

Restraint and Seclusion Policy

I. PURPOSE AND SCOPE

The Goodwill Excel Center (GEC) believes that social and emotional skills form a foundation for student’s success not just in school, but also as healthy and caring individuals, productive workers, and engaged citizens. GEC wants all students and staff to learn and work in a safe school environment. Seclusion and restraint are only permitted in emergency situations to protect a student or other person from imminent, serious physical harm and other less intrusive, nonphysical interventions, including de-escalation, have failed or been determined to be inappropriate. This restriction applies to all students, including students with and without disabilities.

This policy conveys limitations on and requirements for the use of restraint and seclusion in emergency situations, and it is binding on all GEC staff, contract employees, and volunteers. The purpose of this policy is to provide that all students and staff are safe in school, students who may have a behavior crisis are free from inappropriate use of physical restraint or seclusion, and the use of these techniques does not violate students’ rights, including students with disabilities.

This policy is intended to reflect the legal requirements for the use of restraint and seclusion and reaffirms GEC’s commitment to positive behavior and Interventions as a school-wide practice which supports the reduction of emergency situations the school.

This policy rescinds and supersedes all previous policy, memoranda, directives, and guidance promulgated by GEC on this subject matter.

II. AUTHORITY AND APPLICABLE LAW¹

Source	Citation
Federal Law	<ul style="list-style-type: none"> - Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 <i>et seq.</i> - Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 <i>et seq.</i>
Federal Regulations	<ul style="list-style-type: none"> - 34 C.F.R. § 104.4 - 28 C.F.R. § 35.130
District of Columbia Municipal Regulations	Office of the State Superintendent of Education (OSSE) <ul style="list-style-type: none"> - 5-A DCMR Chapter 30 – Student Education Goodwill Excel Center (GEC) <ul style="list-style-type: none"> - 5-B DCMR Chapter 25 – Student Discipline

¹ Nothing in this policy shall supersede federal, state, or local law or be interpreted to be in conflict with such law.

III. REQUIREMENTS

A. General

The use of restraint and seclusion is prohibited except in emergency situations in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm and other, less intrusive interventions have failed or been determined to be inappropriate. See Section IV.B below for an additional explanation of emergency situations. Restraint and seclusion will not be used as a means of coercion, discipline, convenience, or retaliation by staff.

In instances where restraint and/or seclusion is necessary, these techniques should generally only be used by staff who have been trained and certified in the appropriate use of specific, evidence-based techniques through GEC-approved crisis intervention trainings that also address safe de-escalation techniques. For additional information on restraint and seclusion trainings, see Section IV.E below.

As the use of restraint and seclusion are only permitted for emergency situations, the use of these procedures will not be included in a student's individualized education program (IEP), 504 plan, behavior intervention plan (BIP), or in any other educational planning document.

B. Emergency Situations and Risk of Imminent Harm

1. Emergency Situations

Restraint and seclusion are only permitted in emergency situations in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm, and should be stopped as soon as this risk of imminent harm has passed. Restraint and seclusion should not be used in non-emergency situations and should only be used as a last resort, after other methods of de-escalation have failed to resolve the emergency. They should generally only be used by staff members who have received specific GEC-approved crisis intervention training in the use of safe seclusion and restraint procedures as well as safe de-escalation techniques.

Restraint and seclusion cannot be used as punishments for failing to follow school rules or following staff directions. They also cannot be used to "treat" or "correct" a student's behavior, nor as methods of retaliation, coercion, or convenience.

2. Risk of Imminent, Serious Physical Harm

Property destruction, disruption of school order, or failure of a student to follow the directive of a school official alone shall not necessarily constitute imminent, serious physical harm. A verbal threat or verbally aggressive behavior also does not necessarily in itself constitute a risk of imminent, serious physical harm.

C. Restraint

1. Prohibited Restraints

The following methods of restraint can be unsafe and should not be used):

- Any restraint which restricts a child's breathing, including prone or supine restraints (must never be used);
- Any restraint on the floor;
- Any mechanical restraint (e.g., tape, ropes, weights, handcuffs); and
- Any chemical or medication to control behavior or restrict movement, unless prescribed and administered by a licensed physician as part of a standard treatment for a student's condition.

2. Physical Restraint

Physical restraints may generally only be used in emergency situations by staff who are trained and certified in the appropriate use of specific, evidence-based techniques. If trained staff are unavailable to intervene and untrained staff must participate in the use of restraint, those untrained staff should complete the restraint and seclusion training within the next ninety (90) calendar days.

The use of physical restraint in emergency situations must be limited to the use of the least amount of force necessary and to the shortest period of time necessary to protect the student and other people from imminent, serious physical harm.

In instances where physical restraint is used, the following requirements apply:

- No physical restraint may be applied in such a way that the student's breathing or speaking is restricted;
- The restraint must end as soon as the student and other people are no longer in imminent danger;
- Staff should provide the student with a developmentally appropriate explanation of the behavior that resulted in the restraint and instructions on the behavior required to be released from the restraint;
- If the student uses sign language or an augmentative mode of primary communication, the student should be permitted to have their hands free of restraint for brief periods, unless the staff member determines that such freedom appears likely to result in harm to self or others;
- During the restraint, a staff member must continuously monitor the physical status of the student, including skin color and respiration, to determine if medical attention is required; and
- Staff must observe the student during the entire duration of the use of the restraint in order to assess the need for continued restraint.

3. Medical/Psychological Conditions or History of Trauma

Physical restraint should be avoided if the student has a medical or psychological condition or a history of trauma that could make the use of restraint inadvisable or harmful. Because a medical or psychological condition or history of trauma may not always be documented, to the greatest degree possible, another adult who does not participate in the restraint should witness the administration of a restraint and assist in determining whether the restraint remains necessary and monitoring the student's condition.

D. Seclusion

Seclusion should only be used in emergency situations in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm by staff who are trained and certified in the appropriate use of specific, evidence-based techniques.

1. Requirements

In instances where seclusion is used, the following requirements apply:

- Staff should provide the student with a developmentally appropriate explanation of the behavior that resulted in the seclusion and instructions on the behavior required to be released from the seclusion;
- Staff must ordinarily be able to see a student placed in seclusion at all times and continuously monitor the student, including speaking with the student every ten (10) minutes at a minimum.
- After thirty (30) minutes, the principal, assistant principal, or a special education LEA representative designee should personally observe the student to assess the need for continued seclusion; and
- No instance of seclusion should continue for longer than one (1) hour.

2. Seclusion Spaces

The use of a locked door in the seclusion room is ordinarily prohibited. A space used for seclusion should, at a minimum, meet these standards:

- Be free of objects and fixtures with which a student could harm themselves;
- Provide school staff an adequate view of the student from an adjacent area for the full duration of the seclusion;
- Provide adequate lighting, ventilation, and temperature control;
- Be of reasonable size to permit the student to lie or sit down; and
- Meet current fire and safety codes.

E. Training

Restraint and seclusion techniques should only be applied by staff who have been trained and certified in the appropriate use of specific, evidence-based techniques for restraint and seclusion and safe de-escalation through GEC-approved crisis intervention trainings. The following groups shall receive this training and be certified:

- Directors
- Lead Coaches;

- Lead Teachers;
- Manager of Student Support Services

Other school staff may also elect to receive this training.

Staff will receive a certificate after the initial training to share with their supervisor. GEC will also maintain certificates of completion in a centralized database.

All required staff shall be recertified annually, and they will receive a reminder from Executive Director in advance of their re-certification deadline. Staff will have a 90-day grace period after their certification expires to recertify in the annual refresher training. After this grace period, staff will ordinarily have to restart the certification process with the more comprehensive initial training.

F. Reporting

After each incident of restraint or seclusion, the student's parent/guardian shall be notified, a written report shall be created and sent to the parent/guardian, and a post-incident meeting shall be held to determine whether the use of restraint or seclusion was conducted properly.

1. Parent Notification

After an incident of restraint or seclusion, a school official shall verbally notify the student's parent/guardian. This notification should ordinarily happen on the day of the incident and include how long the restraint or seclusion lasted, where it occurred, and the name and title of all adults who participated in or observed the restraint or seclusion.

2. Written Report on the Incident

A written report shall also be completed, and a copy of the report must be sent to the parent/guardian/adult student ordinarily no later than one (1) school day after the incident. The written report shall ordinarily include all of the following:

1. The student's name;
2. The date of the incident;
3. The beginning and ending times of the incident and the beginning and ending times of the restraint or seclusion;
4. The location of the incident;
5. The persons involved in the restraint or seclusion;
6. The date and time the parents/emergency conta were notified;
7. A description of relevant events leading up to the incident, including why the student's behavior caused a risk of imminent, serious physical harm;
8. A description of any prevention, redirection, or pre-correction strategies that were used leading up to and during the incident;
9. A description of the restraint or seclusion techniques that were used;
10. A log of events during the restraint or seclusion, including how the student was monitored;

11. A description of any injuries to the student or any other individuals and any physical damage that occurred during the incident;
12. A list and signatures of staff who participated in the implementation, monitoring, and supervision of the restraint or seclusion event;
13. How the student was monitored after the incident;
14. A description of the short-term planned approach to addressing the student's behavior in the future; and
15. The contact information the parent/guardian should use to request an initial evaluation for special education eligibility or an IEP team meeting, as applicable.

3. Post-Incident Meeting

a. All Students

After an incident of restraint or seclusion, all individuals involved in the incident shall meet with a member of school leadership, a special educator or a member the school crisis committee, and a member of the GEC's School Operations Team. GEC shall make reasonable efforts to ensure parent/guardian and/or adult student participation in the post-incident meeting, including making three (3) different attempts using at least two (2) different modalities (e.g., email, phone call, text message). Those communication attempts shall be documented in the Student information system (SIS) which is PowerSchool and, if the student has an IEP, in the Special Education Data System (SEDS/Special Programs). The parent/guardian and other required staff may participate over the phone or via video conference.

This meeting should ordinarily occur within ten (10) school days of the incident, but GEC is encouraged to hold this meeting within five (5) school days when possible. For a student with a disability, this meeting should include all relevant members of the student's IEP team. The meeting shall be documented with sign-in sheets and meeting notes, both of which shall be uploaded to the PowerSchool/Special Programs. If the student has an IEP, the sign-in sheets and meeting notes shall also be uploaded to SEDS/EasyIEP; if the student has a 504 plan, the sign-in sheets and meeting notes shall be uploaded to the Section 504 student database of record.

At this meeting, the attendees will review the written report on the incident and determine whether the use of restraint or seclusion was conducted properly in accordance with this Restraint and Seclusion Policy and if they recommend that the incident be investigated as a potential misuse.

The individuals at this meeting will also address and document in the meeting notes all of the following questions:

1. Are there school-wide strategies in place to address the dangerous behavior?
2. Are there student-specific strategies in place to address the dangerous behavior?
3. Are these strategies effective in increasing appropriate behaviors or decreasing inappropriate behaviors?
4. Are new strategies needed or do current strategies need to be revised to prevent recurrences of the dangerous behavior?

5. Should the student be referred to the Student Support Team (SST) for Multi-Tiered System of Supports (MTSS) interventions? Should the student be referred for a Section 504 or special education eligibility evaluation?²

School leadership and others at this meeting should implement changes based on the report to prevent the use of restraint or seclusion in the future. These could include implementing new school-wide intervention strategies or creating/modifying a BIP for the student involved in the incident. They should also periodically review these reports and other data on restraint and seclusion in their school to ensure that the school's plan is up to date and effective.

If additional incidents of restraint or seclusion occur within five (5) school days of the original incident, the director or their designee and parent/guardian/adult student may agree to consolidate meetings and discuss all incidents at a meeting to be scheduled no later than ten (10) school days after the original incident.

- b. Students with an IEP

If the student has an IEP, staff at the post-incident meeting shall consider all items discussed above as well as consider the need for a functional behavior assessment (FBA) and BIP and discuss non-physical and non-restrictive de-escalation strategies. If the child has a BIP in place, the IEP team shall review and revise as appropriate. If the child is unable or unwilling to attend the IEP team meeting, school staff shall meet with the child individually to discuss the incident as developmentally appropriate.

IV. POLICY IMPLEMENTATION REQUIREMENTS

GEC employees are required to comply with the requirements set forth in this policy. In order to support its implementation, all School operations staff, Directors, Lead Teachers, teachers and coaches involved the crisis team shall review and be familiar with this policy and should be trained in and certified in restraint and seclusion, de-escalation, and physical management. In order to monitor this training requirement, GEC will maintain a copy of their staff's training certificates and the School Operations Team will maintain a centralized database of staff certificates.

² A referral for evaluation under IDEA can occur at any point in the MTSS process. Participation in the MTSS process cannot be used to delay the initial evaluation of a student who may be a student with a disability in need of special education and related services.