520-01-09-.23 and the IDEA procedural safeguards.

- b. If the student's IEP does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint over an extended period of time (see definition section for extended isolation and extended restraint) as determined by Tennessee Department of Education Rules, then an IEP meeting shall be convened within ten (10) days following the use of the isolation or restraint.

2. Notification of Isolation or Restraint to Parent/Guardian³

If restraints or isolation are used in an emergency situation, the school personnel imposing the restraint or isolation shall immediately contact the school Principal, Vice-Principal or Assistant Principal. The school Principal, Vice-Principal or Assistant Principal shall see and evaluate the student's condition within a reasonable time after the intervention and the student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint was used. The school Principal, Vice-Principal or Assistant Principal to whom the restraint or seclusion was reported shall record the use of the isolation or restraint and the facts surrounding such use. School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student's parent or guardian as provided above.

3. Reporting Criminal Activity³

School personnel **should** report a suspected crime by calling a law enforcement official.

School personnel may file a juvenile petition against a student receiving special education services only after conducting a manifestation determination that results in a determination that the behavior that resulted in the act requiring disciplinary action was not caused by the student's disability. A school resource officer may upon witnessing an offense, take the student into custody.

C. Training Requirements⁶

The District shall ensure that a minimum of one school administrators, and as deemed appropriate, teachers providing special education services and other staff at each school site, are trained and maintain certification in an approved behavior intervention

training program. Training certification shall include but not be limited to the following components:

- a. Training in evidence-based techniques shown to be effective in the prevention of isolation and physical restraint;
- b. Training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or isolation;
- c. Evidence-based skills training on positive behavioral interventions and supports, conflict prevention, functional behavior assessments, de-escalation, and conflict management;
- d. Information describing state statutes, policies, rules, and procedures on restraint and isolation;
- e. Training in the identification and reporting of abuse and neglect in the school setting; and
- f. Evidence-based training on understanding the warning signs of early-onset mental illness in children and adolescents.

Certifications for school personnel who have completed a behavior intervention training program shall be renewed on a periodic basis as determined by the Shelby County Board of Education's Executive Director of the Department of Exceptional Children.

V. RESPONSIBILITY

- A. The principal shall be responsible for ensuring that appropriate staff receives training.
- B. The Department of Exceptional Children is responsible for reviewing school documentation of the use of isolation and restraint.
- C. The Department of Exceptional Children is responsible for implementing this policy.
- D. The Superintendent is responsible for ensuring that this policy is followed.

Legal References:

1. TCA 49-10-1303
2. TCA 49-10-1305
3. TCA 49-10-1304
4. TCA 49-10-1306
5. TCA 49-10-1307
6. TCA 49-10-1301
7. TCA 49-10-1302
8. TCA 49-10-102
9. TRMS 0520-01-09-.23

Cross References:

1. 6039 Student Accident Reports