

Seclusion/Restraint Procedures

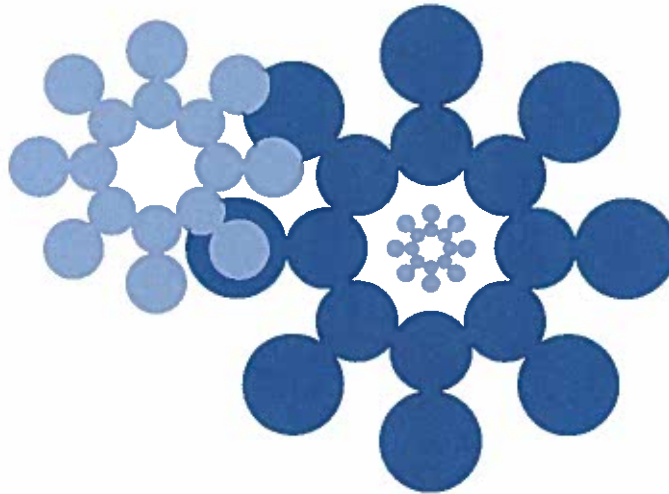
Under

Louisiana Revised Statutes 17:416.21

(Act 328 of 2011, Act 1 of 2013, Act 522 of 2016)

&

Louisiana Bulletin 1706, Revised 2016



Bienville Parish School Board

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INTRODUCTION

This document provides procedures/guidance for the use, reporting, documentation and oversight of seclusion and restraint for the Bienville Parish School Board (BPSB) 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, Act 1 of 2013, and Act 522 of 2016) and revised Louisiana Bulletin 1706 (2016) regarding the use of seclusion and restraint as emergency safety measures to control the actions of students with disabilities 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 BPSB and its personnel in addressing the educational needs of students with exceptionalities.

For the purposes of this document, the Bienville Parish School Board may encompass policies adopted by the BPSB; 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, Act 1 of 2013, and Act 522 of 2016) and applicable sections of Louisiana Bulletin 1706 (2016).

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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.
- Momentary blocking of a student’s action if said action is likely to result in harm to the student or any other person.
- 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 safely escorting a student from one area to another.
- 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. Such procedures include, but are not limited to, methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

SUPERINTENDENT'S DIRECTIVES

PURSUANT TO SCHOOL BOARD POLICY

The Bienville Parish School Board has approved the following guidelines and procedures relative to the use of seclusion and restraint by its employees:

Reporting requirements

❖ Notification requirements for school officials and parents/legal guardians

The following chain of command will be followed:

- 1) The teacher or other adult involved in the seclusion/restraint will within five minutes notify the Principal or his/her designee who will immediately proceed to the area of incident. The teacher or other adult involved in the seclusion/restraint shall verbally call for assistance in notifying the Principal or his/her designee within five minutes if he/she is unable to do so himself/herself.**
- 2) The Principal or his/her designee will notify the parent/guardian by telephone as soon as possible, but within the same school day as the incident, to begin the documentation process. If the parent/guardian cannot be reached, the Principal or his/her designee will notify the emergency contact whose name and number were provided for the child. The Principal or his/her designee will also at this time notify the school nurse, if on campus, or Certified First Responder, who will proceed to the area of incident.**
- 3) Once the incident report is completed/signed, the following will occur:**
 - i. The school will retain the original incident report.**
 - ii. The Principal or his/her designee will email or fax the incident report to the Director of Special Education within 24 hours of the incident.**
 - iii. The Principal or his/her designee will send a written copy of the incident report to the parent/guardian via certified mail through the USPS within 24 hours of the incident.**

❖ **Explanation of methods of physical restraint**

The Bienville Parish School Board will train staff in de-escalation techniques and non-violent protective holds as described in the Therapeutic Crisis Intervention Strength Based Training System.

❖ **Training requirements relative to the use of restraint**

- 1) Therapeutic Crisis Intervention Training will be scheduled and tracked annually by the Director of Special Education's office. The office of the Special Education Director will notify appropriate staff annually.**
- 2) Each school will designate a "Crisis Team" with a minimum of six members who will be trained in the approved restraint methods once a school year. The Crisis Team will consist of members from the following personnel: principals, assistant principals, guidance counselors, teachers, related service providers, nurses, behavior specialists, paraprofessionals, school bus drivers, and bus attendants.**
- 3) The Therapeutic Crisis Intervention System training will include:**
 - a. De-escalation techniques**
 - b. Seclusion/Restraint techniques**
 - c. Documentation of incident**

❖ **Dissemination of guidelines and procedures to all *school employees***

Information will be transmitted to all school employees via the following process:

- 1) Each principal and school will receive a copy of the guidelines and procedures.**
- 2) Each BPSB employee will receive a copy of the guidelines and procedures at a "back to school" meeting.**
- 3) A copy of the guidelines and procedures will be filed in the Special Education Policy and Procedure Manual for each school.**

❖ **Dissemination of guidelines and procedures to every parent of a child with a disability.**

- 1) **The Guidelines and Procedures for Seclusion/Restraint will initially be provided to the parents/guardians/students with exceptionalities by September 1, 2012.**
- 2) **Thereafter, the guidelines and procedures will be given to the parent/guardian/student of majority age at all annual review IEP meetings.**
- 3) **The guidelines and procedures will be given to the student's teachers, parent/guardian, bus driver, etc., at the time of implementation/in-service of a behavior intervention plan (BIP).**
- 4) **The Guidance and Procedures shall be provided to the LDOE by the Director of Special Education.**
- 5) **The Guidance and Procedures shall also be posted at each school and on the Bienville Parish School Board website.**

❖ **Notification to the Louisiana Department of Education**

Each incident of seclusion and restraint must be reported to the LDOE through the Special Education Reporting (SER) system. At a minimum, all instances must be reported on a monthly basis. The Special Education Teacher with IEP responsibility for the student will be responsible for entering the incident into SER and notifying the Director of Special Education.

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 a 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 AND DOCUMENTATION

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

- **Continuous monitoring.**
- **The teacher or other adult involved in the seclusion/restraint will monitor and document every 15 minutes on the Seclusion/Restraint Incident Reporting Form (SRIR) Form B, (see Appendix) .**
- **Student is released/removed as soon as the reasons for the action have subsided.**
- **Parent or guardian notified as soon as possible. The Principal or his/her designee 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.**
- **School employee who used seclusion/restraint shall complete Form A (see Appendix), the Seclusion/Restraint Incident Reporting Form (SRIR), for each incident of restraint and seclusion as soon as possible, within the same day the incident occurred.**
- **School employee shall submit SRIR Form A to the School Principal not later than the school day immediately following the day of the seclusion/restraint.**
- **School employee shall submit copy of SRIR Form A form to student's parent or guardian within 24 hours of the seclusion/restraint incident.**
- **The Special Education Teacher with IEP responsibility shall be responsible for entering the incident through the Special Education Reporting (SER) system.**

Follow-Up Procedures

- **When a student with a disability is involved in five (5) incidents of restraint/seclusion in a single school year*, the IEP Team will convene to consider developing a Functional Behavior Assessment (FBA) and review/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/her designee shall review the student's plans at least once every three weeks.**

***NOTE: 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

II. Dissemination of Policy, Procedures, and LDE Guidance

By September 1, 2012 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, Act 1 of 2013, and Act 522 of 2016), 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 disabilities in the educational environment. These regulations, guidance, policies and procedures shall be posted at each school and on the website of the Bienville 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.

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 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 and Restraint Incident Reporting Forms A and B and must be entered into the SER system by the Special Education Teacher with IEP responsibility for the student.**
- **A copy of the procedures governing the use of seclusion/seclusion rooms will be provided to the parent(s) student of majority age at each student's annual IEP review meeting. A statement will 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 and Restraint Incident Reporting Forms A and B by adults involved in the seclusion/restraint. The incident must also be entered into the SER system by the Special Education Teacher with IEP responsibility for the student.

Seclusion/Seclusion Room Incident Reporting data must be analyzed by the IEP team at least annually. These procedures should be reviewed and revised as necessary during the interim period to ensure appropriateness and effectiveness.

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.

APPENDIX

**SECLUSION/RESTRAINT
INCIDENT REPORTING FORM
FORM A**

Bienville Parish School Board
Date of Report: _____

Student Name: _____ **Grade:** _____ **School:** _____

Parent/Guardian's Name: _____ **Phone:** _____

Exceptionality: _____

Date of Incident: _____ **Time of Incident:** _____

Duration of Seclusion/Restraint (or Beginning + Ending Times):

Start Time: _____ **End Time:** _____ **Total Time:** _____

Teacher/Staff Initiating Seclusion/Restraint:

Teacher(s) Staff Monitoring/Supervising Seclusion/Restraint:

**De-escalation Procedures Used in Attempt to Resolve Situation
Prior to Implementing Seclusion/Restraint:**

**Describe Behavior of Student and Environmental Situation
Precipitating Seclusion:**

Location: _____

Students/Staff Present:

Class/Specific Activity at Time of Incident/Preceding Incident:

Other Possible Triggers:

Student Injuries: ___ Yes ___ No

Checked By: _____
Signature/Date/Time

Detailed Description:

Other Comments/Observations:

Principal/Designee: _____

Date Submitted to Parent/Guardian and SBO: _____

SECLUSION/RESTRAINT INCIDENT LOG

FORM B

Bienville Parish School Board

Date: _____

Student: _____ **Location:** _____

Person(s) Supervising Student During Seclusion/Restraint Incident:

Describe Dangerous Behavior Warranting Action of Last Resort:

OBSERVATION											
Code: ✓ = Student OK; still poses imminent danger C = Calming Begins R = Released from Seclusion/Restraint											
Check Student Every 15 Mins.	Start Time:										Total
	End Time:										
1	2	3	4	5	6	7	8	9	10	11	12

Signatures: _____

Louisiana's Seclusion/Restraint Law

SENATE BILL NO. 59

BY SENATORS DONAHUE, ALARIO, APPEL, BROOME, CHABERT, CHEEK, CROWE, DORSEY, GUILLORY, HEITMEIER, JACKSON, LAFLEUR, LONG, MARTINY, MURRAY, NEVERS, PETERSON, QUINN, RISER, WALSWORTH AND WILLARD-LEWIS AND REPRESENTATIVES AUBERT, BARRAS, BARROW, BURRELL, CARTER, FOIL, GUILLORY, HARDY, MICHAEL JACKSON, LAFONTA, LORUSSO, NORTON, PEARSON, SCHRODER, SIMON, ST. GERMAIN, TALBOT AND THIBAUT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 17:7(5)(b) and to enact R.S. 17:416.21 and 3996(B)(28), relative to student behavior; to provide with respect to the appropriate use of seclusion and physical restraint in response to the behavior of students with exceptionalities; to provide for definitions; to provide relative to rules, guidelines, and procedures; to provide for reporting and documentation; to provide for parental notification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(5)(b) is hereby amended and reenacted and R.S. 17:416.21 and 3996(B)(28) are hereby enacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

* * *

(5)

* * *

(b) Prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative

1 when addressing student behavior in order to improve school climate and
2 culture.

3 (5) "Seclusion" means a procedure that isolates and confines a student
4 in a separate room or area until he or she is no longer an immediate danger to
5 self or others.

6 (6) "Seclusion room" means a room or other confined area, used on an
7 individual basis, in which a student is removed from the regular classroom
8 setting for a limited time to allow the student the opportunity to regain control
9 in a private setting and from which the student is involuntarily prevented from
10 leaving.

11 (7) "School employee" means a teacher, paraprofessional,
12 administrator, support staff member, or a provider of related services.

13 (8) "Written guidelines and procedures" means the written guidelines
14 and procedures adopted by a school's governing authority regarding
15 appropriate responses to student behavior that may require immediate
16 intervention.

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

18 (a) For behaviors that involve an imminent risk of harm.

19 (b) As a last resort when de-escalation attempts have failed and the
20 student continues to pose an imminent threat to self or others.

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

24 (3)(a) A seclusion room shall be used only as a last resort if and when
25 less restrictive measures, such as positive behavioral supports, constructive and
26 non-physical de-escalation, and restructuring of a student's environment, have
27 failed to stop a student's actions that pose an imminent risk of harm.

28 (b) A student shall be placed in a seclusion room only by a school
29 employee who uses accepted methods of escorting a student to a seclusion room,
30 placing a student in a seclusion room, and supervising a student while he or she

1 is in the seclusion room.

2 (c) Only one student may be placed in a seclusion room at any given
3 time, and the school employee supervising the student must be able to see and
4 hear the student the entire time the student is placed in the seclusion room.

5 (4) A seclusion room shall:

6 (a) Be free of any object that poses a danger to the student placed in the
7 room.

8 (b) Have an observation window and be of a size that is appropriate for
9 the student's size, behavior, and chronological and developmental age.

10 (c) Have a ceiling height and heating, cooling, ventilation, and lighting
11 systems comparable to operating classrooms in the school.

12 C. (1) Physical restraint shall be used only:

13 (a) When a student's behavior presents a threat of imminent risk of
14 harm to self or others and only as a last resort to protect the safety of self and
15 others.

16 (b) To the degree necessary to stop dangerous behavior.

17 (c) In a manner that causes no physical injury to the student, results in
18 the least possible discomfort, and does not interfere in any way with a student's
19 breathing or ability to communicate with others.

20 (2) No student shall be subjected to any form of mechanical restraint.

21 (3) No student shall be physically restrained in a manner that places
22 excessive pressure on the student's chest or back or that causes asphyxia.

23 (4) A student shall be physically restrained only in a manner that is
24 directly proportionate to the circumstances and to the student's size, age, and
25 severity of behavior.

26 D. Seclusion and physical restraint shall not be used as a form of
27 discipline or punishment, as a threat to control, bully, or obtain behavioral
28 compliance, or for the convenience of school personnel.

29 E. No student shall be subjected to unreasonable, unsafe, or
30 unwarranted use of seclusion or physical restraint.

1 F. A student shall not be placed in seclusion or physically restrained if
2 he or she is known to have any medical or psychological condition that
3 precludes such action, as certified by a licensed health care provider in a written
4 statement provided to the school in which the student is enrolled.

5 G. A student who has been placed in seclusion or has been physically
6 restrained shall be monitored continuously. Such monitoring shall be
7 documented at least every fifteen minutes and adjustments made accordingly,
8 based upon observations of the student's behavior.

9 H. A student shall be removed from seclusion or released from physical
10 restraint as soon as the reasons for justifying such action have subsided.

11 I.(1) The parent or other legal guardian of a student who has been
12 placed in seclusion or physically restrained shall be notified as soon as possible.
13 The student's parent or other legal guardian shall also be notified in writing,
14 within twenty-four hours, of each incident of seclusion or physical restraint.
15 Such notice shall include the reason for such seclusion or physical restraint, the
16 procedures used, the length of time of the student's seclusion or physical
17 restraint, and the names and titles of any school employee involved.

18 (2) The director or supervisor of special education shall be notified any
19 time a student is placed in seclusion or is physically restrained.

20 J. A school employee who has placed a student in seclusion or who has
21 physically restrained a student shall document and report each incident in
22 accordance with the policies adopted by the school's governing authority. Such
23 report shall be submitted to the school principal not later than the school day
24 immediately following the day on which the student was placed in seclusion or
25 physically restrained and a copy shall be provided to the student's parent or
26 legal guardian.

27 K. If a student is involved in five incidents in a single school year
28 involving the use of physical restraint or seclusion, the student's Individualized
29 Education Plan team shall review and revise the student's behavior intervention
30 plan to include any appropriate and necessary behavioral supports.

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(28) Seclusion and physical restraint of students with exceptionalities,

R.S. 17:416.21.

* * *

Section 2. 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: _____

ACT No. 1

Regular Session, 2013

HOUSE BILL NO. 89

BY REPRESENTATIVE HOFFMANN

Filed pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 17:7(5)(b) and 416.21(M)(2), relative to student behavior; to provide relative to the use of seclusion and physical restraint in response to the behavior of students with exceptionalities; to except certain students with exceptionalities from the applicability of certain requirements with respect to the use of seclusion and restraint; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(5)(b) and 416.21(M)(2) are hereby amended and reenacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

* * *

(5)

* * *

(b)(i) Prepare and adopt rules and guidelines for the appropriate use of seclusion, physical restraint, and mechanical restraint of students with exceptionalities as defined in R.S. 17:1942, in accordance with the Administrative Procedure Act.

~~(ii) The rules and guidelines adopted pursuant to Item (i) of this Subparagraph shall not be applicable to a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.~~

* * *

1 §416.21. Behavior of students with exceptionalities; use of seclusion and physical
2 restraint

3 * * *

4 M.

5 * * *

6 (2)(a) These guidelines and procedures shall be provided to all school
7 employees and every parent of a child student with an exceptionality.

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

11 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 317

BY SENATOR DONAHUE

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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)

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(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.

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restraint

A. As used in this Section:

* * *

(3)

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(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.

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: _____

**Bienville Parish School Board
Seclusion/Restraint Policy**

EDUCATION OF STUDENTS WITH EXCEPTIONALITIES

The Bienville Parish School Board shall make available a free appropriate public education in the least restrictive educational environment to each student with an exceptionality, ages three through twenty-one, who is a resident of the geographical boundaries of the school district. Special education and related services may be provided by the School Board to eligible children with exceptionalities under three years of age. Generally, identified children shall be screened and evaluated to determine eligibility to receive special education and related services. If it is determined through the evaluation process that a child has a disability and, by reason thereof, needs special education and related services, then the child is classified in accordance with Louisiana's *Pupil Appraisal Handbook*, Bulletin 1508, and becomes eligible to receive special education services. All special education services shall be provided to eligible students with exceptionalities in accordance with the regulations outlined in *Regulations for the Implementation of the Exceptional Children's Act*, Bulletin 1706 and all other applicable federal and state regulations.

The School Board shall establish and maintain policies and procedures in accordance with federal and state laws and regulations to ensure that students with exceptionalities and their parents are provided the necessary procedural safeguards with respect to the provision of free appropriate public education by the School Board.

SECLUSION AND RESTRAINT

The School Board recognizes that, in order for students to receive a free appropriate public education, a safe learning environment needs to be provided. In doing so, the School Board also recognizes that there are circumstances in school under which reasonable and appropriate measures and techniques will need to be employed in dealing with students with exceptionalities who pose an imminent risk of harm to self or others.

The School Board fully supports the use of positive behavior interventions and support when addressing student behavior. The School Board reserves its right, however, to use physical restraint and/or seclusion consistent with state law to address the behavior of a student with an exceptionality when school

personnel reasonably believe the behavior poses an imminent risk of harm to the student or others. The School Board shall not preclude the use of physical restraint and/or seclusion performed consistent with the requirements of a student's *Individualized Education Program* (IEP) or behavior intervention/management plan.

The provisions regarding seclusion and restraint shall not be applicable to a student who has been deemed to be gifted or talented under Bulletin 1508, unless the student has been identified as also having a disability.

Definitions

Imminent risk of harm shall mean an immediate and impending threat of a person causing substantial physical injury to self or others.

Seclusion shall mean 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.

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.

Mechanical restraint means the application of any device or object used to limit a person's movement. Mechanical restraint does *not* include: (1) 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; and (2) Any device used by a duly licensed law enforcement officer in the execution of his/her official duties.

Physical restraint means bodily force used to limit a person's movement. Physical restraint does *not* include: (1) Consensual, solicited, or unintentional contact; (2) 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; (3) 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; (4) Minimal physical contact for the purpose of safely escorting a student from one area to

another; (5) Minimal physical contact for the purpose of assisting the student in completing a task or response.

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.

School Employee means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

Documentation and Notification

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 (24) 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.

The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident. 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.

This policy and the guidelines and procedures regarding seclusion and restraint maintained by the Superintendent and staff shall be provided to all school employees and every parent of a student with a disability under Bulletin 1508.

All instances where seclusion or physical restraint is used to address student behavior of students with disabilities under Bulletin 1508 shall be reported by the School Board to the Louisiana Department of Education (LDE).

Guidelines and Procedures

The School Board shall require the Superintendent and staff to maintain adequate written guidelines and procedures governing the use of seclusion and physical restraint of students in accordance with federal and state law, as well as regulations and guidelines promulgated by the Louisiana Board of Elementary and Secondary Education (BESE). The School Board shall approve written guidelines and procedures regarding appropriate responses to student behavior that may require immediate intervention using seclusion and/or restraint. The written guidelines and procedures shall be provided to all school employees and every parent of a student with an exceptionality and shall include reporting requirements and follow-up procedures, including notification requirements for school officials, notification to the student's parent or legal guardian, and reporting of seclusion and restraint incidents to the LDE.

Follow-Up

Following any situation resulting in the use of seclusion or restraint of a student, a *Functional Behavioral Assessment* (FBA) should be considered. If a student subject to the use of seclusion or physical restraint is involved in five (5) such incidents in the school year, the student's *Individualized Education Program* (IEP) team shall review and revise the student's Behavior Intervention Plan (BIP) to include any appropriate and necessary behavioral supports. 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 (3) weeks.

Employee Training Requirements

The Superintendent or his/her designee shall be responsible for conducting or obtaining appropriate training programs for school personnel designed to address the use of seclusion and restraint techniques with students with disabilities. In addition, positive behavioral intervention strategies, crisis intervention, and de-escalation, as well as other procedures, may also be included in any training.

Charter Schools

Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with State law, including its

approved charter and the school's officers and employees, shall be subject to the School Board's policy and written procedures and guidelines regarding the use of seclusion and restraint with students with exceptionalities.

Revised: December, 2008

Revised: December, 2011

Revised: February, 2012

Revised: August, 2013

Ref: [20 USCA 1400 et seq.](#) (*Individuals with Disabilities Education Act*)
[34 CFR 300](#) (*Assistance to States for the Education of Children with Disabilities*)

La.	Rev.	Stat.
Ann. §§	17:7, 17:416.21, 17:1941, 17:1942, 17:1943, 17:1944, 17:1945, 17:1946, 17:1947	

[Pupil Appraisal Handbook](#), Bulletin 1508

[Regulations for the Implementation of the Exceptional Children's Act](#),

Bulletin 1706, Louisiana Department of Education

Board minutes, 3-10-09, 2-2-12, 11-7-13

Bienville Parish School Board

