

Merrillville Community Schools Model Plan

For the use of

Seclusion and Physical Restraint

July, 2014

It is the intent of the Merrillville Community Schools Board and Administration to provide a safe and healthy environment in which students can learn, develop, and participate in instructional programs that promote high levels of academic achievement.

The purpose of the Merrillville Community Schools Model Plan for Seclusion and Physical Restraint is to ensure that all students are safe in school. In that regard, our behavioral interventions are designed to ensure a student's right to be treated with dignity and respect, and to be free of abuse. The Merrillville Community Schools Model Plan for Seclusion and Physical Restraint has been developed to ensure compliance with IC 20-20-40-13 as well as the new Indiana proposed rules for Seclusion and Restraint.

The following definitions will assist understanding of and compliance with the Merrillville Community Schools Model for Seclusion and Physical Restraint:

Definitions:

Behavioral intervention plan: a plan that is agreed upon by the case conference committee and incorporated into a student's individualized education program that describes the following:

- (1) The pattern of behavior that impedes the student's learning or the learning of others.
- (2) The purpose or function of the behavior as identified in a functional behavioral assessment.
- (3) The positive interventions and supports, and other strategies, to:
 - (A) address the behavior; and
 - (B) maximize consistency of implementation across people and settings in which the student is involved.
- (4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.

Chemical restraint: the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition.

Mechanical restraint: the use of a mechanical device, material, or equipment attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body. The term does not include mechanical devices, a material or equipment used as prescribed by a doctor, or recommended by a health care provider (i.e. equipment supportive for physical therapy needs, occupational needs, etc...)

Physical restraint: physical contact between a school employee and a student:

- (1) in which the student unwillingly participates; and
- (2) that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.

The term does not include:

- (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
- (2) physical escort; or
- (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

Positive behavior intervention and support: a systematic approach that:

- (1) uses evidence based practices and data driven decision making to improve school climate and culture; and
- (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior to achieve improved academic and social outcomes and increase learning for all students.

Seclusion: the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

Time-out: a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

Use of Seclusion and/or Physical Restraint:

Seclusion and/or physical restraint shall only be used as a last resort in situations where our student's behavior poses imminent risk of injury to the student, other students, school employees or visitors to the school and other less restrictive interventions are ineffective. It will be used as a last resort safety procedure, employed only after another less restrictive procedure has been implemented without success.

Seclusion and/or physical restraint shall be implemented in a manner that is consistent with our student's most current Individualized Education Plan (IEP) and with our student's Behavioral Intervention Plan (BIP), if applicable.

Every effort will be made to prevent the need for the use of physical restraint or seclusion with our students. To this end, prevention, positive behavior intervention and support, and conflict de-escalation shall be used regularly to eliminate or minimize the need for the use of physical restraint or seclusion. Additionally, these pro-active strategies shall also be used prior to the use of physical restraint or seclusion.

Seclusion and/or physical restraint shall only be used for short periods of time and shall be discontinued as soon as the imminent risk of injury to self or others has dissipated.

Seclusion and/or physical restraint shall be utilized, as necessary, with all students, not only students with disabilities.

Seclusion and/or physical restraint shall never be used as punishment or discipline, as a means of coercion or retaliation, or as a convenience.

Seclusion and/or physical restraint shall never be used in a manner that restricts a student's breathing or harms the student.

Every instance of seclusion and/or physical restraint shall be carefully, continuously and visually monitored to ensure the appropriateness of its use as well as the safety of our student, other students, and staff.

Physical restraint shall only be employed by staff members who have received crisis intervention training by the school in the use of restraint procedures with the following exception:

- Other school personnel may employ restraint procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff shall request assistance from trained staff as soon as possible.

Merrillville Community Schools shall not use mechanical restraints to restrict a student's freedom of movement, and shall not use a drug, medication or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional). The Merrillville Community Schools shall never give a student any drug or medication that is not a standard treatment and dosage for the student's medical or psychiatric condition, as prescribed by a licensed physician or other qualified health professional.

Training:

The Merrillville Community Schools will provide staff with basic training regarding conflict de-escalation procedures and effective alternatives to seclusion and physical restraint. They will also be provided with training regarding the parameters for utilizing seclusion and/or physical restraint with a student. This training will occur annually and will be provided to new staff hired by the Merrillville Community Schools. The staff of the Merrillville Community Schools will follow the basic curriculum and training.

A core group of personnel in each building will also be trained in crisis intervention techniques which will include the use of seclusion and restraint procedures. The Merrillville Community Schools will also provide staff with procedures for contacting fully trained and certified staff when a behavioral crisis occurs.

The Merrillville Community Schools handbooks contain the following statement:

“As a part of the emergency procedures in place at the Merrillville Community Schools, no student will be restrained and/or placed in seclusion by school staff unless the student's behavior poses an imminent risk of injury to him/herself or others. However, significant violations of the law including assaults on students and staff may be reported to the police. As soon as possible after any such use of restraint and/or seclusion, the parents or guardian will be informed when any of these actions have occurred and will be provided with a detailed account of the incident including the circumstances that led to the use of restraint and or seclusion.”

Documentation, Reporting and Debriefing:

The following procedures will be followed regarding the documentation and reporting of incidences of the use of seclusion or restraint:

- Every incident of seclusion or restraint will be documented, in writing, using the Merrillville Community Schools 'Seclusion and Restraint Reporting Form'.

- After each incident of seclusion or restraint, the student shall be observed by the staff member completing the form to ascertain whether an apparent injury was sustained during the use of seclusion or restraint. Such observation will be documented on the Merrillville Community Schools 'Seclusion and Restraint Reporting Form'. The staff member will request the assistance of the school nurse or health aid in examining the student if they determine this is appropriate.
- The Merrillville Community Schools Seclusion and Restraint Reporting Form will be completed by a staff member directly involved in either the use of seclusion or restraint or visually monitoring the use of the seclusion or restraint. This staff member is responsible for submitting the completed form as soon as possible after the use of seclusion or restraint to the building administrator or their designee.
- Within 24 hours after the student is subject to seclusion or restraint, the building administrator or designee will send a copy of the completed Merrillville Community Schools Seclusion and Restraint Reporting Form to the student's parent or legal guardian. A phone call to the parent to update them regarding the incident is permissible as well.
- If the student has a NISEC IEP (including a speech IEP), the building administrator or their designee will fax the completed NISEC Seclusion and Restraint Reporting Form to their NISEC District Director. The NISEC District Director will be the record keeper of NISEC Seclusion and Restraint Reporting Forms for students with IEPs in the corporations belonging to NISEC. If the student is being serviced in the Merrillville Community Schools, the recording staff member as designated above will be the Record Keeper for students receiving services in the Merrillville Community Schools.
- It is expected that each staff member involved in an incident of seclusion or restraint will engage in a de-briefing or processing session. Documentation of this de-briefing or processing session will be recorded on the Merrillville Community Schools 'Seclusion and Restraint Reporting Form'.

Annual Review and Oversight:

- The Merrillville Community Schools 'Seclusion and Restraint Reporting Form' requires sufficient detail to provide for the collection of specific data that would enable teachers, staff, and other personnel to review seclusion and restraint policies in order to implement modifications to the school's plan.
- Data collected from the use of either seclusion or restraint, as reported on the Merrillville Community Schools Seclusion and Restraint Reporting Form, shall be reviewed at least annually in order to improve prevention, positive behavior intervention and supports, and conflict de-escalation techniques in order to avoid the use of seclusion or restraint. This annual review will be organized by the Superintendent or designee.
- The use of seclusion or restraint, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, shall trigger a review and, if appropriate, revision of strategies currently in place to address behavior that poses imminent risk of injury, including engaging in a functional behavior assessment and reviewing and/or modifying the student's IEP or BIP. If positive behavioral strategies are not in place, staff

shall consider developing them. Behavioral strategies to address dangerous behavior that results in the use of Seclusion or restraint shall address the underlying cause or purpose of the dangerous behavior. This review will be initiated by the District Directors for NISEC as record keeper for the NISEC Seclusion and Restraint Reporting Forms for students receiving special education services in the corporations belonging to NISEC. The review will be initiated by the Superintendent or designee for any students without IEP's.

- Parents or guardians shall be informed of and have access to the plan on seclusion and restraint at their child's school or other education setting, as well as applicable Federal, State, or local laws. The Seclusion and Restraint Model Plan for the Merrillville Community Schools will be posted on the Merrillville Community Schools website.

School Board Approved 06/17/14