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P&A FACT SHEET

SECLUSION & RESTRAINT IN PUBLIC SCHOOLS

The use of seclusion and restraint in public schools has raised concerns around the nation and within South Carolina. It is important for parents to know if their child's school is using seclusion or restraint to control their child's behavior. Students have suffered lasting psychological, emotional, and physical harm due to seclusion and/or restraint. For example:

- A 15-year-old boy from Michigan was physically restrained for 60-70 minutes. The boy was placed on his stomach with his hands held behind his back. His shoulders and legs were held down. The restraint continued even though the boy was non-responsive after 45 minutes. He later stopped breathing and died.¹
- A 13-year-old boy from Georgia died while placed in a seclusion room. He hung himself with a cord given to him by his teacher to hold his pants up. The boy had been in the seclusion room several times in the past and threatened suicide before this incident happened.²

In an effort to address the concerns of parents and educators, the South Carolina Department of Education developed guidelines for the use of seclusion and restraint in public schools. All school district superintendents in South

¹ The National Disability Rights Network, *School is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools*, 2009, pg. 16 at <http://www.napas.org/en/media/publications.html>

² Fantz, A. (2008, December 17). Children forced into cell-like school seclusion rooms. *CMW*: Retrieved from <http://www.cnn.com/2008/US/12/17/seclusion.rooms/>

Carolina received a copy of these guidelines, which can be found on the State Department of Education's website at: <http://ed.sc.gov/agency/programs-services/173/Publications.cfm>.

What Is Seclusion?

Seclusion is the involuntary confinement of a student alone in a room or area where the student is prevented from leaving (sometimes known as "time out" rooms). The following are not seclusion:

- Student chooses to go to a private area to calm down
- Student is sent to the principal's office
- Student is sent to detention or in-school-suspension
- Student is sent to another classroom, but still has contact with students and/or staff
- Student is in time out but remains in the classroom

Seclusion is the most restrictive form of time out and is strongly discouraged by the State Department of Education. Schools should use positive behavior techniques to manage student behavior and use seclusion only as a last resort. The state guidelines limit the use of seclusion in public schools as follows:

- Seclusion should be used only when the student poses a threat of imminent, serious, physical harm to self/or others, and the student has the ability to cause such harm.
- Seclusion should never be used as punishment.
- Seclusion should be used only to control behavior when other behavior techniques have not effectively reduced the risk of injury.
- Seclusion should not be used as a response to property destruction.
- Seclusion should never be used as a response to profanity or verbal threats, unless the student can carry out the threat.
- Use of a locked door on a seclusion room is not allowed.
- Seclusion should last only as long as necessary to resolve the actual risk of harm.
- The student must be observed by staff during all times.
- The student must be permitted to go to the bathroom and drink water if they ask.

What Is Restraint?

Physical restraint is defined as a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. It includes the holding of a student for any purpose other than providing safety, support or to help the student participate in education or daily living activities.

The State Department of Education strongly discourages the use of physical restraint except in emergency situations. Physical restraint should be used only in the following ways:

- Physical restraint should be used only when the student's actions pose a clear, present, and imminent physical danger to self and/or others and the student has the ability to cause such harm.
- Restraint should be used only after other behavior techniques have not reduced the risk of injury.
- Restraint should last only as long as necessary to protect the student or other persons from bodily injury.
- The degree of force applied should be no more than necessary to protect the student or other persons from bodily injury.
- Restraint that places pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat is not allowed (Examples: face down on the stomach and face up on the back).
- Restraint should never be used as a punishment, to force compliance, or as a substitute for appropriate educational support.
- Restraint should never be used as a response to property destruction.
- Restraint should never be used as a response to profanity or verbal threats, unless the student can carry out the threat or has an intent to carry out the threat.

School-wide Positive Behavioral Interventions and Supports

School districts can prevent the need for seclusion and restraint by using school-wide positive behavioral interventions and supports ("SWPBIS"). SWPBIS prevents inappropriate behavior by teaching and reinforcing desirable behavior. SWPBIS has been shown to lessen problem behavior for all students and can help prevent the need for more extreme interventions, including seclusion and restraint. Many schools have become "PBIS" schools and as a result, have seen discipline rates fall. Find out if your child's school has adopted the SWPBIS process. If they have not, request that they consider the practice. Schools can contact the State Department of Education for more information on SWPBIS.

Should Staff Be Trained in Seclusion and Restraint?

School staff that use seclusion or restraint on students must have training in behavior techniques (“de-escalation”) that help calm students down when they are in crisis. This training must happen each year. Staff that places students in restraints must have training in positive behavioral prevention techniques and approved physical restraint techniques from a professional training program. A list of staff that has completed the training must be kept on file with the school.

Must the School Keep Documentation?

Seclusion and restraint situations must be carefully documented. Documentation must include:

- What school staff tried before seclusion and restraint was used to control the situation;
- Where the behavior happened;
- How the student was a safety concern;
- What restraint technique was used;
- Who was involved;
- What training the school staff has completed;
- The student’s behavior before, during, and after the incident;
- Date and time the administrator was told;
- Date and time the student’s parent(s) were told, and by whom;
- Name and position of person who filled out the documentation; and
- Amount of time the student was in seclusion or restraint.

Staff De-briefing

The school should hold a meeting, called a staff de-briefing, whenever a student has been placed in seclusion or restraint. This meeting should happen no later than one school day after the incident. Certain school staff must be at the meeting (Examples: those involved with the seclusion and restraint and an administrator). The meeting should focus on what happened before the behavior, what behavior techniques were used, why the techniques did not work, and how they could prevent a similar situation in the future. A summary of the meeting must be kept in the administrator’s files. Parents must be allowed to review this report if they ask.

Advocacy Tips:

- Ask the teachers and school staff what happens if your child acts up or has difficulty with his or her behavior.
- Ask the school if they are following the State Department of Education's guidelines on the use of seclusion and restraint. Ask whether the school district has written policies of their own. If they do have their own policies, ask for a copy.
- If seclusion or restraint is being used on your child, ask for an individualized education program ("IEP") or Section 504 Plan meeting to address any concerns or find out additional information. If your child does not have an IEP or Section 504 Plan, you may still ask for a meeting with your child's teachers and administrators to address any concerns and find out additional information.
- Other questions parents could ask:
 - Is this a PBIS (Positive Behavior Interventions and Supports) school?
 - Is there a "time-out" room in the school? If so, is it locked or is my child not allowed to leave? Does anyone watch my child while he or she is in the room or space?
 - Is the staff holding my child?
 - Is the staff trained to use seclusion and restraint safely?
 - Has the school studied my child (e.g. functional behavior assessment) to try to find out why he or she is acting out? If so, does the school have a plan (e.g. behavior intervention plan³) to help my child behave better?
 - What behavior techniques did the staff try before placing my child into seclusion or restraint?
 - Can I get documentation of the incident?

If your child has an IEP or 504-plan, you may be asked to agree to the use of the seclusion room or restraints as part of this plan. Be very careful about agreeing to this. Children are sometimes seriously injured while in a seclusion room or while being restrained. If your child is injured you may want to file a lawsuit against the school. If you do, the school may use this agreement against

³ See P&A "How to Assess and Address a Student's Problem Behavior: Functional Behavior Assessments (FBAs) & Behavioral Intervention Plans (BIPs)" fact sheet at <http://pandasc.org/news.html>

you. As with anything else in an IEP or 504-plan, **if you do not agree with the information stated on the paper, then do not sign it.**⁴ If parents do not agree with an educational decision they have the right to request mediation, an impartial due process hearing, file a complaint with the South Carolina Department of Education, and/or file a complaint with the U. S. Department of Education's Office of Civil Rights.

If you have questions please contact P&A at 1-866-275-7273 (voice) or 1-866-232-4525 (TTY).

Sources for the Information in this Fact Sheet:

-South Carolina Department of Education, Guidelines on the Use of Seclusion and Restraint at <http://ed.sc.gov/agency/programs-services/173/Publications.cfm>.

-The Council for Children with Behavioral Disorders, *The Use of Seclusion in School Settings*. (2009), at <http://ccbd.net/content/ccbd%E2%80%99s-position-summary-use-seclusion-school-settings-0>

-The National Disability Rights Network, *School Is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools*. (2009) at <http://www.napas.org/en/media/publications.html>

- Fantz, A., *Children forced into cell-like school seclusion rooms*, December 17, 2008, at <http://www.cnn.com/2008/US/12/17/seclusion.rooms/index.html>

Cross References:

- P&A Fact Sheet, How to Assess and Address a Student's Problem Behavior: Functional Behavior Assessments (FBAs) & Behavior Intervention Plans (BIPs), at <http://pandasc.org/news.html>

- P&A Fact Sheet, Advocacy Tips for Meeting with School or District Officials, at <http://pandasc.org/news.html>

Further Information about Seclusion and Restraint:

- Family Resource Center for Disabilities and Special Needs *Project REST (Restraint: Efficacy, Safety, and Training)* at <http://www.frcdsn.org/rest.html>

- OSEP Technical Assistance Center on Positive Behavioral Interventions & Supports, Effective School-Wide Interventions, at <http://www.pbis.org/>

⁴ See P&A "Advocacy Tips for Meeting with School or District Officials" fact sheet at <http://pandasc.org/news.html>

- South Carolina Department of Education, Positive Behavior Interventions and Supports, at <http://ed.sc.gov/agency/programs-services/173/PositiveBehaviorInterventionsandSupports.cfm>
- The Council for Children with Behavioral Disorders, *The Use of Physical Restraint Procedures in School Settings*. (2009), at <http://ccbd.net/content/ccbd%E2%80%99s-position-summary-use-physical-restraint-procedures-school-settings-0>
- U.S. General Accounting Office report: *Seclusions and Restraints, Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers*, at <http://www.gao.gov/new.items/d09719t.pdf>

This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact P&A for updates.

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