Introduction to Minimizing the Use of Seclusion and Physical Restraint
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January 2009

• National Disability Rights Network (NDRN) issued a report titled: School is not Supposed to Hurt. This report describes the inappropriate application of restraint and seclusion in the 50 states.

• Chairman of the House Education and Labor Committee, George Miller (D-CA), asked the Government Accountability Office (GAO) to investigate and verify reports of abuse and determine the state of state laws.
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May 20, 2009

- Secretary of Education Duncan testified of his intent to ask the Chief State School Officers for their plans for the 2009-2010 school year.

May 22, 2009

- The White House held a stakeholder meeting to address the issue and allowed all sides to voice their concerns.
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July 31, 2009
• Secretary Duncan formally requested State Plans and endorsed the use of Positive Behavioral Interventions and Supports (PBIS).

September 4, 2009
• United States Department of Education (DOE) announced a plan for new data collection related to the use of seclusion and physical restraint.
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December 9, 2009

• Legislation was introduced by Chairman Miller and Representative Cathy McMorris-Rodgers titled: The Preventing Harmful Restraint and Seclusion Act.

March 4, 2010

• The House passed HR 4247, the Keeping All Students Safe Act.

April 2010

• Senator Dodd (D-Connecticut) is currently looking for a co-sponsor to Senate Bill s.2860.
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma
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• Seclusion shall not be used for the purposes of discipline or as a punishment, to force compliance, or as a convenience for staff.

• Seclusion should not be used to manage behavior.
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma

- Seclusion should only be used under the following emergency circumstances and if these elements exist:
  - A student’s actions pose an imminent risk of harm to him/herself or others;
  - Positive behavior intervention strategies and less restrictive measures appropriate to the behavior exhibited by the student and specified in the student’s IEP or BIP, are currently being implemented but are not currently de-escalating the risk of injury; and
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma

• School personnel may only utilize seclusion procedures if they have training in conflict de-escalation, the crisis cycle and interventions at each stage, possible effects of seclusion, appropriate use of seclusion rooms, including escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while in seclusion.
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma

• The training should be recurrent with annual updates and result in some form of certification or credential, and shall be consistent with nationally recognized training programs.

• The seclusion lasts only as long as necessary to resolve the risk of danger or harm or while waiting for the arrival of law enforcement or crisis intervention personnel such as when a student has possessed a weapon or committed a crime.
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma

• Any student who is placed in seclusion must be continuously monitored visually and aurally by a school employee.

• The student must be allowed:
  – To use the restroom upon request,
  – Water to drink if requested,
  – Immediate medical attention if any signs of medical distress are displayed.
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma

- Parents must be informed immediately following each seclusion incident, and provided a copy of all documentation.
- A building administrator must be informed immediately.
- At least one witness not involved in the seclusion should be available.
- Each incident of seclusion must be documented and a copy of the documentation provided to the parents and placed in the student file.
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma

• A documented de-briefing meeting should occur within two school days after each incident of seclusion. The de-briefing meeting should include all individuals involved in the seclusion incident, a building administrator, the parents or guardians of the student, the student (if the student is able to participate), and at least one staff member who was not involved in the seclusion procedure. The primary purpose of this meeting is to ensure that the use of seclusion is not used as an ongoing procedure for addressing a student’s behavioral crisis.
Proposed Guidelines for Minimizing the Use of Seclusion in Oklahoma

• The de-briefing should focus on alternatives to seclusion and how to avoid future use of seclusion, including discussion of antecedent events (what happened before the seclusion) that led to the use of seclusion.

• A report of the finding of the de-briefing should be provided to the parents and placed in the student file.
Relevant definitions:

- **Imminent risk of harm**: an immediate and impending threat of a person causing serious bodily injury to self or others.

- **Seclusion**: involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held by staff. Any time a student is involuntarily alone in a room and prevented from leaving should be considered seclusion regardless of the intended purpose or the name applied to this procedure or the name of the place where the student is secluded.
Relevant definitions (Continued):

• **Seclusion room**: a room or other confined area in which a student with a disability is placed in isolation from other persons from which the student is prevented from leaving. A seclusion room must meet the following criteria:
  – It must be of adequate size permitting the student to sit or lie down;
  – It must have adequate lighting;
  – It must be equipped with heating, cooling, ventilation, and lighting systems that are comparable to those in other rooms throughout the building where the seclusion room is located;
  – It must be free of any objects that pose a potential risk of harm to the student with a disability;
  – It must be equipped with a door that locks, only if the lock is equipped with a device that automatically disengages the lock in case of an emergency, such as a fire or severe weather; and
  – It must allow continuous visual and auditory monitoring of the student with a disability.
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

• Physical restraint shall not be used for the purposes of discipline or as a punishment, to force compliance, as a convenience for staff or to prevent property damage.

• The use of chemical and/or mechanical restraint is prohibited.

• Physical restraint to manage behavior must only be used under the following emergency circumstances and only if these elements exist:
  – The student’s actions pose an imminent risk of harm to him/herself or others;
  – Less restrictive measures appropriate to the behavior exhibited by the child have not effectively de-escalated the risk of injury; and
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

• The degree of limitation or restriction of another person’s freedom of movement that is applied may not exceed what is necessary to protect the student or other persons from imminent bodily injury.

• School personnel who use physical restraint must have training in:
  – conflict de-escalation,
  – the crisis cycle and interventions at each stage,
  – possible effects of physical restraint,
  – First Aid, and
  – Cardiopulmonary Resuscitation (CPR).
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

- The trainings shall result in some form of certification or credential, be recurrent with annual updates, and be consistent with nationally recognized training programs. The training must also include methods for monitoring a student’s well being during and following a restraint.
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

• Prone restraints (restraints that position a student face down on his or her stomach or face up on the back) or any maneuver that places pressure or weight on the chest, sternum, lungs, diaphragm, neck, throat, or back must not be used. No restraint that prevents a student from speaking or breathing is allowed.
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

• At least one witness who is not involved in the physical restraint should be present.
• Parents must be notified immediately following each incident of a physical restraint, and be provided a copy of all documentation.
• A building administrator should be informed immediately of any incident of a physical restraint and if unavailable, must be informed as soon as possible following each incident.
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

• Each incident of physical restraint must be documented on specified OSDE Form and include the following information:
  – Name of the student;
  – Name of the school personnel involved in the incident;
  – Date of the incident and the time the physical restraint started and ended;
  – Location of the restraint;
  – A description of the physical restraint;
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

- A description of the student’s activity and behavior immediately preceding the behavior that prompted the use of physical restraint;
- A description of school personnel efforts to de-escalate the situation and alternatives to physical restraint that were attempted; and
- Information documenting parent and administrator notification and contact.

- A copy of the documentation must be placed in the student file and provided to the parents.
Proposed Guidelines for Minimizing the Use of Physical Restraint in Oklahoma

• A documented de-briefing meeting shall occur within two school days following each physical restraint incident, and prior to any extended breaks from school. The de-briefing meeting should include all individuals involved in the incident, a building administrator, the parents or guardians of the child with a disability, the child (if the child is able to participate), and at least one staff member who was not involved in the physical restraint.

  – The de-briefing should focus on alternatives to physical restraint and how to avoid future use of physical restraint, including antecedent events that led to the use of the physical restraint.
Relevant Definitions:

• **Chemical Restraint** is defined as a drug or medication used to control behavior or restrict freedom of movement that is not prescribed by a licensed physician for standard treatment of the student’s medical condition and administered for that purpose as prescribed (Public Health Service Act).

• **Imminent risk of harm** is defined as the immediate and impending threat of a person causing serious bodily injury to self or others.
Relevant definitions (continued):

• **Mechanical Restraint** is defined as the use of devices as a means of restricting a student’s freedom of movement (Public Health Service Act).

• **Physical restraint** is defined as any method of one or more persons limiting or restricting another person’s freedom of movement, physical activity, or normal access to his/her body (International Society of Psychiatric and Mental Health Nurses, 1999). It is a means for managing that person’s movement, reconstituting behavioral management, and establishing and maintaining safety for the student, other students, and staff.
Where are we in the process?

• In January, public comment was received regarding the proposed draft documents for minimizing the use of seclusion and the use of physical restraint for students with disabilities in Oklahoma.

• Comments were reviewed and the documents were updated.

• The documents will be presented to the Oklahoma State Board of Education in May 2010 for approval.

• Upon approval from the State Board of Education, trainings will be offered by the Oklahoma State Department of Education, Special Education Services, to district representatives who will become certified by a nationally recognized program to train individuals at the district/site level.
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