

## EDUCATION OF STUDENTS WITH EXCEPTIONALITIES

The Vermilion 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. 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.

The Vermilion Parish School Board shall establish and maintain regulations 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 Vermilion Parish School Board. 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.

### 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 and regulations to address the behavior of a student with 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

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

*Imminent risk of harm* shall mean 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.

- Violent action that is destructive of property may involve a substantial risk of injury to a person.

*Mechanical restraint* means the application of any device or object (i.e. tape, ropes, weights) used to limit an individual’s body movement to prevent or manage out-of-control behavior. Mechanical restraint does *not* include:

- 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/her 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* means bodily force used to limit a person’s movement. Physical restraint does not include the following:

- Consensual, solicited, or unintentional contact.
- 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.
- 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 or 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 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.

*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 with exceptionality is removed from the regular classroom setting for a limited time as a behavior intervention strategy to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

*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 or 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.

## **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 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:** (1) For behaviors that involve an imminent risk of harm, (2) as a LAST resort when de-escalation attempts have failed and the student continues to pose a imminent threat to self or others, or (3) 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 crime has been committed.

**Seclusion is prohibited:** (1) 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) (2) as a form of discipline or punishment, (3) as a threat to control, bully, or obtain behavioral compliance. (4) For the convenience of school personnel (5) when unreasonable, unsafe, or unwarranted. (6) 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.)

## PHYSICAL RESTRAINT

**Physical Restraint is permitted only under the following conditions:** (1) if the student's behavior presents a threat of imminent risk of harm to self or others, (2) after less restrictive intervention have been attempted and the student still presents imminent risk behavior. (3) as a last resort to protect the safety of self and others, (4) to the degree necessary to stop dangerous behavior, (5) in a manner that causes NO PHYSICAL INJURY to the breathing or ability to communicate with others, (6) results in the least possible discomfort to the student (7) does not interfere in any way with a student's breathing or ability to communicate with others, (8) **does not involve the use of any form of mechanical restraint**, (9) the student is not physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia, and (10) is 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:** (1) as a form of discipline or punishment, (2) as a threat to control, bully, or obtain behavioral compliance, (3) for the convenience of school personnel, (4) when unreasonable, unsafe, or unwarranted, and (5) 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.)

## NOTIFICATION

This policy and the guidelines and procedures maintained by the Superintendent and staff shall be provided to all school employees and every parent of a child with exceptionality.

- Parents or legal guardians and the Supervising Coordinator of Special Education or his/her designee will be notified when seclusion restraint is used.

- The school administration or his/her designee is required to report each incident immediately, but no later than the school day following the day on which the seclusion and/or restraint occurred.
- The school must document all efforts, including conversations, phone calls, electronic communications, and home visits which were made to notify the parent or legal guardian.
- A copy of the report must be sent to the parent/legal guardian and the Supervising Coordinator of Special Education or his/her designee within 24 hours of the seclusion and/or restraint procedure being used.
- This report must include the reason for using seclusion and/or restraint, the specific procedure used, the length of the time the student was secluded and/or restrained, and the name(s) and title(s) of the personnel involved.
- If a student is involved in five separate restraint or seclusion incidents (or combination of the two) during a school year, the student's IEP team shall review and revise the student's Behavior Intervention Plan (BIP) to include any appropriate and necessary behavioral supports and programming adjustments. The school based team will review data every three weeks thereafter until the behavior is no longer a danger.
- Incident reports will be uploaded into SER on a weekly basis.

### 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.

### 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.

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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, Louisiana Department of Education; *Regulations for the Implementation of the Exceptional Children's Act*, Bulletin 1706, Louisiana Department of Education.