

THE USE OF SECLUSION AND RESTRAINT:

A GUIDANCE DOCUMENT ON BEST PRACTICES



Arizona Department of Education

Exceptional Student Services

2014



Introduction

This guidance document categorizes and compares current best practices in the use of seclusion and restraint from the United States Department of Education, the Council for Exceptional Children, and the Arizona Task Force on Best Practices in Special Education and Behavior Management. A list of references is provided at the end of the document.

Please note: Also included are pertinent excerpts from Arizona Revised Statutes 15-843, which are not recommendations, but Arizona law. These include updates that were enacted and became effective at the beginning of the 2013–2014 school year.

Best Practices in the Use of Seclusion and Restraint

Each of the documents and excerpts above have been categorized in order to make recommendations to schools on the use of seclusion and restraint. The similarities in best practices and recommendations from each on the use of seclusion and restraint as disciplinary measures have been sorted into eight categories. On the following pages, each of the categories includes the language used by the agency, task force, or statute. The eight categories are listed below:

- 1. Prohibit some disciplinary procedures.**
- 2. Exhaust all other efforts before using seclusion or restraint.**
- 3. Create positive behavioral systems.**
- 4. Use data to assess the underlying causes of misbehavior and identify successful interventions.**
- 5. Train staff in proactive and preventative approaches.**
- 6. Train staff in crisis de-escalation or intervention.**
- 7. Document and report every instance of crisis intervention in a timely manner.**
- 8. Use seclusion or restraint equitably without diminishing student rights or safety.**

1. Prohibit some disciplinary procedures.

Arizona Task Force on Best Practices in Special Education and Behavior Management:

- “Corporal punishment is prohibited.”
- “Mechanical restraint is prohibited.”
- “A physical restraint that places excess pressure on the chest or back or impedes the ability to breathe or communicate is prohibited.”

U.S. Department of Education (ED):

- “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).”
- “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.”
- “Restraint or seclusion should never be used in a manner that restricts a child’s breathing or harms the child.”

Council for Exceptional Children (CEC):

- “Prone restraints (with the student face down on his/her stomach) or supine restraints (with the student face up on the back) or any maneuver that places pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat should never be used. No restraint should be administered in such a manner that prevents a student from breathing or speaking..”
- “Mechanical or chemical restraint should never be used in school settings when their purpose is simply to manage or address a child’s or youth’s behavior. Their use should be supervised by qualified and trained individuals in accord with professional standards.”
- “Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.”

“Seclusion and restraint refer to safety procedures in which a student is isolated from others (seclusion) or physically held (restraint) in response to serious problem behavior that places the student or others at risk of injury or harm.”

Robert Horner and George Sugai
OSEP Technical Assistance Center on Positive Behavioral Interventions and Support

2. Exhaust all other efforts before using seclusion or restraint.

Arizona Task Force:

- “Strategies such as restraint and seclusion should be used only for crisis management, not as recurring behavioral interventions.”

ED:

- “Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.”
- “Physical restraint or seclusion should not be used except in situations where the child’s 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.”
- “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.”

CEC:

- “Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.”
- “Physical restraint or seclusion procedures should be used in school settings only when the physical safety of the child or youth or others is in immediate danger.”

“The use of restraint and seclusion can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques.”

Arne Duncan, U.S. Secretary of Education

3. Create positive behavioral systems.

Arizona Task Force:

- “Create a positive school climate through direct teaching of clear expectations for student behavior, consistent and fair application of rules, identifying and managing areas for conflict, and training staff in methods of positive behavior supports for all students to result in a reduction of school incidents requiring more punitive reactions.”
- “Train all staff in positive behavior supports.”

ED:

- “Personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports.”
- “If positive behavioral strategies are not in place, staff should consider developing them.”

CEC:

- “Behavioral interventions should emphasize prevention and positive behavioral supports.”
- “Positive and appropriate educational interventions, as well as mental health supports, should be provided routinely to all children and youth who need them.”
- “Any school that employs physical restraint or seclusion procedures should have a written positive behavior support plan specific to that program.”

“Restraint and seclusion procedures should not be viewed as a discipline tactic, therapeutic treatment, or planned intervention. Children with complex needs rely on skilled, trained professionals who develop partnerships with families and use evidence-based strategies that are humane and treat children with dignity.”

CEC President Robin D. Brewer

4. Use data to assess the underlying causes of misbehavior and identify successful interventions.

Arizona Task Force:

- “Provide educational and behavioral assessments and interventions (such as functional behavioral assessments and behavior plans), as well as mental/emotional health supports (such as counseling and social skills training) to all children who need them.”
- “Report every instance where crisis management actions have been used (regardless of the location) to the parents [as defined in ARS 15-761 (21)]; to the school and central office administration; and to the LEA’s governing board. Use the data to make appropriate modifications to policy, training, and practice.”
- “A debriefing with affected staff, parents, and, if appropriate, the student is conducted within 48 hours. During the debriefing, a determination is made regarding the need for a functional behavioral assessment (FBA).”

ED:

- “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.”
- “The use of restraint or seclusion . . . should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior.”

CEC:

- “All children and youth whose pattern of behavior impedes their learning or the learning of others should receive appropriate educational assessment, including functional behavioral assessments. These should be followed by behavioral intervention plans that incorporate appropriate positive behavioral interventions, including instruction in appropriate behavior and strategies to de-escalate their own behavior.”
- “Any school that employs physical restraint or seclusion procedures should have . . . data to support the implementation of positive behavior supports and specific uses of restraint and seclusion in that environment.”

“The use of restraint or seclusion in schools should 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.”

5. Train staff in proactive and preventative approaches.

Arizona Task Force:

- “Train all staff in positive behavior supports.”

ED:

- “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.”

CEC:

- “Schools should have adequate staffing levels to effectively provide positive supports to children and youth and should be staffed with appropriately trained personnel.”

6. Train staff in crisis de-escalation or intervention.

Arizona Task Force:

- “Train all school staff in de-escalation techniques.”
- “If school policies allow for the use of seclusion and/or restraint during crisis management, train relevant school staff in the safe use of the permitted strategies.”

ED:

- “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.”
- “Training for teachers, paraprofessionals, and other personnel who work directly with children should be ongoing and include refreshers on positive behavior management strategies, proper use of positive reinforcement, the continuum of alternative behavioral interventions, crisis prevention, de-escalation strategies, and the safe use of physical restraint and seclusion.”

CEC:

- “All staff in schools should have mandatory conflict de-escalation training, and conflict de-escalation techniques should be employed by all school staff to avoid and defuse crisis and conflict situations.”
- “Mechanical or chemical restraint . . . should be supervised by qualified and trained individuals in accord with professional standards.”
- “Any school that employs physical restraint or seclusion procedures should have . . . specific procedures and training related to the use of restraint and seclusion.”

7. Document and report every instance of crisis intervention in a timely manner.

Arizona Task Force:

- “Report every instance where crisis management actions have been used (regardless of the location) to the parents; to the school and central office administration; and to the LEA’s governing board. Use the data to make appropriate modifications to policy, training, and practice.”
- “If seclusion is necessary, parents and administrators are notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was secluded, the location of the seclusion, and the person(s) who observed the student during the seclusion must follow. If the student has been in seclusion for longer than one hour, parent contact must be initiated immediately.”
- “Parents and administrators are notified as soon as possible within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was restrained, the location of the restraint and the person(s) who observed the student during the restraint must follow.”

Arizona Revised Statutes (A.R.S.) 15-843:

- “Disciplinary policies shall include the following: a process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil’s enrollment packet or admission form; . . . a process for prior written parental consent *before* confinement is allowed.”
- “The school principal or teacher shall make reasonable attempts to notify the pupil’s parent or guardian in writing by the end of the same day that confinement was used.”

ED:

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

CEC:

- “Comprehensive debriefings occur after each use of restraint or seclusion and that reports of the incident are created including parental notification.”
- “Require that data on restraint and seclusion are reported to an outside agency such as the state or provincial department of education.”

8. Use seclusion or restraint equitably without diminishing student rights or safety.

A.R.S. 15-843:

- “The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension, and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils.”

ED:

- “Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.”
- “Any behavioral intervention must be consistent with the child’s rights to be treated with dignity and to be free from abuse.”
- “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.”

CEC:

- “Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.”
- “Any child or youth in seclusion must be continuously observed by an adult both visually and aurally for the entire period of the seclusion.”

Resources

For more information on seclusion and restraint in Arizona, or for additional resources to help schools avert such strategies, please see:

Arizona Developmental Disabilities Planning Council

<https://www.azdes.gov/ADDPC/Home/>

Arizona Department of Education, Exceptional Student Services

<http://www.azed.gov/special-education/>

Arizona Department of Education, School Safety and Prevention

<http://www.azed.gov/prevention-programs/school-safety-program/>

Northern Arizona University, Institute for Human Development, Graduate Certificate in Positive Behavior Support

<http://nau.edu/SBS/IHD/Programs/Positive-Behavior-Support>

Positive Behavioral Interventions and Supports of Arizona

<http://pbisaz.org/>

References:

A.R.S. 15-842: Pupil Disciplinary Proceedings. Found at: <http://www.azleg.state.az.us/ars/15/00843.htm>.

Report from Arizona Task Force on Best Practices in Special Education and Behavior Management.

Found at: <http://www.azed.gov/wp-content/uploads/PDF/TaskForceReportonBestPracticesinSpecialEdandBehaviorManagement.pdf>.

U.S. Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012.

Found at: www.ed.gov/policy/restraintseclusion.

CEC's Policy on Physical Restraint and Seclusion Procedures in School Settings. Found at:

<http://www.cec.sped.org/~media/Files/Policy/CEC%20Professional%20Policies%20and%20Positions/restraint%20and%20seclusion.pdf>.

United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration, Statement of the Problem and SAMHSA's Response. Found at:

http://www.samhsa.gov/seclusion/sr_handout.aspx.

Council of Parent Advocates and Attorneys (COPAA), Declaration of Principles Opposing the Use of Restraints, Seclusion, and Other Aversive Interventions Upon Children with Disabilities. Found at:

http://c.ymcdn.com/sites/www.copaa.org/resource/resmgr/copaa_declaration_of_princip.pdf.