



# Restraint and seclusion in Ohio schools

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# Background

- Executive Order 2009-13S
- US Dept of Education “15 principles”
- SBOE Statewide Policy
- OAC 3301-35-15



# Purpose

- Create a statewide policy that applies to all school districts
- Applies to all children, not just children with disabilities
- Every effort should be made to prevent restraint/seclusion
  - Use of PBIS
  - Used only when there is an immediate risk to student or others



# Effective Date

- Effective beginning with the 2013/2014 school year.



# Policy Requirement

- Districts must develop policy to govern the use of restraint and seclusion
- Make available to parents annually
- Post the policy on district's website
- District's policy must conform to the standards in state policy and rule



# Use of PBIS

- What is PBIS?
  - Approach to establishing a school climate that is helpful for schools to achieve social and academic gains
  - Minimizes problem behavior for all children



# Components of PBIS

- Trained school staff
- Preventative assessments
  - Review of existing data
  - Interviews with family and students
  - Examination of previous behavioral intervention plans (if any)
- Preventative behavioral interventions
  - Modify environmental factors that escalate the inappropriate behavior
  - Support the attainment of appropriate behavior
  - Use verbal de-escalation techniques



# What is prohibited?

- Prone restraint
- Corporal punishment
- Child endangerment
- Deprivation of basic needs





# What is prohibited?

- Chemical restraint
  - Drug or medication
  - Used to control a student's behavior or restrict freedom of movement
- Not prohibited if:
  - Prescribed by a licensed physician for the treatment of a student's medical or psychiatric condition AND
  - Administered as prescribed



# What is prohibited?

- Mechanical restraint
  - Appliance or device
  - Used to restrict a student's freedom of movement, physical activity, or normal use of the student's body
- Not prohibited if:
  - Used by trained school personnel or student for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed
  - Ex) restraints for medical immobilization, adaptive devices or mechanical supports used to allow greater freedom of mobility, vehicle safety restraints used when transporting students



# What is prohibited?

- Aversive behavioral interventions
  - Intervention
  - Intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors
  - Ex) application of noxious, painful and/or intrusive stimuli (i.e. spray, inhalant, etc.)



# Physical Restraint

- May only be used if:
  - A student's behavior poses an immediate risk of physical harm to the student or others
  - No other safe or effective intervention is available
  - If it doesn't interfere with the student's ability to communicate in the student's primary language or mode of communication
  - By school personnel who are trained in safe restraint techniques



# Physical Restraint

- May not be used:
  - For punishment
  - For discipline
  - As a substitute for other less restrictive means of assisting a student in regaining control
  - In a manner that:
    - Involves the use of pinning down a student by placing knees to the torso, head or neck of the student
    - Uses pressure point, pain compliance or joint manipulation techniques
    - Involves techniques that are used to unnecessarily cause pain



# Physical Restraint

- If student repeatedly engages in dangerous behavior that leads to instances of restraint/seclusion, district should conduct a FBA.
- If necessary, FBA should be followed by a BIP that incorporates appropriate positive behavioral interventions



# RC 3319.41

- Teachers, principals, administrators, nonlicensed school employees and bus drivers may use and apply “such amount of force and restraint as is reasonable and necessary” to:
  - Quell a disturbance threatening physical injury to others
  - Obtain possession of weapons or other dangerous objects
  - For the purpose of self-defense
  - For the protection of persons or property



# Seclusion

- May only be used:
  - If student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available
  - As a last resort to provide an opportunity for the student to regain control
  - For the minimum amount of time necessary
  - Under constant supervision by staff who are trained to be able to detect indications of physical or mental distress that require removal and/or immediate medical assistance





# Seclusion Rooms

- Room must:
  - Be unlocked
  - Not prevent the student from exiting the area should staff become incapacitated or leave the area
  - Provide adequate space, lighting, ventilation and the ability to observe the student



# Seclusion

- May not be used:
  - For punishment
  - For discipline
  - For convenience of staff
  - As a substitute for other less restrictive means of assisting a student in regaining control



# Seclusion

- If student repeatedly engages in dangerous behavior that leads to instances of restraint/seclusion, district should conduct a FBA.
- If necessary, FBA should be followed by a BIP that incorporates appropriate positive behavioral interventions



# Reporting and Notification

- Each incident shall be reported to building supervision and the parent immediately
- Documented in a written report that is made available to the parent with 24 hours of the incident
- Report information concerning use of restraint and seclusion annually to ODE



# Reporting

- Documentation may include:
  - State and end times
  - Location
  - Persons involved
  - Time and date parents notified
  - Possible events that triggered the behavior that led to restraint/seclusion
  - Prevention, re-direction or pre-correction strategies that were used during the incident
  - Description of the restraint/seclusion strategies that were used during the incident
  - Description of any injuries or physical damage that occurred
  - How child was monitored during and after the incident
  - Debriefing that occurred with staff following the incident
  - Extent to which staff adhered to state/local guidelines and procedures
  - Follow-up that will occur



# Training

- District must have a training plan
- Maintain documentation of training efforts
- Training on policy and procedures for all “student personnel”
  - Annual basis
  - “Student personnel” – teachers, principals, counselors, social workers, school resource officers, teachers’ aides, psychologists or other school district staff who interact directly with students



# Training

- “Appropriate number” of personnel must be training in crisis management and de-escalation techniques
  - Make sure training is kept current
- Training on PBIS is encouraged
  - Training plan should be put in place
  - May be a multi-year process
- ODE Training Link:  
<http://links.ohioschoolboards.org/37995/>



# Complaint Process

- Procedure for parent to present written complaints to SU to initiate a complaint investigation
- Complaints regarding students with disability will be investigated by ODE's Office of Exceptional Children
- District must respond to parent within 30 days of receiving complaint





# Monitoring

- Establish a procedure to monitor implementation of policy
- Make records available to ODE upon request



# Monitoring

- Potential areas to monitor:
  - Available data on use of practices and their outcomes
  - Accuracy and consistency with which data is being collected and extent to which data is used to plan behavioral interventions and staff training
  - Whether procedures are being implemented with fidelity
  - Whether existing policies align with state law



# Questions?

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POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS  
(Restraint and Seclusion)

Positive Behavioral Interventions and Supports (PBIS)

The District implements PBIS on a system-wide basis. The Board directs the Superintendent/designee to develop a PBIS system that is consistent with the components set forth in the State Board of Education's (SBOE) policy on positive behavior interventions and supports. The District encourages family involvement as an integral part of its PBIS system.

Prohibited Practices

The District does not engage in practices prohibited by State law, including:

1. prone restraint;
2. any form of physical restraint that involves the intentional, knowing or reckless use of any technique that:
  - A. involves the use of pinning down a student by placing knees to the torso, head or neck of the student;
  - B. uses pressure point, pain compliance or joint manipulation techniques or
  - C. otherwise involves techniques that are used to unnecessarily cause pain.
3. corporal punishment;
4. child endangerment, as defined by Ohio Revised Code Section (RC) 2919.22;
5. deprivation of basic needs;
6. seclusion and restraint of preschool children in violation of Ohio Administrative Code Section (OAC) 3301-37-10;
7. chemical restraint;
8. mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);

9. aversive behavioral interventions or
10. seclusion in a locked room or area.

### Restraint

Physical restraint may not be used as a form of punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control. The use of prone restraint is prohibited. This policy does not prohibit the use of reasonable force and restraint as provided by RC 3319.41.

Restraint may be used only:

1. if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
2. if the physical restraint does not interfere with the student's ability to breathe;
3. if the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication and
4. by school personnel trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

### Seclusion

Seclusion may not be used as a form of punishment or discipline, for staff convenience or as a substitute for other less restrictive means of assisting a student in regaining control.

Seclusion may be used only:

1. if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
2. for the minimum amount of time necessary to protect the student and others from physical harm;
3. in a room or area that is not locked, does not preclude the student from exiting the area should the staff member become incapacitated or leave, and that provides adequate space, lighting, ventilation and the ability to observe the student and

4. under the constant supervision of trained staff able to detect indications of physical or mental distress that require removal and/or immediate medical assistance, and who document their observations of the student.

#### Repeated Dangerous Behaviors

The District conducts functional behavioral assessments for students who repeatedly engage in dangerous behavior that leads to instances of restraint and/or seclusion to identify students' needs and more effective ways of addressing those needs. Behavioral intervention plans that incorporate appropriate positive behavioral interventions are created when necessary.

#### Training and Professional Development

The District trains an appropriate number of personnel in each building in crisis management and de-escalation techniques. The District maintains written or electronic documentation of provided training and lists of participants in each training session.

All student personnel, as defined by OAC 3301-35-15, are trained annually on the SBOE's and the District's policies and procedures regarding restraint and seclusion.

The Board directs the Superintendent/designee to develop a plan for any necessary training of student personnel to implement PBIS on a system-wide basis.

#### Data and Reporting

Each incident of seclusion or restraint is immediately reported to the building administrator and the student's parent. Each incident of seclusion or restraint is documented in a written report, which is made available to the student's parent within 24 hours. The District maintains written reports of seclusion or restraint. These reports are educational records under the Family Education Rights and Privacy Act.

The District annually reports information concerning the use of restraint and seclusion to the Ohio Department of Education (ODE), as requested by ODE.

#### Monitoring and Complaint Processes

The Board directs the Superintendent/designee to establish a procedure to monitor the implementation of State law and the District's policy on restraint and seclusion.

The Board directs the Superintendent/designee to establish District complaint procedures, which include a:

1. procedure for parents to present complaints to the Superintendent to initiate a complaint investigation by the District regarding incidents of restraint or seclusion and
2. requirement that the District respond to parents in writing within 30 days of the filing of a complaint regarding restraint and seclusion.

Parents are notified annually of the District's seclusion and restraint policies and procedures, which are also posted on the District's website.

[Adoption date:]

LEGAL REF.: ORC 2919.22  
OAC 3301-35-15  
3301-37-10

CROSS REFS.: IGBA, Programs for Students with Disabilities  
JF, Student Rights and Responsibilities  
JGA, Corporal Punishment  
JH, Student Welfare  
JHF, Student Safety

*NOTE: Beginning with the 2013/2014 school year, districts are required to develop policies dealing with seclusion, restraint and PBIS. The requirement stems from OAC 3301-35-15, which was finalized through the Joint Committee on Agency Rule Review (JCARR) on April 8, 2013. Prior to rule finalization, the State Board of Education (SBOE) adopted an accompanying model policy in January 2013. The rule requires district policies and procedures to be consistent with the SBOE policy.*

*Policies and procedures dealing with seclusion and restraint are required to be posted on the district's website and parents must be notified annually of district policies and procedures dealing with seclusion and restraint.*

***THIS IS A REQUIRED POLICY***