



## Fort Wayne Community Schools: Seclusion and Restraint Procedure

This Procedure implements Fort Wayne Community Schools Board Policy 3213, Responsibility for Student Supervision and Welfare, and conforms with the statutory and regulatory requirements of IC 20-20-40 et. seq., 513 IAC and the rules of the Indiana Commission on Seclusion and Restraint. FWCS mandates that any behavioral intervention by District staff must be consistent with a child's right to be treated with dignity and respect, and to be free from abuse. In FWCS schools, appropriate student behavior will be promoted and taught. The District believes that all children have the right to be free from physical or mental abuse, aversive behavioral interventions that compromise health or safety, and any physical restraint or seclusion imposed solely for purposes of discipline or convenience.

### **I. Use of Restraint**

- A. Every effort shall be made to avoid the need for the use of restraint or seclusion of a student.
- B. Physical restraint shall only be used when a student is displaying physical behavior that presents imminent risk of injury to the student or others.
- C. Restraint shall only be employed as a last resort after other less restrictive methods of de-escalating a situation have been attempted without success.
- D. While transporting a student on a moving vehicle, a bus harness or other safety equipment may be required and is permissible for safety purposes. The need and use of any bus harness or safety equipment used to restrain a student during transportation must be documented. FWCS does not authorize the use of any other mechanical or chemical restraints.
- E. The use of any drug, medication or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited.
- F. A school employee may never give a student any drug or medication that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition unless otherwise prescribed by a physician.
- G. Restraint shall only be utilized by staff members who have received crisis intervention training by FWCS with the exception of rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff will request assistance from trained staff as soon as possible. Upon arrival of trained staff, untrained staff will allow trained staff to intervene.
- H. Physical restraint of a student may only be used for a short period of time and shall be discontinued as soon as the imminent risk of injury to self or others has dissipated, usually a matter of minutes.



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

### II. When Restraint Procedures Shall Not Be Employed

- A. Physical restraint shall not be used unless the student's behavior poses imminent risk of injury to self or others and other less restrictive interventions are ineffective.
- B. A verbal threat or verbally aggressive behavior does not itself indicate an imminent risk of injury, and shall not result in restraint.
- C. Destruction or damage to property does not constitute a risk of imminent injury unless in so doing an imminent risk of injury to the student or others is created.
- D. When a known medical or physical condition of the student would make the restraint procedures dangerous for that student (e.g. students with heart or circulatory conditions, asthma, etc.) restraints will not be used.
- E. Restraint shall never be used as a punishment, or to force compliance with staff commands.
- F. FWCS does not authorize or use Prone (student held down lying face down on a horizontal surface) or Supine (student held down lying face up on a horizontal surface) forms of restraint and these shall be avoided.
- G. Seclusion or restraint shall never be used in a manner that restricts a child's breathing or blood flow or harms the child.

### III. Use of Seclusion

- A. Every effort shall be made to avoid the need for the use of seclusion of a student.
- B. Seclusion shall not be used except when used as a last resort and only when:
  - 1. The student' behavior poses imminent risk or injury to self or others, and other less restrictive interventions are ineffective.
  - 2. Other less restrictive interventions are ineffective.
- C. A student shall never be secluded by a school employee who has not received appropriate training by the FWCS District in the use of restraint procedures except in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.



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- D. Seclusion of a student may only be used for a short period of time and shall be discontinued as soon as the imminent risk or injury to self or others has dissipated, usually a matter of minutes.
- E. Every instance in which seclusion is used shall be carefully, continuously, and visually monitored to ensure the safety of the student, other students and school employees.
- F. Immediately after the imminent risk or injury to self or others has dissipated, the student should no longer be secluded and a school employee, not involved with the restraint, shall examine the student to ascertain if any injury has been sustained during the restraint of the student.

### **IV. When Seclusion Procedures Shall Not Be Employed**

- A. Seclusion shall not be used unless the student's behavior poses imminent risk of injury to self or others and other less restrictive interventions are ineffective.
- B. A verbal threat or verbally aggressive behavior does not itself indicate an imminent risk of injury, and shall not result in seclusion of a student.
- C. Destruction or damage to property does not constitute a risk of imminent injury unless in so doing an imminent risk of injury to the student or others is created.
- D. When a known medical or physical condition of the student would make seclusion dangerous for that student, the student may not be secluded.
- E. Seclusion shall never be used as a punishment, or to force compliance with staff commands.
- F. Seclusion shall never be used unless a school employee can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student.

### **V. Time-Out**

Time-out is a behavior-reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. Time-out shall be both developmentally and behaviorally appropriate and shall be short in duration. See Appendix A for Best Practices.

### **VI. Training**

- A. FWCS will provide appropriate staff members with training about the
  - a. appropriate use of effective alternatives to physical seclusion and restraint;



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- b. conflict de-escalation procedures;
  - c. the dangers of seclusion and restraint;
  - d. positive supports and behavioral intervention techniques;
  - e. procedures for contacting fully trained and CPI certified staff when behavioral crises occur;
  - f. the safe use of seclusion and restraint; and
  - g. debriefing practices and procedures.
- B. This training will be recurrent and will be provided to new staff as needed.
- C. *Nonviolent Crisis Intervention*® (CPI) techniques will be used including both de-escalation and restraints with elementary and secondary intensive special education students.
- D. A team of 6 staff members will be trained in elementary buildings based on data in *Nonviolent Crisis Interventions*® (CPI) which will include both de-escalation and restraint procedures. Secondary teams will be trained in de-escalation techniques only except for staff working with intensive special education students.

### **VII. Reporting, Documentation and Debriefing Requirements**

Immediately after the student has restored emotional and behavioral control following the use of seclusion or restraint, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained.

- A. The building administrator or designee shall verbally notify the parent/guardians by the end of the school day in which the seclusion or restraint occurred or as soon as practical.
1. The principal or designee will update the parent/guardian on the student's current physical and emotional state and,
  2. Will discuss strategies to assist the parent/guardian in dealing with any residual effects of the incident.
- B. Incident Report
1. Staff involved in the use of restraint or seclusion will complete the FWCS Seclusion, Restraint and CPI Incident Report from within one school day after the event.
  2. The building administrator or designee will send a copy of the written report to Johnnie Grimes at the Family and Community Engagement Center as well as the parent or guardian.

### **VIII. Annual Review, Planning Process and Oversight**



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- A. The Family and Community Engagement Center will coordinate data, planning and oversight of the use of restraint procedures in FWCS.
- B. The Code of Conduct Action Committee will conduct an annual review of all individual and program-wide data associated with this policy. The Committee shall review the following components related to the use of restraint:
  - Incident reports;
  - Procedures used during restraint, including the proper administration of specific FWCS approved restraint techniques;
  - Preventative measures of alternatives tried, techniques or accommodations used to avoid or eliminate the need of the future use of restraint;
  - Documentation and follow up of procedural adjustments made to eliminate the need for future use of restraint
  - Injuries incurred during a restraint;
  - Notification procedures;
  - Staff training needs;
  - Specific patterns related to staff or student incidents;
  - Environmental considerations, including physical space, student seating arrangements, and noise levels.
- C. Upon review of the data, the Committee shall identify any issues and/or practices that require further attention and provide written recommendations to the Superintendent of Schools for changes in policies or practices.
- D. The Committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the FWCS training curriculum.



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### DEFINITIONS

**Behavioral Intervention Plan:** means a plan that is agreed upon by the Student Support Team (SST) or Case Conference Committee (CCC) and incorporated into a student's SST plan or Individualized Education Program (IEP) and that, a minimum, describes the following:

- The pattern of behavior that impedes the student's learning or the learning of others;
- The purpose or function of the behavior as identified in a Functional Behavioral Assessment;
- Positive interventions and supports, and other strategies, to (A) address the behavior; and (B) maximize consistency of implementation across people and setting in which the student is involved;
- The skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student;
- The staff member(s) designated to teach appropriate behavior and skills;
- The plan and timelines to monitor progress.

The behavior intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

**Chemical Restraint:** means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition.

**Crisis Intervention Training:** means the training provided to selected staff members which addresses how to deal with aggressive, violent or out of control behaviors. It includes specific techniques for restraint and could result in certification of the individuals who complete the training. *Nonviolent Crisis Intervention*® (a CPI offering) is an example of this type of training.

**De-escalation:** means causing a situation to become more controlled, calm and less dangerous, thus lessening the risk for injury to someone.

**Employee:** means all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

**Functional Behavioral Assessment:** means the on-going process of gathering information and data that can be used to identify patterns in the student's behavior and hypothesize about the purpose or function of student behavior. The analysis provides the information necessary to develop an intervention plan.



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**Imminent:** means likely to happen right away, within a matter of minutes.

**Mechanical Restraint:** Is the use of any device or equipment to restrict a student's freedom of movement.

Exceptions to this definition would include:

- Devices implemented by trained-school personnel
- Devices that have been prescribed by an appropriate medical or related services professional used for the intended purpose only
- Adaptive devices or mechanical support used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of adaptive or mechanical support
- Vehicle safety restraints used as intended when transporting the student
- Restraints for medical immobilization orthopedically prescribed devices that allow a student to participate in activities without harm.

**Physical Restraint:** Is a personal restriction that immobilizes or reduces the ability of a student to move:

- Torso
- Arms
- Legs or head freely

The definition of physical restraints **does not** include a physical escort. A physical escort means temporarily:

- Touching
- Holding of the hand,
- Holding of the wrist
- Holding of the arm
- Holding the shoulder or back

for the purpose of inducing a student who is acting out to walk to a safe location.

**Prevention and Conflict De-escalation Training:** means training which is provided broadly to school staff on how to prevent, defuse and de-escalate potential behavioral crisis situations.

**Positive Behavior Intervention and Support:** is a systematic approach that uses evidence based practices and data driven decision making to improve school climate and culture, and includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students. **CR-PBIS is a version of this systematic approach that emphasizes Culturally Responsive Positive Behavioral Intervention and Supports.**

**Prone Physical Restraint:** means the person is being held face down lying on their stomach on a horizontal surface such as the floor.

**Seclusion:** Is the involuntary confinement of a student alone in a room or area from which a student is physically prevented from leaving.



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Seclusion is not:

- A time out which is a behavior management technique that is a component of an approved program
- Involving the monitored separation of the student in a non-locked setting, and implemented for the purpose of calming the student

**Staff:** means all paid school staff, volunteers, contract employees, consultants or any other agents of the school or corporation.

**Supine Physical Restraint:** means a person is being held face up on their back on a horizontal surface such as the floor.

**Substantial Risk:** is a situation where there is serious, imminent threat of bodily harm and where there is the immediate ability to enact such harm.

**Staff Training in Crisis Intervention:** means individuals who successfully complete and maintain certification in an FWCS approved training program that results in acquisition of skills to prevent restraints, evaluate risk of harm in an individual situation, use approved restraint techniques, and monitor the effect of the restraint.

**Parent or Guardian:** means the student's parent, legal guardian, surrogate parent or student over the age of 18.

## **Appendix A: Time-Out Best Practices**

Effective time-out procedures include multiple levels, with each level becoming more restrictive and exclusionary. It is important to note that for disruptive behavior requiring more restrictive interventions, once the behavior begins to de-escalate, transition to less restrictive forms of time out may make the return to regular classroom activities easier for the student.

### **Level I.**

- A. Planned Ignoring: Ignore the student as long as possible if he or she is out of place or seat, noncompliant but not otherwise disruptive.
- B. Be (or have aide/ associate) available to counsel, provide one-to-one tutoring, or negotiate if the student is involved in a dispute.
- C. Modify/change student's assignment to get him or her reinvolved with learning. Select a task that will provide immediate success.
- D. Separate student from others (i.e. creative seat assignment).
- E. Send student out of room - on an errand, for a walk, to "cool off."
- F. Offer a "time-in" situation with a support person outside the classroom.
- G. Quietly praise other students for ignoring inappropriate student behavior.
- H. When possible, talk to disruptive student out of classroom away from other students so that he or she can save face.

**Level II.** Level II time out is more restrictive than the first-level interventions. It is the exclusion of a child from positive reinforcing activities of the classroom without removing him or her from the room.

- A. Move student to different part of the classroom (i.e. closer to teacher, further away from audience)
- B. Avoid lengthy explanations to student. Simply say: "Because you\_\_\_\_\_, you go to time out for \_\_\_\_ minutes." Avoid other interaction.
- C. Allow student to take their own time-out.
- D. Keep time-out period brief. (Time out periods longer than 15 minutes rarely serve their intended purpose-temporary withholding of positive reinforcement. For time out periods longer than 30 minutes, a supervisory staff person shall be consulted about the appropriateness of continuing the time out procedure.) In-school suspension or other out of class but in school interventions shall be considered.
- E. The student shall be supervised at all times during the time-out period.
- F. The student shall still be able to access any lesson or instruction being offered to other students in the student's classroom.