WEBSTER PARISH SCHOOL BOARD

Seclusion/Restraint Procedures

Under

Louisiana Revised Statutes 17:416.21

(Act 328 of 2011)

&

Louisiana Bulletin 1706, Revised 2012/2016

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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/specifed 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: ___________________ 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) One member appointed by the Louisiana Council of Juvenile and Family Court Judges.
(13) The secretary of the Department of Health and Hospitals, or his
designee.

(14) One member shall be a classroom teacher appointed by the
Louisiana Federation of Teachers.

(15) One member shall be a classroom teacher appointed by the
Louisiana Association of Educators.

(16) One member shall be a classroom teacher appointed by the
Associated Professional Educators of Louisiana.

(17) One member appointed by the Southern Poverty Law Center.

(18) One member appointed by the Louisiana Association of Public
Charter Schools.

(19) One member appointed by the Louisiana Center for Children's
Rights.

(20) One member appointed by the Louisiana Parent Teacher
Association.

C. The state superintendent of education shall convene the first meeting
of the advisory council not later than September 1, 2016, and the state
Department of Education shall provide staff support to the council.

D. The council shall serve in an advisory capacity and shall comply with
the Open Meetings Law.

E. The chair shall be elected by the members of the council.

F. The council shall meet at least three times annually. Meetings shall be
called by the chair, who shall set the agenda.

G. The advisory council shall annually submit a written report to the
Senate Committee on Education, the House Committee on Education, and the
State Board of Elementary and Secondary Education regarding its findings
and recommendations with respect to the implementation of school master
plans for improving student behavior and discipline as provided in R.S. 17:252.

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

A. As used in this Section:

   * * *

(3)

   * * *

(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 Momentary
blocking of a student's action if the student's action is likely to result in harm
to the student or any other person.

   (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.

   * * *

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. Thereafter, if the student's
challenging behavior continues or escalates requiring repeated use of seclusion
or physical restraint practices, the special education director or his designee
shall review the student's plans 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.

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Coding: Words which are struck-through are deletions from existing law; words in boldface type and underscored are additions.
(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)(a) These guidelines and procedures shall be provided to the state Department of Education, all school employees and every parent of a student with an exceptionality. The guidelines and procedures shall also be posted at each school and on each school system's website.

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

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

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

(3)(a) The state 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.

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

(a) The number of incidents of physical restraint disaggregated by 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.

(ll) 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: __________

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