

# **WEBSTER PARISH SCHOOL BOARD**

## **Seclusion/Restraint Procedures**

Under

Louisiana Revised Statutes 17:416.21

(Act 328 of 2011)

&

Louisiana Bulletin 1706, Revised 2012/2016

**Webster Parish School Board; P. O. Box 520; Minden, LA 71058**

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**Adapted from Hammonds and Sills Template, 2011**

## INTRODUCTION

This document provides procedures/guidance for the use, reporting, documentation, and oversight of seclusion and restraint in the Webster Parish School Board (WPSB) following issuance of regulations by the Board of Elementary and Secondary Education (BESE), Louisiana Department of Education (LDE).

These procedures specifically address the statutory requirements of La.R.S. 17:416.21 (Louisiana Act 328 of 2011) and revised Louisiana Bulletin 1706 regarding the use of seclusion and restraint as emergency safety measures to control the actions of students with exceptionalities in Louisiana's public schools. It is understood that this procedural/guidance document is a work in progress and in no way constitutes the totality of interventions and strategies that may be used by the **Webster Parish School Board** and its personnel in addressing the educational needs of students with exceptionalities.

For the purposes of this document, the WPSB may encompass policies adopted by the WPSB; administrative procedures implemented by school administrators and school employees (as defined herein) and guided forms developed to assist school employees in carrying out their responsibilities under La.R.S. 17:416.21 (Act 328 of 2011) and applicable sections of Louisiana Bulletin 1706.

## DEFINITIONS

**EMERGENCY** - A sudden, generally unexpected set of circumstances that requires immediate action.

**IMMINENT RISK OF HARM** - An immediate and impending threat of a person causing substantial physical injury to self or others. The risk is "imminent" if it is likely to occur within a matter of moments.

**MECHANICAL RESTRAINT** - The application of any device or object used to limit a person's movement. The term does NOT include the following:

- A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.
- Any device used by a duly licensed law enforcement officer in the execution of his official duties.

**PHYSICAL ESCORT** - Touching or holding a student with or without the use of force for the purpose of directing the student to a new location. Physical escort does not include the unforced holding of a student's hand or other physical prompts for the purpose of safely guiding the student from one task to another or directing the student in an educational activity.

**PHYSICAL RESTRAINT** - Bodily force used to limit a person's movement. The term does NOT include the following:

- Consensual, solicited, or unintentional contact.
- Holding of a student by a school employee, for the purpose of calming or comforting the student - provided the student's freedom of movement or normal access to his/her body is not restricted.

- Minimal physical contact for the purpose of assisting the student in completing a task of response.

**POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORT** - A systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

**SECLUSION** - A procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others.

**SECLUSION ROOM** - A room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

**SCHOOL EMPLOYEE** - A teacher, paraprofessional, administrator, support staff member, or a provider of related services.

**SUBSTANTIAL RISK OF INJURY** - Behavior expressed through verbal and/or physical means to cause serious physical harm to self or others, whether or not considered directly and substantially to be a manifestation of the student's disability.

**TIME OUT** - A behavior reduction procedure that involves the absence of positive reinforcement for a limited period of time. Time out may include: (1) *Inclusionary time-out* where the student remains in sight and sound of others in the classroom; (2) *Exclusionary time-out* where the student leaves the learning environment and goes to another location but is not isolated and prevented from leaving. These forms of time-out are NOT considered by the School Board to constitute seclusion but must be monitored and documented at the school level to ensure that repetitive incidents of time-out do not occur and, if occurring, do not result in substantial isolation of the student from instructional activities.

**WRITTEN GUIDELINES AND PROCEDURES** - The written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to school behavior that may require immediate intervention.

## **SUPERINTENDENT'S DIRECTIVES**

Notification of the policy will be provided to parents/legal guardians via the parent rights' booklet. Information will also be provided via the parish website.

Webster Parish will provide training to employees in nonviolent crisis prevention. The program will focus on the safe management of disruptive and assaultive behavior. If necessary in a situation, law enforcement will be called.

Training will be provided by a certified trainer and will be offered to all school administrators, crisis team members, crisis team members, related service providers, special education teachers, and paraprofessionals. Training will be offered annually. Documentation of training will be maintained in the Special Education Office and the Office of the Superintendent.

The guidelines and procedures will be posted on the Webster Parish School Board website and will be provided annually to school principals/site managers to disseminate to staff. Sign-in sheets will be turned in to the Special Education Office annually for documentation.

The guidelines and procedures will be disseminated to every parent as an addendum to the Louisiana Educational Rights of Children with Disabilities Special Education Processes and Procedural Safeguards

(commonly referred to as the Parent Rights Booklet) and on the Webster Parish School Board website. The Louisiana Department of Education will be notified by the School Principal via the computerized administrative program.

## **SECLUSION**

Seclusion is a procedure that isolates and confines a student in a separate room or area until he/she is no longer an immediate danger to self or others. Seclusion does not include time-out, "which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming". The term does not include in-school suspension or student requested breaks.

Seclusion is **permitted only**:

- For behaviors that involve an imminent risk of harm.
- As a LAST resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
- As long as necessary to minimize the imminent risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

Seclusion is **prohibited**:

- For addressing behaviors such as general noncompliance, self-stimulation, and academic refusal. (Such behaviors SHALL be responded to with less stringent and less restrictive techniques).
- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

## SECLUSION ROOM

Seclusion Room is permitted only under the following conditions:

- As a LAST resort if and when less restrictive measures such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.
- By a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he/she is in the seclusion room.
- If one student is placed in a seclusion room at any given time and the school employee supervising the student is able to see and hear the student the entire time the student is placed in the seclusion room.
- The room is free of any object that poses a danger to the student placed in the room.
- The room has an observation window and is of a size appropriate for a student's size, behavior, and chronological and developmental age.
- The room has a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

Seclusion Room is **prohibited**:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

## MECHANICAL RESTRAINT

No student shall be subjected to any form of mechanical restraint by school employees.

## PHYSICAL RESTRAINT

Physical Restraint is **permitted** only under the following conditions:

- If the student's behavior presents a threat of imminent risk of harm to self or others.
- As a last resort to protect the safety of self and others.

- To the degree necessary to stop dangerous behavior.
- In a manner that causes **NO PHYSICAL INJURY** to the student.
- Results in the least possible discomfort to the student.
- Does not interfere in any way with a student's breathing or ability to communicate with others.
- Does not involve the use of any form of mechanical restraint.
- The student is not physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.
- Applied only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

Physical Restraint is **prohibited**:

- As a form of discipline or punishment.
- As a threat to control, bully, or obtain behavioral compliance.
- For the convenience of school personnel.
- When unreasonable, unsafe, or unwarranted.
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled).

## **MONITORING & DOCUMENTATION**

Seclusion and Restraint **require** monitoring, documentation, and analysis of data collected:

- Continuous monitoring.
- **Documentation every 15 minutes (with adjustments made accordingly).**
- Student is released/removed as soon as the reasons for the action have subsided.
- **Parent or guardian notified as soon as possible.** The school shall document all efforts, including conversations, phone calls, electronic communications, and home visits, to notify the parent of a student who has been placed in seclusion or physically restrained.
- **Parent or guardian notified in writing within 24 hours of EACH incident of seclusion/restraint.**

Reason for seclusion/restraint -- Description of procedures used -- Length of time of seclusion/restraint--Names and titles of school employees involved

- Director/Supervisor of Special Education notified any time student is placed in seclusion/restraint. Incident Reporting Form and Incident Log are to be turned in to the Special Education Office.
- School employee who used seclusion/restraint shall complete Incident Reporting Form/Incident Log for each incident of restraint and seclusion.
- School employee shall submit Incident Reporting Form and Seclusion/Restraint Incident Log to the School Principal not later than the school day immediately following the day of the seclusion/restraint.
- School employee shall submit copy of Incident Reporting Form to student's parent or guardian.
- When a student is involved in 5 incidents of restraint/seclusion in a single school year\*, convene the IEP Team to review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.
- Review data/documentation at least once every 3 weeks for students secluded and restrained and whose challenging behavior continues or escalates.
- Five (5) incidents in a school year includes the cumulative number of incidents of restraint AND seclusion. (e.g., 2 restraints + 3 seclusions = 5 incidents).

## **SECLUSION AND RESTRAINT PROCEDURES**

### **I. Dissemination of Policy, Procedures, and LDE Guidance**

2012-13 school year and annually thereafter, each school Principal shall make available to school personnel and the parents/guardians/students of majority age, copies of La.R.S. 17:416.21 (Louisiana Act 328 of 2011), LDE Guidance (if approved by BESE by such date), and local policies and procedures regarding the use of reasonable restraint and seclusion of students with exceptionalities in the educational environment. It shall be considered permissible to publish such regulations, guidance, policies and procedures on the website of the Webster Parish School Board. Such restraint and seclusion notification shall also be referenced and/or included in the annual notice of student rights and responsibilities provided to the parents/guardians/students of majority age.

### **II. Use of Restraint and/or Seclusion By School Personnel**

**TIME OUT:** School personnel may separate a student from other students for a limited duration as a behavior management technique, as long as the student is monitored at all times and is not substantially isolated from instructional activities. TIME OUT is not considered seclusion; however, TIME OUT periods must be documented to ensure that repetitive incidents of TIME OUT do not occur and to ensure that repetitive behaviors are addressed appropriately.

Monitoring requires close, visual proximity to the student, release as soon as the behaviors cease that led to the isolation/seclusion, the space where the student is secluded has adequate lighting, ventilation, heating and cooling, the space is free of objects or items that may unreasonably expose the student to danger; the space is designated by the school as a safe environment for temporary, safety-required seclusion.

**SECLUSION:** School personnel may use seclusion (isolation and confinement of the student in a separate area) **ONLY** when the student poses an immediate risk of danger to self or others as more fully described below:

- The person is in control of a weapon;
- Isolation is needed to break up a fight or maintain order at the school;
- The person poses a viable threat of imminent harm to self or others or substantial destruction of school property;
- Isolation is required/specified by a student's IEP, Section 504 Plan, and/or Behavior Intervention Plan;
- Other such incidents involving imminent risk of significant injury to the student or others.

➤ **Seclusion SHALL BE:**

- The action of last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.
- Used only as long as necessary to minimize the risk of harm while summoning the assistance of crisis intervention personnel, emergency medical services personnel, and/or law enforcement officers when a crime has been committed.

➤ **Seclusion SHALL NOT be used:**

- As the sole means of behavioral intervention and support for any student with a disability
- As a form of discipline or punishment
- As a threat to control, bully, or obtain behavioral compliance
- For the convenience of school personnel
- When unreasonable, unsafe, or unwarranted
- If the student is known to have any medical or psychological condition that precludes such action (as certified by a licensed



health care providers in a written statement provided to the school in which the student is enrolled); or

- After the substantial risk of injury no longer exists.

➤ **Monitoring:**

A student placed in seclusion must be monitored/supervised at all times by an adult. Monitoring requires close, visual proximity to the student, release as soon as the behaviors cease that led to the isolation/seclusion, the space where the student is secluded has adequate lighting, ventilation, heating and cooling, the space is free of objects or items that may unreasonably expose the student to danger; the space is designated by the school as a safe environment for temporary, safety-required seclusion.

**Seclusion used for reasons other than imminent risk of harm and contrary to the procedures listed above shall be considered unreasonable and strictly prohibited. Seclusion SHALL NOT be used as a disciplinary consequence for minor infractions or to otherwise isolate the student from needed educational instruction.**

**SECLUSION  
ROOM:**

School personnel may confine a student with a disability to a seclusion room (a room or other confined area from which the student is involuntarily prevented from leaving) on an individual basis and for a limited time to allow the student the opportunity to regain control in a private setting.

When the use of a seclusion room is necessary, the student with a disability should be escorted to the seclusion area without the use of physical force. Physical prompts are permissible for the purpose of safely guiding the student from one area to another, but care should be taken to limit the use of physical contact with the student and to avoid the use of physical force. Verbal redirection and other means of positive support should be used before resorting to physical means.

➤ **ENVIRONMENTAL AND OTHER CONDITIONS:**

When a seclusion room is necessary as a last resort (after less restrictive measures have been used such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of the student's environment), the following environmental and other conditions are **REQUIRED**:

- The student must be supervised by a school employee;

- The supervising employee must be able to see and hear the student the entire time the student is confined to the seclusion room;
- The seclusion room must be free of any object that poses a potential danger to the student while in the room;
- The seclusion room must have an observation window of a size appropriate to the student's size, behavior, and chronological and developmental age;
- The seclusion room must have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school;
- The seclusion room must NOT be used as a form of discipline or punishment or to threaten or bully the student or to obtain behavioral compliance;
- The seclusion room must NOT be used for the convenience of school personnel or when unreasonable, unsafe, or unwarranted;
- The seclusion room IS NOT PERMITTED for use by a student who has a known medical or psychological condition that precludes its use (as certified by a licensed health care provider in a written statement provided to the school).

#### DOCUMENTATION:

- All incidents of seclusion and use of a seclusion room must be documented on the Seclusion Incident Report Form.
- A copy of the procedures governing the use of seclusion/seclusion rooms should be provided to the parent(s), student of majority age at each student's annual IEP review meeting. A statement can be added to the IEP document indicating that the parent was provided a copy of the school district's restraint/seclusion procedures.

#### INCIDENT REPORTING:

- Reporting the use of seclusion and/or restraint MUST be made to SPECIFIED individuals within the timelines indicated in these procedures and recorded on the Seclusion Incident Reporting Form.
- Seclusion/Seclusion Room Incident Reporting data must be analyzed at least annually. These procedures should be

reviewed and revised as necessary during the interim period to ensure appropriateness and effectiveness.

- It is recommended that data will be used to track the number of incidents of seclusion by student, staff, and type of incidents; description and number of injuries sustained by student and/or staff and the nature of any such injuries; and other factors such as precipitating events and other observable factors.

**WEBSTER PARISH SCHOOL BOARD  
SECLUSION REPORT FORM**

Student Name: \_\_\_\_\_ Date of Report: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Exceptionality: \_\_\_\_\_

Date of Seclusion: \_\_\_\_\_ Time of Seclusion: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Teacher/Staff Initiating Seclusion: \_\_\_\_\_

(Everyone involved with restraint: name, title, and what role they played)

Person(s) Supervising Student During Seclusion: \_\_\_\_\_

Describe Behavior Warranting Seclusion: \_\_\_\_\_

Class/Specific Activity At Time of Incident/Preceding Seclusion: \_\_\_\_\_

Possible Triggers: \_\_\_\_\_

It is MANDATORY that student be monitored constantly.

1	Agitated	4	Hostile	7	Self-Abusive
2	Calm	5	Physically Aggressive	8	Verbally Aggressive
3	Crying	6	Quiet	9	Other:
Document Behavior Every 5 Minutes Using Codes Above:					
5 Min.	10 Min.	15 Min.	20 Min.	25 Min.	30 Min.

Was parent notified?  Yes  No Date and Time of Notification: \_\_\_\_\_

Method of Notification: \_\_\_\_\_ Person Contacting Parent: \_\_\_\_\_

Has student been restrained/secluded 5 or more times this year?  Yes  No

\* If yes, it is MANDATORY that the IEP Team be reconvened promptly to review and revise, if necessary, the BIP and/or appropriate behavioral supports. Additionally, the special education director, or his/her designee, shall review the student's plan at least once every 3 weeks.

Other Comments or Observations: \_\_\_\_\_

Person Initiating Seclusion: \_\_\_\_\_ School Administrator: \_\_\_\_\_  
Signature(s) of all people involved in seclusion and job title(s) Signature

Additional Space for Signature(s) and Job Title(s)

***This form must be completed and sent to the following within 24 hours: Parent, Director of Special Education/Designee, and Principal within that time period. Please fax a copy to SER Data Clerk at 318-371-9098.***

**WEBSTER PARISH SCHOOL BOARD  
PHYSICAL RESTRAINT/HOLD REPORT FORM**

Student Name: \_\_\_\_\_ Date of Report: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Exceptionality: \_\_\_\_\_

Date of Restraint/Hold: \_\_\_\_\_ Time of Restraint/Hold: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Teacher/Staff Initiating Restraint/Hold: \_\_\_\_\_  
(Everyone involved with restraint: name, title, and what role they played)

Procedure used during the physical restraint/hold was: \_\_\_\_\_

Injuries:  Yes  No Details: \_\_\_\_\_

Describe Behavior of Student and Environmental Situation Precipitating Physical Restraint/Hold:

Location: \_\_\_\_\_ Students/Staff Present: \_\_\_\_\_

Class/Specific Activity At Time of Physical Restraint/Hold or Preceding Physical Restraint/Hold:

Other Possible Triggers: \_\_\_\_\_

Was parent notified?  Yes  No Time and Date of Notification: \_\_\_\_\_

Method of Notification: \_\_\_\_\_ Person Contacting Parent: \_\_\_\_\_

Has student been restrained/held and/or secluded 5 or more times this year?  Yes  No

\* If Yes, it is MANDATORY that the IEP Team be reconvened promptly to review and revise, if necessary, the BIP and/or appropriate behavioral supports. Additionally, the special education director, or his/her designee, shall review the student's plan at least once every 3 weeks.

Other Comments or Observations: \_\_\_\_\_

Person Initiating Restraint/Hold: _____ <small>Signature(s) of all people involved in seclusion and job title(s)</small>	School Administrator: _____ <small>Signature</small>
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Additional Space for Signature(s) and Job Title(s)

***This form must be completed within 24 hours. Copies must be sent to: Parent, Director of Special Education/Designee, and Principal within that time period. Please fax a copy to SER Data Clerk at 318-371-9098.***

## Louisiana's Seclusion/Restraint Law

### §416.21. Behavior of students with exceptionalities; use of seclusion and physical restraint

#### A. As used in this Section:

- (1) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others.
- (2) (a) "Mechanical restraint" means the application of any device or object used to limit a person's movement.  
(b) Mechanical restraint does not include:
  - (i) A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.
  - (ii) Any device used by a duly licensed law enforcement officer in the execution of his official duties.
- (3) (a) "Physical restraint" means bodily force used to limit a person's movement.  
(b) Physical restraint does not include:
  - (i) Consensual, solicited, or unintentional contact.
  - (ii) Holding of a student, by a school employee, for less than five minutes in any given hour or class period for the protection of the student or others.
  - (iii) Holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted.
  - (iv) Minimal physical contact for the purpose of safely escorting a student from one area to another.
  - (v) Minimal physical contact for the purpose of assisting the student in completing a task or response.
- (4) "Positive behavior interventions and support" means a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.
- (5) "School employee" means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.
- (6) "Seclusion" means a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others.
- (7) "Seclusion room" means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.
- (8) "Written guidelines and procedures" means the written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to student behavior that may require immediate intervention.

#### B. (1) Seclusion shall be used only:

- (a) For behaviors that involve an imminent risk of harm.
- (b) As a last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.

- (2) Seclusion shall not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors shall be responded to with less stringent and less restrictive techniques.

- (3) (a) A seclusion room shall be used only as a last resort if and when less restrictive measures, such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.
  - (b) A student shall be placed in a seclusion room only by a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he or she is in the seclusion room.
  - (c) Only one student may be placed in a seclusion room at any given time, and the school employee supervising the student must be able to see and hear the student the entire time the student is placed in the seclusion room.
  - (4) A seclusion room shall:
    - (a) Be free of any object that poses a danger to the student placed in the room.
    - (b) Have an observation window and be of a size that is appropriate for the student's size, behavior, and chronological and developmental age.
    - (c) Have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.
- C. (1) Physical restraint shall be used only:
- (a) When a student's behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others.
  - (b) To the degree necessary to stop dangerous behavior.
  - (c) In a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student's breathing or ability to communicate with others.
- (2) No student shall be subjected to any form of mechanical restraint.
  - (3) No student shall be physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.
  - (4) A student shall be physically restrained only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.
- D. Seclusion and physical restraint shall not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel.
- E. No student shall be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.
- F. A student shall not be placed in seclusion or physically restrained if he or she is known to have any medical or psychological condition that precludes such action, as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled.
- G. A student who has been placed in seclusion or has been physically restrained shall be monitored continuously. Such monitoring shall be documented at least every fifteen minutes and adjustments made accordingly, based upon observations of the student's behavior.
- H. A student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.

- I. (1) The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be notified in writing, within twenty-four hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved.  
(2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.
- J. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.
- K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Plan team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.
- L. The documentation compiled for a student who has been placed in seclusion or has been physically restrained and whose challenging behavior continues or escalates shall be reviewed at least once every three weeks.
- M. (1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:
  - (a) Reporting requirements and follow-up procedures.
  - (b) Notification requirements for school officials and a student's parent or other legal guardian.
  - (c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.(2) These guidelines and procedures shall be provided to all school employees and every parent of a child with an exceptionality.
- N. (1) The governing authority of each public elementary and secondary school shall report all instances where seclusion or physical restraint is used to address student behavior to the Department of Education.  
(2) The Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.

Acts 2011, No. 328, §1, eff. June 29, 2011.



AN ACT

To amend and reenact R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M) and (N), to enact R.S. 17:253, and to repeal R.S. 17:416.21(L), relative to student behavior and discipline; to provide with respect to school master plans for student behavior and discipline; to create and provide with respect to the Advisory Council on Student Behavior and Discipline and its membership, duties, and responsibilities; to provide with respect to the appropriate use of seclusion and physical restraint to address the behavior of students with exceptionalities; to provide for the collection and reporting of certain data regarding incidents of seclusion and physical restraint; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:252(A)(2)(h) and 416.21(A)(3)(b), (K), (M) and (N) are hereby amended and reenacted and R.S. 17:253 is hereby enacted to read as follows:

**§252. School master plans for supporting student behavior and discipline**

A.

\* \* \*

(2)

\* \* \*

(h) Improving methods and procedures for the handling of school suspensions, ~~and the referral of students to alternative schools, and the use of seclusion and physical restraint in addressing challenging student behavior.~~

\* \* \*

**§253. Advisory Council on Student Behavior and Discipline**

**A. There is hereby established the Advisory Council on Student Behavior and Discipline to provide advice and guidance to the State Board of Elementary**

1 and Secondary Education and the state Department of Education regarding  
2 best practices in providing support to public school governing authorities in the  
3 adoption and implementation of each school's master plan for student behavior  
4 and discipline as provided in R.S. 17:252.

5 B. The advisory council shall be composed of twenty-four members as  
6 follows:

7 (1) The state superintendent of education, or his designee.

8 (2) Three members shall be appointed by the Louisiana Association of  
9 Principals. The association shall appoint one principal or assistant principal  
10 from the elementary, middle school, and high school levels.

11 (3) One member shall be a local school superintendent, appointed by the  
12 Louisiana Association of School Superintendents.

13 (4) One member shall be a child welfare and attendance officer,  
14 appointed by the Louisiana Association of School Superintendents.

15 (5) One member shall be a safe and drug-free schools coordinator,  
16 appointed by the Louisiana Association of School Superintendents.

17 (6) One member shall be a director of special education, appointed by the  
18 Louisiana Association of Special Education Administrators.

19 (7) One member shall be a pupil appraisal coordinator, appointed by the  
20 Louisiana Association of School Superintendents.

21 (8) Three members shall be the parent of a child who presents  
22 challenging behavior, two of whom shall be the parent of a child with  
23 exceptionalities, other than gifted and talented, all of whom shall be appointed  
24 by the Louisiana Developmental Disabilities Council.

25 (9) One member appointed by the Louisiana Developmental Disabilities  
26 Council.

27 (10) One member appointed by the Louisiana Advocacy Center.

28 (11) One member appointed by the Louisiana School Boards Association.

29 (12) One member appointed by the Louisiana Council of Juvenile and  
30 Family Court Judges.



1 restraint

2 A. As used in this Section:

3 \* \* \*

4 (3)

5 \* \* \*

6 (b) Physical restraint does not include:

7 (i) Consensual, solicited, or unintentional contact.

8 (ii) ~~Holding of a student, by a school employee, for less than five minutes in~~  
 9 ~~any given hour or class period for the protection of the student or others~~ **Momentary**  
 10 **blocking of a student's action if the student's action is likely to result in harm**  
 11 **to the student or any other person.**

12 (iii) Holding of a student, by one school employee, for the purpose of  
 13 calming or comforting the student, provided the student's freedom of movement or  
 14 normal access to his or her body is not restricted.

15 (iv) Minimal physical contact for the purpose of safely escorting a student  
 16 from one area to another.

17 (v) Minimal physical contact for the purpose of assisting the student in  
 18 completing a task or response.

19 \* \* \*

20 K. If a student is involved in five incidents in a single school year involving  
 21 the use of physical restraint or seclusion, the student's Individualized Education Plan  
 22 team shall review and revise the student's behavior intervention plan to include any  
 23 appropriate and necessary behavioral supports. **Thereafter, if the student's**  
 24 **challenging behavior continues or escalates requiring repeated use of seclusion**  
 25 **or physical restraint practices, the special education director or his designee**  
 26 **shall review the student's plans at least once every three weeks.**

27 \* \* \*

28 M.(1) The governing authority of each public elementary and secondary  
 29 school shall adopt written guidelines and procedures regarding:

30 (a) Reporting requirements and follow-up procedures.

1 (b) Notification requirements for school officials and a student's parent or  
2 other legal guardian.

3 (c) An explanation of the methods of physical restraint and the school  
4 employee training requirements relative to the use of restraint.

5 (2)(a) These guidelines and procedures shall be provided to the state  
6 Department of Education, all school employees and every parent of a student with  
7 an exceptionality. The guidelines and procedures shall also be posted at each  
8 school and on each school system's website.

9 (b) The provisions of Subparagraph (a) of this Paragraph shall not be  
10 applicable to the parent of a student who has been deemed to be gifted or talented  
11 unless the student has been identified as also having a disability.

12 N.(1) The State Board of Elementary and Secondary Education shall  
13 adopt rules establishing guidelines and procedures for public school systems to  
14 follow regarding the reporting of incidents of seclusion and physical restraint,  
15 including specific data elements to be included in such reporting.

16 (2) The governing authority of each public elementary and secondary school,  
17 in accordance with state board policy, shall report all instances where seclusion  
18 or physical restraint is used to address student behavior to the state Department of  
19 Education.

20 ~~(2)(3)(a)~~ The state Department of Education shall maintain a database of all  
21 reported incidents of seclusion and physical restraint of students with  
22 exceptionalities and shall disaggregate the data for analysis by school; student age,  
23 race, ethnicity, and gender; student disability, where applicable; and any involved  
24 school employees.

25 (b)(i) Based upon the data collected, the state Department of Education  
26 shall annually compile a comprehensive report regarding the use of seclusion  
27 and physical restraint of students with exceptionalities, which shall at a  
28 minimum include the following:

29 (aa) The number of incidents of physical restraint disaggregated by  
30 school system; student age, race, ethnicity, gender, and student disability

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classification.

**(bb) The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.**

**(cc) A list of the school systems and charter schools that have complied with the reporting requirements pursuant to Paragraph (2) of this Subsection.**

**(ii) The state Department of Education shall post the annual report on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:253.**

Section 2. R.S. 17:416.21(L) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_