

# Superintendent Procedure 3246SP Restraint, Isolation and Others Uses of Physical Crisis Intervention

Approved by: s/Dr. Brent C. Jones Date: 9/9/21

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## A. Introduction

This Superintendent Procedure sets forth the definitions, circumstances, and conditions when the use of restraint and other uses of physical crisis intervention are authorized. It also establishes the procedures for review of incidents, parent/guardian notification, and annual reporting.

## B. Definitions

**Restraint:** Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely. It also does not include appropriate use of physical prompting for the purposes of carrying out an appropriate positive behavior or academic learning intervention plan.

**Isolation (also known as “seclusion”):** Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from their regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

**Serious Bodily Harm:** Bodily injury which involves substantial risk of death, obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty bodily injury that requires some form of medical treatment.

**Imminent:** Happening now or in the immediate future. The student is in close enough proximity to injure and with both the capability and means to inflict serious bodily harm in the immediate future.

**Likelihood:** The chance that an event of behavior may occur.

**Other Physical Crisis Intervention:** Initiating or engaging in physical contact, other than a restraint, in response to an imminent likelihood of serious bodily harm, such as blocking an intended strike with your arm. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely. It also does not include appropriate use of physical prompting for the purposes of carrying out an appropriate positive behavior or academic learning intervention plan.

**Trauma Informed De-escalation Strategies:** The use of preventative and proactive strategies, including but not limited to, verbal, non-verbal, and para-verbal (tone, volume, and rhythm of speech) communication, limit setting, application of the decision making matrix, identification of behavioral levels that lead to crisis and the ability to choose a corresponding appropriate supportive response for each level; and identification of precipitating factors in students/staff and implementing rational detachment skills.

**A Tiered Behavioral Support Response System:** A tiered support response employs strategies and instruction in a systematic manner to provide alternatives to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors. Tiered behavioral supports include the consideration of environmental factors that may trigger challenging behaviors and teaches a student the skills to manage their own behavior.

**Positive Behavioral Support Plan:** A positive behavioral support plan is designed to teach alternatives and replacements to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors by increasing desired behaviors.

**Restraint Device (also known as mechanical restraints):** A device used to assist in controlling a student including, but not limited to, soft ties, ankle restraints, leather cuffs, and other hospital-type restraints. A restraint device does not include a seat harness used to transport a student safely or other safety devices, including safety belts for wheelchairs, changing tables, booster seats, and other ambulatory or therapeutic devices when used for the purpose intended for the safety of a student.

**Behavioral Intervention Plan:** A behavioral intervention plan (BIP) is a plan incorporated into a student's IEP if determined necessary by the IEP team for the student to receive a free appropriate public education (FAPE). The IEP team must also develop and implement a BIP if it determines that the student's conduct is a manifestation of the student's disability, unless a BIP is already in place. The behavioral intervention plan, at a minimum, describes:

- (1) The function and pattern of behavior(s) that impedes the student's learning or the learning of others;
- (2) The instructional and/or environmental conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team;
- (3) The positive behavioral interventions and supports to:
  - (a) Reinforce acceptable behaviors that achieve the same or similar function as the challenging behaviors
  - (b) Reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the desired prosocial behaviors;
  - (c) Ensure consistency of the implementation of the positive behavioral interventions across the student's school-sponsored instruction or activities;

- (d) Decrease student escalation and increase access to self-regulation training and supports
- (4) The skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior of the student.

**Emergency Response Protocol:** If the parent/guardian and the school district determine that a student requires advanced educational planning, the parent/guardian and the district may develop Emergency Response Protocols (ERP) to be used in the case of emergencies that pose an imminent likelihood of serious bodily harm, as defined within this procedure.

(1) Emergency response protocols, if developed, must be incorporated into a student's IEP and reviewed annually. Emergency response protocols shall not be used as a substitute for the systematic use of a behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior.

Emergency Response Protocols document the advanced educational planning required to provide a free, appropriate public education (FAPE) and the consent of the parent in advance of the adoption of the Emergency Response Protocols. Emergency Response Protocols are subject to the conditions and limitations as follows:

(a) The student's parent/guardian provides consent, as defined in WAC 392-172A- 01040, in advance, to the emergency response protocols to be adopted;

(b) The Emergency Response Protocols specify:

(i) The emergency conditions under which restraint may be used;

(ii) The type of, restraint, that may be used;

(iii) The staff members or contracted positions permitted to use, restraint with the student, updated at least annually, and identify any required training associated with the use of restraint or restraint device for each staff member or contracted position;

(iv) Any other special precautions that must be taken.

(c) Any use of restraint must be discontinued as soon as the likelihood of serious bodily harm has dissipated.

(d) Any staff member or other adults using restraint must be trained and certified by a qualified provider in the use of restraint.

(2) Documentation and reporting requirements for any use of restraint is required, regardless of whether the use of restraint is included in the student's emergency response protocols.

### **C. Limitations**

1. Restraint and other uses of physical crisis intervention should not be used as an intervention if the school staff initiating them knows that the student has a health condition or physical problem, and that the condition or problem would be exacerbated by the use of such techniques.
2. No restraint shall be administered in such a way that the student is prevented from breathing or speaking.

3. No restraint that holds a student against a wall or floor is permitted.
4. Staff should choose the least restrictive approach appropriate for the situation and constantly assess for the earliest safe opportunity to disengage. Restraint and other uses of physical crisis intervention will be discontinued when the staff assess that the imminent likelihood of serious bodily harm has dissipated.
5. If restraint is being used due to suspicion of a weapon, there must be a reasonable suspicion that the staff member can articulate that the student possesses a weapon or other dangerous object on or within their control.
6. Consistent with the provisions found in chapter 392-172A WAC, the use of restraint may be used as part of emergency response protocols that are incorporated into an Individualized Education Program (IEP) or a Section 504 Plan of a student with a disability, provided that:
  - the protocols are not used as a substitute for the systematic behavioral intervention plan;
  - the student's parent/guardian agrees to the use of the emergency protocols in writing;
  - the protocols specify the conditions when restraint will be used, the type of restraint to be used, and any special precautions;
  - the staff or contractors permitted to use the restraint are trained and certified by a qualified provider in the use of the restraints specified; and
  - use of restraints must be discontinued as soon as the likelihood of serious bodily harm has dissipated.

#### **D. Monitoring**

During the use of a restraint or other physical crisis intervention, a staff member shall continuously monitor the physical status of the student, including monitoring for signs of physical distress (e.g., skin color and respiration) or psychological distress (e.g. confusion and disorientation). If the staff member monitoring the restraint or use of other physical crisis intervention observes physical or psychological distress, they have an obligation to stop the restraint, either verbally or physically.

The monitoring must be conducted by direct observation of the student. When possible, the use of a restraint or other physical crisis interventions shall be witnessed by at least one staff member who does not participate in imposing the restraint or physical crisis intervention. This guideline does not preclude staff from using restraint or other physical crisis intervention to protect students, other persons, or themselves from imminent bodily injury or likelihood of serious bodily harm if an adult staff member is not available.

## **E. Staff Training Requirements**

Seattle Public Schools' prevention and intervention strategies, including training in these areas, aim to reduce or eliminate missed instruction time, and of out of classroom and school time for behavior. All staff will be provided with the district's established policy and procedure regarding the use of restraint and other uses of physical crisis intervention.

The district offers monthly training for those required or reasonably anticipated to use restraint or other physical crisis intervention. Please refer to the Employee Self Service (ESS) professional development website for schedule and registration.

1. All staff will be trained in trauma informed de-escalation strategies.
2. Each building will identify a team of four to five staff members who will be trained in the use of restraints and other physical crisis intervention. Those staff members should be identified based on demonstrated competence in utilizing trauma informed de-escalation techniques in addition to well-developed problem-solving skills. The team shall include at least one school leader. Training includes: instruction in positive support of student behavior, cultural responsiveness, effective communication for defusing and de-escalating situations, and safe and appropriate use of restraints and other physical crisis interventions.
3. Staff trained to use restraints should be available for any emergency situation in their school. To the greatest extent possible, only staff trained in the use of restraints should respond to situations where there is imminent likelihood of serious bodily harm.

## **F. Reporting Requirements**

The following reporting requirements will apply when the use of restraint is used with a student.

Incident report: Any school employee, who uses restraints, as defined in this procedure, on a student during school-sponsored instruction or activities, will verbally inform the building administrator or a designee as soon as possible and within two (2) school business days create a report of the restraint in the *Isolation and Restraint* incident section of the District's Student Information System.

The written report will contain, at a minimum:

- a. Date, time and location of the restraint and staff debrief of incident.
- b. Antecedent.
- c. Trauma informed de-escalation strategies attempted.
- d. Type of restraint used.
- e. Length of the restraint.
- f. Name and job titles of staff members involved.
- g. Injuries sustained during the restraint.
- h. Name and job titles of witnesses involved.

- i. Analysis of the behavior.
- j. Successful trauma informed de-escalation strategies.
- k. Length of time the student needed to self-regulate.
- l. Recommendations for implementing alternative resources or support to avoid future similar incidents.

If the building administrator or designee believes the staff member has failed to report an incident of restraint, they will notify the appropriate Human Resources manager.

### **G. Parent/Guardian Notification**

The building administrator or designee will make a reasonable effort to verbally inform the student's parent or guardian of the incident within twenty-four hours of the incident. Efforts will be made to inform parents/guardians by either the end of the school business day in which the restraint happened or before the beginning of the next school day. If the school customarily provides the parent or guardian with school-related information in a language other than English, the communication with the parent/guardian about the incident will be provided in that language.

The building administrator or designee will send a written incident report as soon as practical but postmarked no later than five school business days after the incident. If the school customarily provides the parent or guardian with school-related information in a language other than English, the incident report will be provided to the parent in that language.

IEPs and 504 plans will include the above procedures for notification of parents/guardians regarding the use of restraint on their child.

### **H. Processing the incident**

Following the release of a student from a restraint the building administrator or designee will:

- a. Process the incident with the student and the student's parent or guardian (although not necessarily at the same time) to address the entire situation, including the antecedents, environmental factors, facts of the situation, patterns of behaviors and responses, alternative responses to the antecedents, and possible future approaches;
- b. Process the incident with the staff person(s) who administered the restraint to discuss whether proper procedures were followed and what training or support the staff member needs to avoid similar staff responses to student behavior in the future. School staff will share and discuss trauma informed de-escalation strategies that they will attempt to utilize during future situations. School staff will receive ongoing training in a variety of methods and tools for proactively supporting students' needs.

- c. If a Positive Behavior Support Plan (PBSP) does not exist, one must be created for any student involved in these instances. Behavior plans in existence must be reviewed for appropriateness for the student's behavior in each instance and implemented or revisited when appropriate. For students with a Behavior Intervention Plan (BIP) as part of their IEP or 504 accommodations, the appropriate team must review the pattern of behavior to determine whether the current plan should be modified. A pattern of similar challenging behavior by a student should result in completion of a functional behavioral assessment and the development of a BIP to support the student's behavior. Emergency Response Protocols can also be considered by the IEP team for students with an IEP for the purpose of advanced educational planning to address patterns of challenging behaviors. ERPs require informed parental consent.
- d. If the building administrator or designee believes that proper procedures were not followed, they will notify the appropriate Human Resources manager; and
- e. Consider whether any follow up is appropriate for the student or any student who witnessed the incident

**I. Submission of Restraint Incident Data to the Office of Superintendent of Public Instruction (OSPI)**

Beginning with the 2019-2020 school year, all restraint and isolation incident data is submitted to OSPI through an automated process through the District's Student Information System. For each school, the summaries available on the OSPI website will include:

- 1. the number of individual incidents of restraint;
- 2. the number of students involved in the incidents;
- 3. the number of injuries to students and staff; and
- 4. the types of restraint used.

**J. Annual Report**

The Superintendent will report annually to the Board on the uses of restraint, including disaggregated data by race, disability category, and school. The report will also include the types and frequency of technical assistance and supports provided to schools to change practices to reduce the use of restraint in buildings.

**K. Complaint Process**

- 1. Parents or guardians of students eligible for special education or services under Section 504 should refer to the Notice of Procedural Safeguards for students with IEPs and Superintendent Procedure 2162SP regarding Education of Students with Disabilities under Section 504 to issue a complaint.

2. All other students or their parent or guardian who have concerns regarding a specific incident involving restraints may seek to resolve the concern by using the following process:
  - a. Contact the building administrator, who will communicate with the complainant to try to resolve the issue. If the complaint concerns the building administrator, contact the appropriate Director of Schools.
  - b. If the building administrator cannot resolve the issue, the appropriate Director of Schools should be contacted. The Director of Schools will communicate with the building administrator and complainant to try to resolve the issue.

**L. Staff Reporting of Inappropriate Uses of Restraints or Abuse of a Student**

1. Staff will report suspected incidents of inappropriate use of restraints or abuse of a student to the building administrator as soon as reasonably possible, but no later than the end of the next school day after an incident has occurred.
2. The building administrator will start the investigation of the incident by the end of the next school day after the notification was received.
3. If the building administrator is involved in the restraint incident, staff person will report the suspected incident to the appropriate Human Resources manager as soon as reasonably possible, but no later than the end of the next school day after an incident has occurred.
4. The Human Resource Department will start the investigation of the incident by the end of the next school day after the notification was received.
5. Employees are protected from retaliation for reporting, in good faith, violations or suspected violations of District policies or procedures or for engaging in protected activities. Please see School Board Policy No. 5245, Anti-Retaliation and Superintendent Procedure No. 5245SP, Anti-Retaliation for additional information.

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Cross Reference: Policy Nos. 2161; 2162; 3246; 3244