

## Physical Restraint and Seclusion

### A. Policy Purpose

1. The Fort Payne City School System acknowledges that maintaining a school environment conducive to school learning requires that the environment be orderly and safe. Accordingly, physical restraint of a student may sometimes be necessary in order to protect the student or other individuals.
2. The purpose of this policy is to ensure that physical restraint is administered appropriately and only when needed to protect a student and/or member of the school community from imminent, serious physical harm, and to prevent or minimize any harm to a student as a result of the use of physical restraint.
3. The school system places an emphasis under this policy on the prevention and de-escalation of inappropriate behavior, which reduces the risk of injury to students and program staff, as well as facilitates the care, safety, and welfare of our students.

### B. Definitions

1. **Physical restraint** is direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to a student in order to promote safety or to prevent self-injurious behavior; providing physical guidance or prompting to a student when teaching a skill; redirecting attention; providing guidance to a location; providing comfort; or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.
2. **Chemical restraint** is any medication that is used to control violent physical behavior or to restrict the student's freedom of movement that is not a prescribed treatment for a medical or psychiatric condition of the student.

3. Mechanical restraint is the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.
  
4. Seclusion is a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself / herself or others. Seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student; time-out as defined herein; in-school suspension; detention; or a student-requested break in a different location in the room or in a separate room.
  
5. Time-out is a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used and is not seclusion when:
  - (a) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
  
  - (b) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.
  
  - (c) The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
  
  - (d) The time-out space is free of objects that unreasonably expose the student or others to harm.

### **C. Prohibitions**

1. The use of physical restraint is prohibited in the Fort Payne City School System and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions, including verbal directives or other de-escalation techniques. Physical restraint is prohibited when used as a form of discipline or punishment.
2. All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress during the restraint. Any method of physical restraint in which physical pressure is applied to the student's body that restricts the flow of air into the student's lungs is prohibited in the Fort Payne City School System and its educational programs.
3. The use of chemical restraint is prohibited in the Fort Payne City School System and its educational programs.
4. The use of mechanical restraint is prohibited in the Fort Payne City School System and its educational programs.
5. The use of seclusion is prohibited in the Fort Payne City School System and its educational programs.

### **D. Requirements**

1. Each local school's principal or his/her designee and each educational program that utilize physical restraint under this policy will provide staff with guidelines and procedural information regarding physical restraint and will arrange for the appropriate training of those designated staff members that may be called upon to physically restrain a student. This training of designated staff members shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. The training of designated staff members will be based on evidence-based techniques and strategies when possible. Each local school's principal or his/her designee or program coordinator shall be responsible for providing periodic reviews.

2. Each local school's principal or his/her designee and each educational program that utilize physical restraint will maintain written or electronic documentation on training provided at the local school regarding physical restraint and the list of participants in each training session. Records of such training will be made available to the Alabama Department of Education or any member of the public upon request.
3. Each local school's principal or his/her designee and each educational program that utilize physical restraint is responsible for generating and maintaining incident and debriefing reports of the use of restraint as well as reports of any prohibited use of seclusion and chemical, mechanical, or physical restraint at the local school and for gathering/reporting data to the school system's Board of Education and to the Alabama Department of Education annually. The use of physical restraint will be monitored by each local school's principal or his/her designee or program's coordinator on an on-going basis to ensure fidelity of implementation. Follow-up training will be provided following any situations in which procedures are not being followed.
4. Each local school's principal or his/her designee and each educational program that utilize physical restraint shall ensure that following an incident of restraint or seclusion of an student, all school personnel involved in the incident and appropriate administrative staff participate in a debriefing session for the purpose of planning to prevent or reduce the reoccurrence of the use of restraint. A student's parent or legal guardian will be provided notification of this debriefing session and afforded the opportunity to attend or to request that the debriefing session be rescheduled. The debriefing session shall occur no later than five school days following the imposition of physical restraint or seclusion, unless the debriefing session is delayed, at the request of a student's parent or legal guardian, so that the parent or legal guardian may attend.
5. Each local school's principal or his/her designee and each educational program that utilize physical restraint will provide written notification to a student's parent or legal guardian when physical restraint is used on a student within a reasonable time following the restraint not to exceed one school day from the use of restraint.
6. Each local school's principal or his/her designee and each educational program will provide written notification to a student's parent or legal guardian when their child is removed from his/her school or program setting by emergency, medical, or law enforcement personnel within a reasonable time following the removal not to exceed one school day from the removal.
7. Each student's parent or legal guardian will be provided information regarding the school or program's policies governing the use of physical restraint. This information will be provided to parents at the beginning of each school year or upon the student's enrollment

if the student enrolls after school has started. To effectuate this requirement, the Fort Payne City School System website and student handbook/code of conduct will contain the following statement:

As a part of the policies and procedures of the Fort Payne City School System, the use of physical restraint is prohibited in the system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Physical restraint is expressly prohibited when used as a form of discipline or punishment. The use of other physical restraint, chemical restraint, mechanical restraint, or seclusion is prohibited in the school system and its educational programs.

The use of restraint may occur along with other emergency actions such as the school seeking assistance from law enforcement and/or emergency medical personnel which could result in a removal of the student by such personnel.

Significant violations of the law including assaults on students and staff will be reported to the police. As soon as possible after the restraint or removal of a student (and no longer than one school day following the occurrence), the parent or legal guardian will be provided written notification.

#### **E. Clarifications**

1. Nothing in this policy shall be construed to interfere with the Fort Payne City School System or school personnel's authority to utilize time-out as defined herein or to utilize any other classroom management technique or approach, including a student's removal from the classroom that is not specifically addressed as part of this policy.
2. Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under the Code of Alabama, 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Alabama, 1975, §16-28-12.
3. Nothing in this policy shall be construed to prohibit the Fort Payne City School System's or school personnel's right to take reasonable action to diffuse or break up a student fight or altercation.

4. Nothing in this policy shall be construed to prohibit the Fort Payne City School System's or school personnel from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.
5. Nothing in this policy shall be construed to eliminate or restrict the ability of school personnel to use his or her discretion in the use of physical restraint as provided in this policy to protect students or others from imminent harm or bodily injury.
6. Nothing in this policy shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.
7. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel or to interfere with the rights of the Fort Payne City School System's or school personnel from seeking assistance from law enforcement and/or emergency medical personnel.

Adopted by FPCS 3-22-12

