

THE USE OF SECLUSION AND RESTRAINT:

A GUIDANCE DOCUMENT ON BEST PRACTICES



Arizona Department of Education

2015

Introduction

On April, 10, 2015, Governor Doug Ducey signed into law Senate Bill (SB) 1459. SB1459 amended Arizona Revised Statutes, Title 15, Chapter 1, Article 1, by adding section 15-105, relating to the restraint and seclusion of school pupils. This document provides an update on guidance incorporating what is stated in SB1459 and categorizes current best practices in the use of seclusion and restraint from the United States Department of Education, the Council for Exceptional Children, and the Arizona Task Force on Best Practices in Special Education and Behavior Management.

There will be updates, revisions, and additions to this document in the future as they are needed.

Please note: Also included are pertinent excerpts from Arizona Revised Statutes §15-341 and Arizona Revised Statutes §15-843.

This guidance does not impose any requirements beyond those required under applicable law and regulations. This information, including the references and resources, is provided for the reader's convenience. The Arizona Department of Education does not endorse any views expressed.

Definitions from SB1459

“Seclusion” means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan, or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

“Restraint” means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs, or head freely, including physical force or mechanical devices. Restraint does not include any of the following:

- (a) Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.
- (b) The temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.
- (c) The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.
- (d) Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

Best Practices in the Use of Seclusion and Restraint

Each of the documents listed and excerpts provided above has been categorized in order to make recommendations to districts and schools on the use of seclusion and restraint. The similarities in best practices and recommendations from each source have been sorted into seven categories. On the following pages, each of the categories includes the language used by the law, agency, task force, or statute. The seven categories are listed below:

1. **Seclusion and restraint should not be used for individual student discipline, but only as part of a school safety plan for when imminent danger is present.**
2. **Exhaust all other efforts before using seclusion or restraint.**
3. **Use data to assess the underlying causes of misbehavior and identify successful interventions.**
4. **Train staff in crisis de-escalation, intervention, and safe use of seclusion and restraint.**
5. **Document and report every instance of crisis intervention in a timely manner.**
6. **Create policies to use seclusion or restraint equitably without diminishing student rights or safety.**
7. **Train staff in proactive, preventative approaches and create positive behavioral supports.**

“Seclusion and restraint refer to safety procedures in which a student is isolated from others (seclusion) or physically held (restraint) in response to serious problem behavior that places the student or others at risk of injury or harm.”

Robert Horner and George Sugai
OSEP Technical Assistance Center on Positive Behavioral Interventions and Support

1. Seclusion and restraint should not be used for individual student discipline, but only as part of a school safety plan for when imminent danger is present.

Senate Bill (SB) 1459:

- “A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply: 1. The pupil’s behavior presents an imminent danger of bodily harm to the pupil or others. 2. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.”
- “Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.”

Arizona Revised Statutes (A.R.S.) §15-843:

- “In conjunction with local law enforcement agencies and local medical facilities, develop an emergency response plan for each school in the school district in accordance with minimum standards developed jointly by the department of education and the division of emergency management within the department of emergency and military affairs.”

Arizona Task Force on Best Practices in Special Education and Behavior Management:

- “Corporal punishment is prohibited. Mechanical restraint is prohibited.”
- “A physical restraint that places excess pressure on the chest or back or impedes the ability to breathe or communicate is prohibited.”

U.S. Department of Education (ED):

- “Schools should never use mechanical restraints to restrict a child’s freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).”
- “Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.”
- “Restraint or seclusion should never be used in a manner that restricts a child’s breathing or harms the child.”

Council for Exceptional Children (CEC):

- “Prone restraints (with the student face down on his/her stomach) or supine restraints (with the student face up on the back) or any maneuver that places pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat should never be used. No restraint should be administered in such a manner that prevents a student from breathing or speaking.”
- “Mechanical or chemical restraints should never be used in school settings when their purpose is simply to manage or address a child’s or youth’s behavior. Their use should be supervised by qualified and trained individuals in accord with professional standards.”
- “Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.”

2. Exhaust all other efforts before using seclusion or restraint.

SB1459:

- “A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply: 1. The pupil’s behavior presents an imminent danger of bodily harm to the pupil or others. 2. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.”

Arizona Task Force:

- “Strategies such as restraint and seclusion should be used only for crisis management, not as recurring behavioral interventions.”

ED:

- “Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.”
- “Physical restraint or seclusion should not be used except in situations where the child’s behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.”
- “Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.”

CEC:

- “Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.”
- “Physical restraint or seclusion procedures should be used in school settings only when the physical safety of the child or youth or others is in immediate danger.”

“The use of restraint and seclusion can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques.”

Arne Duncan, U.S. Secretary of Education

3. Use data to assess the underlying causes of misbehavior and identify successful interventions.

SB1459:

- “Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:
 1. School personnel shall provide the pupil’s parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.
 2. Within a reasonable time following the incident, school personnel shall provide the pupil’s parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.
 3. Schools shall review strategies used to address a pupil’s dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.”

Arizona Task Force:

- “Provide educational and behavioral assessments and interventions (such as functional behavioral assessments and behavior plans), as well as mental/emotional health supports (such as counseling and social skills training) to all children who need them.”
- “Report every instance where crisis management actions have been used (regardless of the location) to the parents [as defined in A.R.S. §15-761 (21)]; to the school and central office administration; and to the LEA’s governing board. Use the data to make appropriate modifications to policy, training, and practice.”
- “A debriefing with affected staff, parents, and, if appropriate, the student is conducted. During the debriefing, a determination is made regarding the need for a functional behavioral assessment (FBA).”

ED:

- “Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.”
- “The use of restraint or seclusion . . . should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior.”

CEC:

- “All children and youth whose pattern of behavior impedes their learning or the learning of others should receive appropriate educational assessment, including functional behavioral assessments. These should be followed by behavioral intervention plans that incorporate appropriate positive behavioral interventions, including instruction in appropriate behavior and strategies to de-escalate their own behavior.”
- “Any school that employs physical restraint or seclusion procedures should have . . . data to support the implementation of positive behavior supports and specific uses of restraint and seclusion in that environment.”

4. Train staff in crisis de-escalation, intervention, and safe use of seclusion and restraint.

SB1459:

- “The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.”

Arizona Task Force:

- “Train all school staff in de-escalation techniques.”
- “If school policies allow for the use of seclusion and/or restraint during crisis management, train relevant school staff in the safe use of the permitted strategies.”

ED:

- “Personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.”
- “Training for teachers, paraprofessionals, and other personnel who work directly with children should be ongoing and include refreshers on positive behavior management strategies, proper use of positive reinforcement, the continuum of alternative behavioral interventions, crisis prevention, de-escalation strategies, and the safe use of physical restraint and seclusion.”

CEC:

- “All staff in schools should have mandatory conflict de-escalation training, and conflict de-escalation techniques should be employed by all school staff to avoid and defuse crisis and conflict situations.”
- “Mechanical or chemical restraint . . . should be supervised by qualified and trained individuals in accord with professional standards.”
- “Any school that employs physical restraint or seclusion procedures should have . . . specific procedures and training related to the use of restraint and seclusion.”

5. Document and report every instance of crisis intervention in a timely manner.

SB1459:

- “Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:
 1. School personnel shall provide the pupil’s parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.
 2. Within a reasonable time following the incident, school personnel shall provide the pupil’s parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.
 3. Schools shall review strategies used to address a pupil’s dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.”
- “If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.”
- “This section does not prohibit schools from adopting policies pursuant to section 15-843, subsection B, paragraph 3.”

A.R.S. § 15-843:

- “Disciplinary policies shall include the following: a process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil’s enrollment packet or admission form . . . a process for prior written parental consent *before* confinement is allowed.”
- “The school principal or teacher shall make reasonable attempts to notify the pupil’s parent or guardian in writing by the end of the same day that confinement was used.”

Arizona Task Force:

- “Report every instance where crisis management actions have been used (regardless of the location) to the parents; . . . school and central office administration; and to the LEA’s governing board. Use the data to make appropriate modifications to policy, training, and practice.”
- “If seclusion is necessary, parents and administrators are notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length

of time the student was secluded, the location of the seclusion, and the person(s) who observed the student during the seclusion must follow. If the student has been in seclusion for longer than one hour, parent contact must be initiated immediately.”

- “Parents and administrators are notified as soon as possible within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was restrained, the location of the restraint and the person(s) who observed the student during the restraint must follow.”

ED:

- “Parents should be informed of the policies on restraint and seclusion at their child’s school or other educational setting, as well as applicable federal, state, or local laws.”
- “Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.”
- “Policies . . . should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.”

CEC:

- “Comprehensive debriefings occur after each use of restraint or seclusion and reports of the incident are created including parental notification.”
- “Require that data on restraint and seclusion are reported to an outside agency such as the state or provincial department of education.”

“Restraint and seclusion procedures should not be viewed as a discipline tactic, therapeutic treatment, or planned intervention. Children with complex needs rely on skilled, trained professionals who develop partnerships with families and use evidence-based strategies that are humane and treat children with dignity.”

CEC President Robin D. Brewer

6. Create policies to use seclusion or restraint equitably without diminishing student rights or safety.

SB1459:

- “If a restraint or seclusion technique is used on a pupil:
 1. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.
 2. The restraint or seclusion technique shall end when the pupil’s behavior no longer presents an imminent danger to the pupil or others.
 3. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.
 4. The restraint technique employed may not impede the pupil’s ability to breathe.
 5. The restraint technique may not be out of proportion to the pupil’s age or physical condition.”
- “Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.”
- “If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.”

A.R.S. § 15-843:

- “The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension, and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils.”

ED:

- “Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.”
- “Any behavioral intervention must be consistent with the child’s rights to be treated with dignity and to be free from abuse.”
- “Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.”

CEC:

- “Neither restraint nor seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.”
- “Any child or youth in seclusion must be continuously observed by an adult both visually and aurally for the entire period of the seclusion.”

7. Train staff in proactive, preventable approaches and create positive behavioral supports.

Arizona Task Force:

- “Create a positive school climate through direct teaching of clear expectations for student behavior, consistent and fair application of rules, identifying and managing areas for conflict, and training staff in methods of positive behavior supports for all students to result in a reduction of school incidents requiring more punitive reactions.”
- “Train all staff in positive behavior supports.”

ED:

- “Personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.”
- “If positive behavioral strategies are not in place, staff should consider developing them.”

CEC:

- “Behavioral interventions should emphasize prevention and positive behavioral supports.”
- “Positive and appropriate educational interventions, as well as mental health supports, should be provided routinely to all children and youth who need them.”
- “Any school that employs physical restraint or seclusion procedures should have a written positive behavior support plan specific to that program.”
- “Schools should have adequate staffing levels to effectively provide positive supports to children and youth and should be staffed with appropriately trained personnel.”

“The use of restraint or seclusion in schools should not occur, except when there is a threat of imminent danger of serious physical harm to the student or others, and occurs in a manner that protects the safety of all children and adults at school.”

U.S. Department of Education

Additional Definitions

Arizona's law SB1459 defines restraint in a number of ways and mentioned methods and devices. Many devices are also referred to as mechanical restraints or physical restraints. Since SB1459 does not define these, example definitions of these terms are below.

Physical restraints: "A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location."

<http://ocrdata.ed.gov/DataDefinitions> 2011–2012

Mechanical restraints: "The use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm."

<http://ocrdata.ed.gov/DataDefinitions> 2011–2012

References

SB1459: Relating to the restraint and seclusion of school pupils. Found at:

<https://legiscan.com/AZ/text/SB1459/2015>.

A.R.S. § 15-842: Pupil Disciplinary Proceedings. Found at:

<http://www.azleg.state.az.us/ars/15/00843.htm>.

Report from Arizona Task Force on Best Practices in Special Education and Behavior Management.

Found at: <http://www.azed.gov/wp-content/uploads/PDF/TaskForceReportonBestPracticesinSpecialEdandBehaviorManagement.pdf>.

U.S. Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012.

Found at: www.ed.gov/policy/restraintseclusion.

CEC's Policy on Physical Restraint and Seclusion Procedures in School Settings. Found at:

<https://www.cec.sped.org/~media/Files/Policy/CEC%20Professional%20Policies%20and%20Positions/restraint%20and%20seclusion.pdf>.

Resources

For more information on seclusion and restraint in Arizona, or for additional resources to help schools avert using such strategies, please see:

Arizona Developmental Disabilities Planning Council

<https://www.azdes.gov/ADDPC/About/PolicyBriefs/>

Positive Behavioral Interventions and Supports of Arizona

<http://pbisaz.org/>

Arizona Department of Education, Exceptional Student Services

<http://www.azed.gov/special-education/>

Arizona Department of Education, School Safety and Prevention

<http://www.azed.gov/prevention-programs/school-safety-program/>

Northern Arizona University, Graduate Certificate in Positive Behavior Support

<https://nau.edu/COE/Ed-Specialties/Degrees-Programs/Positive-Behavior-Support/>

Positive Behavioral Interventions and Supports—OSEP Technical Assistance Center

<http://www.pbis.org/>

Arizona Department of Education's Multi-Tiered System of Supports/RTI

<http://www.azed.gov/mtss/>

Council of Parent Advocates and Attorneys (COPAA), Declaration of Principles Opposing the Use of Restraints, Seclusion, and Other Aversive Interventions Upon Children with Disabilities. Found at:

http://c.ymcdn.com/sites/www.copaa.org/resource/resmgr/copaa_declaration_of_princip.pdf

PBIS National Technical Assistance Center

<https://www.pbis.org/seclusion-restraint>