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Details:

WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2009-10
(session year)

Senate
(Assembly, Senate or Joint)

Committee on ... Education (SC-Ed)

COMMITTEE NOTICES ...

➤ Committee Reports ... **CR**

➤ Executive Sessions ... **ES**

➤ Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

➤ Appointments ... **Appt** (w/Record of Comm. Proceedings)

➤ Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)

➤ Hearing Records ... bills and resolutions   (w/Record of Comm. Proceedings)
    (**ab** = Assembly Bill)   (**ar** = Assembly Resolution)   (**ajr** = Assembly Joint Resolution)
    (**sb** = Senate Bill)   (**sr** = Senate Resolution)   (**sjr** = Senate Joint Resolution)

➤ Miscellaneous ... **Misc**

WDPI Directives for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs

WISCONSIN
DEPARTMENT OF
PUBLIC
INSTRUCTION

August 2009

Thanks to the following individuals who assisted in developing these materials during Summer 2004:

Tom Blankenheim, Green Bay Area School District
Craig Fiedler, University of Wisconsin-Oshkosh
Jim Haessly, Madison Metropolitan School District
Terri Houlahan, Beloit School District
Peggy Jadack, Sparta Area School District
Carolyn Jahns, DePere School District
Connie Martin, Kimberly Area School District
Barb Natelle, Brown County Children with Disabilities Education Board (CDEB), DePere, WI

Additional input was provided by

Elizabeth Kane, School Facilities Consultant, WDPI
Tom Kasper, WI Department of Commerce
Reece Peterson, Ph.D., University of Nebraska at Lincoln
Michael Rozalski, Ph.D., State University of New York at Geneseo
Joseph Ryan, Ph.D., Clemson University (Clemson, SC)
Richard Van Acker, Ed.D., University of Illinois at Chicago
Mitchell Yell, Ph.D., University of South Carolina (Columbia, SC)

We also appreciate the input provided by members of the Quality Education Coalition (QEC), and acknowledging this input is not intended to convey QEC endorsement of the use of seclusion and physical restraint, or of these directives.

The Wisconsin Department of Health Services (DHS) and the Wisconsin Department of Children and Families (DCF) issued a joint memo on March 13, 2009 entitled Prohibited Practices in the Application of Emergency Safety Interventions with Children and Adolescents in Community Based Programs and Facilities. Prohibited practices include prone restraints as well as other techniques.

The Wisconsin Department of Public Instruction (DPI) supports the information contained in this memo, which is available at http://dhs.wisconsin.gov/rl_dsl/MentalHealth/bhcsmemo.pdf. Please review this memo if you have not already done so and be sure staff is familiar with its contents.

A task force was convened in Summer, 2004 to develop an initial draft of these directives. During Fall, 2004, the materials were reviewed by WDPI staff and additional input gathered. A working document was posted to the WDPI website in February, 2005. At that time, feedback was invited. Comments were reviewed and revisions made and a document posted in September, 2005. Department staff continually review the directives as issues are raised, and minor edits are made. This most recent document was updated in August 2009.

--Compiled by Lynn Boreson
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I. Introduction

Controversy surrounds the use of seclusion and physical restraint in school-based programs, and use of these interventions carries a high degree of risk for being misunderstood. **Both should be used only as a last resort in cases of danger to the student and/or others.** In some specific situations, on an individual basis as determined by the student's Individualized Education Program (IEP), the use of seclusion and/or physical restraint may be necessary and appropriate to maintain the student's safety or that of others. The immediate goals of seclusion and physical restraint are to defuse the dangerous situation, protect the student and others from injury, and regain a safe, controlled, productive learning environment.

Seclusion (also called "seclusion timeout" or " isolated timeout") as used in this document means:

Removing a student from the general activity and isolating him/her in a separate supervised area/room for a set period of time or until the student has regained control. It does not include such things as:

- *In-school suspension;*
- *Detention;*
- *Student requested break;*
- *The student is instructed to return to his/her desk and/or sit on the sidelines.*

Physical Restraint (also called "manual restraint") as used in this document means:

Holding a student in order to restrain his/her movement; use of physical force, without the use of any device or materials, to restrict the free movement of all or a portion of a student's body. It does not include:

- *Briefly holding a student in order to calm or comfort the student;*
- *Holding a student's hand or arm to escort the student safely from one area to another when the student is complying with the request to move;*
- *Intervening in a fight;*
- *Using protective or stabilizing devices, including adaptive equipment prescribed by a health care professional; using a weighted glove or wide arm cuff to hold one of the student's arms, allowing him/her to refrain from stereotopy and work with the free arm/hand.*

The use of mechanical or chemical restraint is not appropriate for use in schools without medical authorization and oversight.

PI-11, Wis. Adm. Code, implementing ch. 115, Wis. Stats., does not address any specific interventions, whether administrative, curricular or behavioral. This document reiterates and expands upon suggestions for the appropriate use of seclusion and physical restraint in special

education programs that were published by the Wisconsin Department of Public Instruction (WDPI) in 1994[1].

The terms seclusion (or seclusion timeout) and physical restraint are used here in the context of behavioral interventions for disciplinary reasons due to inappropriate, out-of-control behavior. The use of these techniques is never required and they are on a continuum of possible interventions to be used only when there is immediate danger to the student and/or others. The efficacy of the use of seclusion and physical restraint as behavior change techniques has not been documented, and research on the use of these techniques in schools is sketchy.[2] While the use of these techniques may not be empirically supported as positive behavioral interventions, their use may be necessary for safety reasons. In addition, the use of seclusion and restraint in school settings may enable the student to remain in a less restrictive environment (e.g., a public school program) instead of requiring an institutional or hospital setting.

There are two purposes for classroom management: to teach the student self control and self regulation, and to maintain an environment conducive to learning for all. The most desirable behavior management approaches are positive and proactive, while seclusion and restraint are reactive strategies and should be avoided if possible. The focus of behavioral interventions should be on antecedents: the "A" in the following paradigm below where A = Antecedent, B = Behavior, and C = Consequence.

$$A \Rightarrow B \Rightarrow C$$

The behavior intervention plan (BIP) should focus on positive interventions as determined by a functional behavioral assessment (FBA)[3], and should include teaching replacement or alternative behaviors for the inappropriate or unacceptable behavior. The goal should be to help students learn and practice better alternatives. In conducting an FBA, be sure to consider environmental issues, since setting, task, and/or the adults and other students present in the environment may contribute to escalated situations.

School staff should strive to be proactive problem-solvers when addressing inappropriate and unacceptable behaviors. If, after a reasonable trial period, an intervention is unsuccessful and behavior is not changing, try another approach, and then another. Ask whether the environment should be modified – the physical setting, curriculum, presentation style, the interaction of others, and so on. It is important to teach behavior just as we teach academics and a good behavior intervention plan will reflect this. There should be opportunities for the student to practice new behavior skills, and to get constructive feedback. As students are learning new, more acceptable behaviors, they may need cues or reminders.

When considering the use of seclusion or restraint, it is important to maintain respect for the child and protect his/her dignity and safety. Be sure that the intervention is appropriate to the student's age and developmental level, and takes into account any medical or other issues the student may have. Keep in mind that inappropriate verbal behavior from a student should result in a verbal (rather than a physical) intervention. Threats or profanity are not physical danger, and cannot be considered as such unless the student also demonstrates a means of carrying out

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[1] Boreson, 1994.
[2] Peterson and Ryan, 2004
[3] Further information on FBAs and BIPs is available at dpi.wi.gov/sped/sbfba.html

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the threat. Seclusion and restraint should only be used when there is immediate physical danger to the student or others, and for the shortest time possible.

Be reflective and consider what you may bring to the interaction. How do you react during a crisis? What does your body language or voice convey? Do you think the students perceive you as calming and in control? What is your relationship with the student and how will this affect the intervention?

In summary, school personnel should only use seclusion or physical restraint[4]

- When less restrictive or alternative approaches have been considered and attempted, or considered and deemed inappropriate for the current situation;
- In a humane, safe, and effective manner;
- Without intent to harm or create undue discomfort (physical or emotional);
- Consistent with known medical or psychological limitations and the student's IEP and behavior intervention plan (BIP).

Remember: Seclusion and physical restraint should only be used as a last resort when the student's behavior is an immediate danger to the student and/or others, and when other interventions have been unsuccessful. A number of resources related to behavior are posted on the WDPI website. These have been developed through a statewide behavior grant funded by WDPI, and can be accessed at dpi.wi.gov/sped/ed.html. Topics include using literature to address social skills, mental health fact sheets, functional behavioral assessment (FBA) and behavior intervention plans (BIPs), suggestions for linking interventions to functions of behavior, and more.

Directives for the Use of Seclusion

1. Removing a student from the classroom activity to a seclusion room or area is a significant intervention. Moving or transporting an out-of-control student from one location to another is considered physical restraint. Please refer to #6 on page 9 of this document for further discussion on this topic. It is important to have other options for addressing inappropriate behavior, and these should be considered before seclusion is used. It is important, as with any behavioral intervention, to use the **least restrictive intervention appropriate** for the situation at hand. The focus for these directives is seclusion timeout as illustrated below:

Isolation	Segregation	Seclusion
(e.g., head down or returning to seat)	*(e.g., moved to a corner or a study carrel)*	*(e.g., a separate room)*
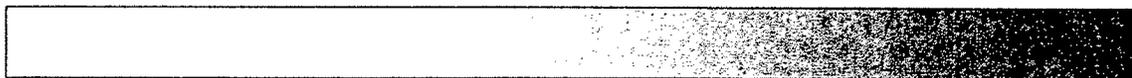
2. In order for timeout, including seclusion, to be meaningful, the **"time in" needs to be reinforcing** to the student. If the student does not want to be part of the activity, then

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[4] Adapted from Code of Maryland Regulations (COMAR) 13A.08.04.03 B 1-4.

he/she may act out in order to use seclusion to escape or avoid having to participate. The use of seclusion should trigger a functional behavioral assessment (FBA) and development of a behavior intervention plan (BIP) if those are not already in place.

3. **Include the use of seclusion in the student's IEP/BIP** if it is anticipated that such use will be necessary to address the student's behavior. Addressing the issue in the IEP provides an opportunity to discuss the BIP with the parent and staff, as well as to answer any questions, define when and how seclusion will be used, show the parents the space that will be used, etc. Concerns should be discussed at the IEP meeting, and parent concerns should be documented on the IEP. Every attempt should be made to avoid the use of seclusion, but safety concerns are paramount. If there was no prior indication that seclusion might be an appropriate intervention for a particular student, an IEP meeting should be held as soon as possible after the first use of seclusion so the IEP team can discuss the incident and address any necessary revisions of the IEP. Repeated use of seclusion should result in review (and revisions, if appropriate) of the FBA, BIP, and IEP.

4. It is important to **teach a student what to expect when seclusion is going to be used**: What behavior(s) will result in the use of seclusion? What will happen before, during, and after the period of seclusion? What will be expected of the student? When and how will the period of seclusion end? Use verbal explanations to the student when seclusion is initiated. Explain to the student – in a very business-like, matter of fact tone - what behavior precipitated the seclusion.

5. Set **criteria for ending the seclusion period.** Consider the following options[5]:

   - Fixed time: generally 15 minutes or 1 minute per year of age of the child (whichever is less) is a useful standard;
   - A minimal duration plus additional time until the appropriate behavior occurs (be sure the student knows what the appropriate behavior is);
   - A minimal duration plus another fixed interval (usually to ensure that the student has regained behavioral self-control); or,
   - Demonstration of appropriate/acceptable behavior, again being clear to the student what the expected behavior is.

   Note: For periods of seclusion lasting more than 15 minutes, students must have adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

6. Maintain **constant adult supervision** (e.g., visual contact) with the student while he/she is in the seclusion area. If seclusion is being used, the student is out of control and needs this restrictive intervention; therefore, it is important to continuously monitor the student. This can be done by being in the room with the student, or observing through a window into the room. Make certain the entire seclusion area can be adequately viewed if staff will remain outside the room. If the student cannot be seen at all times and in all parts of the space, add another window or enlarge the existing one.

7. The **"name" of the room** or area (e.g., "Quiet Room" or "Cool Down Room") is less important than how the space is used. The space may have more than one use (e.g.,

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[5] Adapted from Johns, et al

teacher directed seclusion, student requested break, quiet area where the teacher and student can talk).

8. **Develop written procedures** so that the use of seclusion is consistent and planned in advance. Consider such things as what behaviors would trigger the use of seclusion, which staff can make the determination that a particular student should be secluded, how parents will be notified, what data is to be kept and where, and how the building principal and/or other administrators will be notified.

9. **Keep a log or incident report** to record each use of seclusion. This should be done as soon as possible after the seclusion period is over. Several sample log pages are included in the Appendix III or the district may develop their own. The district may wish to consider a uniform reporting system across all buildings and levels so that district wide data can be kept and analyzed.

10. **Use the data** from the log or incident report to regularly evaluate the use of seclusion (e.g., Is it being appropriately used? Is there an over-reliance on seclusion as a disciplinary response? What other intervention options are considered and used? Are there some students who are being secluded frequently, perhaps necessitating an IEP review?) and the impact of its use on student behavior.

11. While there are no "brick-and-mortar" requirements specific to seclusion or timeout rooms beyond the general school **building codes,** it is important to create a safe, comfortable environment. Be sure to consult with your local building inspector and/or fire department to determine if the seclusion area meets applicable codes (e.g., ventilation, lighting, access to exits, maximum density for the size of the space, etc.). The door serving the seclusion room is an exit access door providing an exit for the room. The door must be able to be opened from inside the room at all times and without the use of a key. This allows the occupant(s) of the room the ability to exit the room. Any variations must be approved by local inspectors and/or the Wisconsin Department of Commerce. If your community does not have a building inspector and/or a fire inspector, contact the Safety and Buildings Division of the Wisconsin Department of Commerce to arrange for an inspection by a field inspector.

If a student is "playing with" the door by swinging it open and closed, analyze the behavior through an FBA and address it in the BIP. Minimally, the seclusion room must be free of objects or fixtures with which the student could inflict bodily harm (e.g., light fixtures within reach of the student, furniture, woodwork or molding that could be pulled free, active electrical outlets, pipes, glass or windows and so on). Constant visual supervision of the student during the period of seclusion must be maintained. Other issues might include floor coverings (carpeting rather than a hard floor surface), safety or reinforced glass and sound proofing to minimize the disruption to others in the immediate area. One way to address lighting issues (e.g., location of switches, need for a key to turn light on or off) is to use motion sensor lights.

In summary, when using seclusion, consider the following[6]:

- Did the student understand the reason for the timeout? Was the process explained prior to the use of seclusion? Was there follow-up with the student once he/she had regained behavioral control?
- Did the student have an opportunity to stop the misbehavior and demonstrate appropriate behavior? Were warnings used? If the student stopped the misbehavior, were consequences/interventions other than seclusion used?
- Did the student have an opportunity to demonstrate responsibility for his/her own behavior and have opportunities to practice self-control? If directed to move to another area (including the seclusion area), for example, did the student do so even if he/she continued to complain?
- Did the student understand what the expectations were for a successful return to classroom activities?
- Was the length of time in seclusion reasonable and appropriate for the student's age, ability, developmental level, etc.?
- Was the seclusion area safe for the student, both physically and emotionally?
- Were data collected and reviewed to evaluate the effectiveness of timeout, the need for additional evaluation (including an FBA), and/or the need to review/revise the student's IEP/BIP?

Directives for the Use of Physical Restraint

1. Restraint should **only be used in an emergency**, e.g., when there is immediate danger to the student and/or to others. An emergency is an imminent threat and may not include threats (verbal behavior = verbal intervention) or property damage unless that destruction is also causing a dangerous situation with imminent danger of injury. You may have to make an on-the-spot decision as to how great the danger is.

2. Be sure that someone trained in the use of **CPR and First Aid** is available if the individual(s) administering restraint is/are not.

3. **Foreshadow** for a student what will happen if restraint is necessary. What behavior(s) will result in the use of restraint? What will happen before, during, and after the period of restraint? What will be expected of the student? When and how will the period of restraint end?

4. The use of restraint should be **part of the student's IEP** which should also include a positively focused behavior intervention plan (BIP) based on a functional behavioral assessment (FBA). Including the use of restraint in the IEP provides an opportunity to discuss its use with the parent and staff, as well as to answer any questions, define when and how restraint will be used, demonstrate the technique(s) to be used, etc. Dangerous behaviors and safety issues may override reluctance to use physical restraint. Concerns should be discussed at the IEP meeting, and parent concerns should be documented on the IEP. Every attempt should be made to avoid the use of physical restraint, but safety concerns are paramount. If there was no prior indication that restraint might be a necessary intervention for a particular student, an IEP meeting should be held as soon as

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[6] Adapted from Special Programs Branch, Alberta Learning, Canada, 2002.

possible after the first use of restraint so that the team can address necessary revisions of the IEP/BIP.

The IEP team should consider the needs of this student:

- Student's physical and medical issues, medications the student is taking including possible side effects, and any medical and psychiatric diagnoses;
- Frequency of dangerous behavior by this student and the determination of least restrictive environment (LRE);
- Specific techniques to use with this student;
- Clear definitions of what behavior(s) will result in restraint;
- Touch/no touch and how those issues apply to this student;
- Teaching self-calming techniques as part of the BIP;
- Student's primary means of communication[7];
- Any further evaluation that is needed; and,
- Data collection and review procedures, including the need to reconvene the IEP team.

5. Restraint should be **used only for the period of time necessary** to accomplish its purpose and using no more force than is necessary. The specific restraint technique should be appropriate to the student's age, and be safe for the student. Once the staff person administering the restraint has determined that the student is no longer a danger to self or others, the student should be released. Have an alternative plan in the event that the student does not begin to calm down within a reasonable time period.

6. Whenever possible, **move other students** from the immediate area rather than trying to transport an out-of-control student or restrain a student while other students are in the immediate area. If it is absolutely necessary to move or transport the student to another area, at least two trained staff members should be involved. Consider the distance the child must be moved and safety for the student and others. Do not begin to move the student until staff are ready to do so and have communicated their plan to one another and to others in the area.

7. **Develop written procedures** so that the use of restraint is consistent and planned in advance. Consider what behaviors would trigger the use of restraint, what staff can make the determination that a particular student should be restrained, how parents will be notified, what data is to be kept and where, what training will be required for those involved in administering restraint and how the building principal and/or other administrators will be notified.

8. It is important to ensure that staff who will use restraint have the **information and training** necessary. The risks in using physical restraint are high, and inappropriate use of restraint has caused injury and even death, as well as lawsuits.[8] One training option is to use an established commercial program. Training must include the continuum of

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[7] If the student being restrained uses sign language or an augmentative device as his/her primary means of communication, the student's hands will be free of restraint for at least brief periods to allow for communication unless the adult administering the restraint decides that there is likely to be harm to the student or others as a result [*Adapted from* 23 Illinois Administrative Code 1.285(d)(7)].

[8] Safe & Responsive Schools.

interventions, not just techniques for restraint. Anyone who will be using (or potentially using) restraint must have knowledge of:

- The student;
- The student's IEP and BIP;
- The restraint technique to be used;
- Events precipitating the use of the technique;
- Follow up requirements (reporting/documenting, contacting parents); and,
- Any cautions or contraindications, both physical and psychological.

If an established commercial training program is not used for training, the content of training should include:

- Continuum of intervention options;
- Preventing a crisis;
- A model of phases of a crisis cycle, including suggestions for intervening at each phase;
- Interventions to de-escalate a crisis before physical restraint is necessary;
- Documentation of the use of restraint;
- Practice using restraint techniques and demonstration of beginning level of proficiency of restraint techniques; and,
- Follow-ups to increase staff knowledge and skills, monitor implementation integrity (consistency of implementation across settings, people, times, and so on), and problem solving as needed.

It is important to have more than one staff person trained in physical restraint. The responsibility for implementing restraint should not fall to one person, as that person may not always be available. In addition, having a team trained together allows staff to support each other and the students, and provides for a common language regarding behavioral intervention techniques.

Finally, there may be a need to provide some information on the use of restraint to all school faculty and staff so that they understand what they may see happening. Since parents of other children and other community members (e.g., foster grandparents, school board members, student teachers, classroom volunteer tutors) may be in the building, they might witness a student in crisis. There might also need to be some discussion with other students so that they feel safe, but also so that they can understand that restraint is being used to protect the child who is being restrained. In any of these discussions, it is important to protect confidentiality, but techniques and reasons for restraint can be discussed in general terms.

9. A **log or incident report** should be kept when physical restraint is used. Documentation is not just to avoid litigation but to assist in reassessment of the student, of staff, and of the program. When restraint is used, it is important to ask "what happened and why was restraint needed?" Sample log sheets are included in the Appendix III or the district may develop their own. The district may wish to consider a uniform reporting system across all buildings and levels so that district wide data can be kept and analyzed.

10. **Use the data** from the log or incident report to regularly evaluate the use of restraint (e.g., is it being appropriately used? Is there an over-reliance on restraint as a

disciplinary response? Are there some students who are being restrained frequently, perhaps necessitating an IEP review?), and the impact of its use on student behavior.

Keep in mind that the use of physical restraint is only appropriate:

- When the student's behavior is an immediate threat to his/her safety and/or the safety of others;
- If there are no physical, medical, psychological or other contraindications; and,
- If the staff using the restraint technique have been trained in its safe application.

> **WDPI Resources related to behavior can be accessed at dpi.wi.gov/sped/ed.html Topics include using literature to address social skills, mental health fact sheets, functional behavioral assessment (FBA) and behavior intervention plans (BIPs), suggestions for linking interventions to functions of behavior, and more.**

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13

Appendices

I. Summary Sheet of Directives

Note: Please refer to the full text for specifics. This list is intended only as a brief summary of each numbered point in the body of this document.

Seclusion

1. Use the least restrictive intervention appropriate – seclusion should be a last resort.
2. Make sure "time in" is reinforcing.
3. Include the use of "seclusion" in the student's IEP/BIP.
4. Teach the student what he/she is to do when seclusion is going to be used; foreshadow what will happen before, during, and after seclusion.
5. Set criteria for ending the seclusion period.
6. Maintain constant adult supervision.
7. The "name" of the room is less important than how the space is used.
8. Develop written procedures or policies.
9. Keep a log or incident report.
10. Use the data to evaluate the use of seclusion.
11. General school building codes apply; fire codes impact the use of locks.

Physical Restraint

1. Use only in an emergency; e.g., immediate danger to the student and/or others.
2. Have First Aid and CPR available.
3. Foreshadow for the student what will happen during restraint. Teach the student what he/she is to do during and after restraint is used.
4. Include the use of "restraint" in the student's IEP/BIP.
5. Use only for the period of time necessary.
6. Move other students when possible rather than moving or transporting the student in crisis.
7. Develop written procedures or policies.
8. Ensure that staff have information and training.
9. Keep a log or incident report.
10. Use the data to evaluate the use of restraint.

II. Acting Out Behavior Cycle
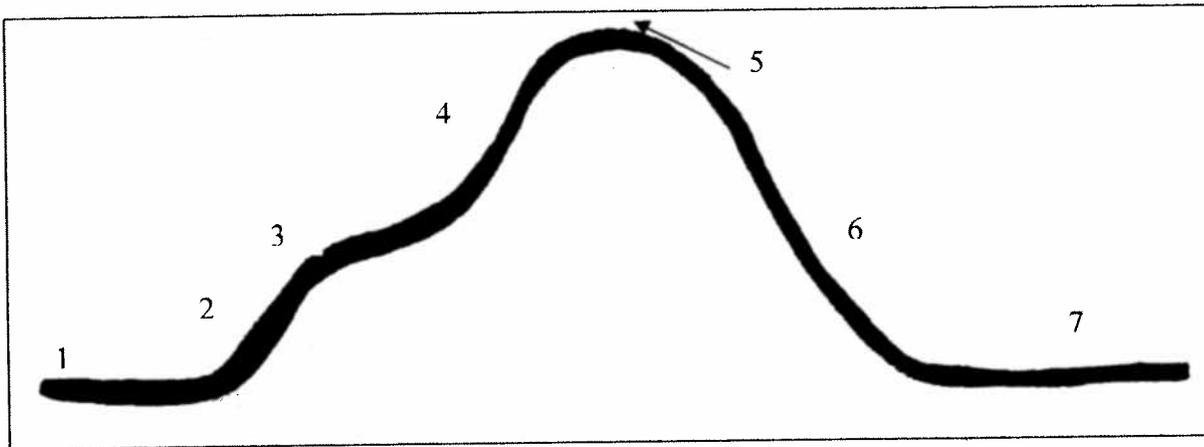
Source: Walker, Colvin & Ramsey, Page 81.

1. **Calm** – student is on-task, following directions, behaving appropriately, self-directed;
2. **Trigger** – student becomes agitated due to provocations, change in routine, high demands, problems brought in to school (e.g., lack of sleep, disruption at home, substance abuse);
3. **Agitation** – student becomes angry, upset, frustrated, may become more active (e.g., moving around, drumming fingers, tapping pencil) or less active (e.g., staring, sitting on hands, isolates him/herself);
4. **Acceleration** – student argues, questions, is noncompliant or openly defiant, provoking others, whines or cries, destroys property, threatens or uses profanity;
5. **Peak** – student hits or kicks, causes serious property damage, tantrums, is out-of-control;
6. **De-escalation** – student is calming down, may be confused or withdrawn, attempts to make amends, denies responsibility or blames others, responds to specific requests or directions; and,
7. **Recovery** – student is often subdued and will engage in simple busy-work, be reluctant to talk about the incident and even somewhat defensive.

It is important to understand the escalation continuum and how it applies to the student in questions. Each student's specific behavior will be different, and the time is takes for a student to move through the various cycles will also vary. Interventions will vary depending on the phase of the crisis cycle.

This information is for introductory purposes only – in addition to this model, there are others and it is important to get complete information to assist in crisis planning.

IV (a). Sample Summary Log for Seclusion/Physical Restraint

Student's Name	Date	Precipitating behavior	Begin seclusion/restraint	End seclusion/restraint	Total time	Staff initials	Comments

# IV (b). Sample Seclusion or Restraint Reporting Sheet

Student Name	Date
Teacher/class	Time in/time out

Staff person initiating seclusion/restraint; others present/involved:

Describe the behavior that led to seclusion/restraint, including time, location, activity, others present, other contributing factors:

Procedures used to attempt to de-escalate the student prior to using seclusion/restraint:

Student behavior during seclusion/restraint:	Student behavior after seclusion/restraint:
Was there any injury or damage? ☐ Yes ☐ No If yes, describe:	

Follow-up with student after the seclusion/restraint

Is other follow-up needed (e.g., IEP meeting, additional evaluation, discussion with others)?   ☐ Yes ☐ No
If yes, specify:

Parent contact:	Administrative contact:

The Appropriate Use of Seclusion & Restraint Practices in Special Education Programs

Developed by WCASS with the Cooperation of SAA, AWSA, WASDA, WEAC, and WDPI

September 2008
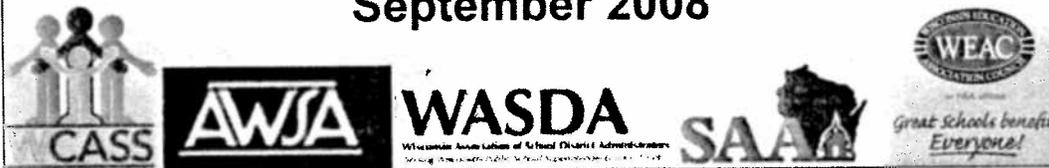
The *"Appropriate Use of Seclusion & Restraint"*, detailed in this presentation, are based in part on the Wisconsin Department of Public Instruction publication "Directives for the Appropriate Use of Use of Seclusion and Physical Restraint in Special Education Programs", and the Wisconsin Council of Administrators of Special Services (WCASS) 2008 position paper. Among the WCASS position paper's eight critical elements of ensuring appropriate use of seclusion & restraint are these elements:

• The dignity and safety of our children and school staff are paramount;

• Seclusion and restraint are implemented as a last resort, when other less invasive strategies have been tried and found ineffective, and/or the behavior is likely to result in injury to the student or others;

• When used, seclusion and restraint should be part of an Individual Educational Plan.

Organizations Supporting the Use of These Materials

The following organizations are supporting the use of this PowerPoint as a training tool to insure proper use of seclusion and restraint in special education. These organizations include:

1. School Administrators Alliance (SAA) - The Political Umbrella of WASDA, AWSA, WASBO and WCASS.

2. Wisconsin Association of School Districts Administrators, representing the interests of **433 District Administrators**.

3. Association of Wisconsin School Administrators, representing the interests of **1,900 school principals.**

4. Wisconsin Council of Administrators of Special Services, representing the interests of **400 directors of special services.**

5. Wisconsin Education Association Council (Teachers' Union), representing the interests of **97,000 members.**

6. In collaboration with the State Education Agency - Wisconsin Department of Public Instruction. This PowerPoint presentation was developed with the gracious support of DPI staff.

Purpose

> This training is designed to provide information to educators in the appropriate use of:
>   - Seclusion
>   - Physical Restraint

> Based on DPI's Directives and WCASS' Position Paper.

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[Note to presenters: It is important to share this information about seclusion and physical restraint, including protective or stabilizing devices, at least annually with all building staff who come in contact with students with disabilities. This includes special education staff, regular education staff, pupil services staff, administrators, paraprofessionals and all building support staff, including bus drivers, custodians and food service workers. [**Please provide staff with a copy of the PowerPoint slides and notes for their reference**].

Seclusion and restraint are hot button topics and the use of both is highly controversial. There have been several media (TV and newspaper) reports, as well as formal complaints filed with WDPI. It is important to be cautious in using either of these interventions, and to maintain the safety and dignity of students and staff.

This PowerPoint is intended as an overview of the **directives** developed and disseminated by the Wisconsin Department of Public Instruction (WDPI).

Definition from **WDPI Directives for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs,** WI Department of Public Instruction, September 2005. Available on the DPI web site at http://dpi.wi.gov/sped/doc/secrestrgd.doc

There are several types of "timeout". The DPI Directives document focuses on the use of seclusion timeout (called "seclusion" from here on).

Having the student return to his/her seat, or sit on the sidelines are both types of "timeout", but are not considered "seclusion" under these directives.

Timeout can range from isolation (e.g., head down or returning to seat) to segregation (e.g., moving to a corner or a study carrel) to seclusion.

It is important to note that a room or area may have more than one purpose – timeouts, student requested break, quiet work area, etc.

When the room is used with a student whose behavior is out of control, it is a "seclusion" room for that amount of time and the directives must be followed.

Seclusion

➢ Seclusion is the last resort!

➢ Use the least restrictive alternative appropriate.

➢ Include the use of seclusion in the student's IEP / BIP.

AWSA WASDA SA WEAC

• **Removing a student from the classroom activity** to a seclusion room or area is a significant intervention. Moving or transporting an out-of-control student from one location to another is considered physical restraint. It is important to have other options for addressing inappropriate behavior, and these should be considered before seclusion is used. It is important, as with any behavioral intervention, to use the **least restrictive intervention appropriate** for the situation at hand.

• **In order for timeout, including seclusion, to be meaningful**, the "time in" **needs to be reinforcing** to the student. If the student does not want to be part of the activity, then he/she may act out in order to use seclusion to escape or avoid having to participate. The use of seclusion should trigger a functional behavioral assessment (FBA) and development of a behavior intervention plan (BIP) if those are not already in place.

• **Include the use of seclusion in the student's IEP/BIP** if it is anticipated that such use will be necessary to address the student's behavior. Addressing the issue in the IEP provides an opportunity to discuss the BIP with the parent and staff, as well as to answer any questions, define when and how seclusion will be used, show the parents the space that will be used, etc. Concerns should be discussed at the IEP meeting, and parent concerns should be documented on the IEP. Every attempt should be made to avoid the use of seclusion, but safety concerns are paramount. If there was no prior indication that seclusion might be an appropriate intervention for a particular student, an IEP meeting should be held as soon as possible after the first use of seclusion so the IEP team can discuss the incident and address any necessary revisions of the IEP. Repeated use of seclusion should result in review (and revisions, if appropriate) of the FBA, BIP, and IEP.
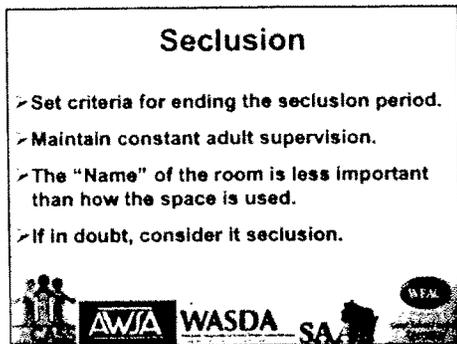
Seclusion

➢ Teach the student what he/she is to do when seclusion is going to be used.

➢ Foreshadow what will happen before, during and after seclusion.

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•It is important to teach a student what to expect when seclusion is going to be used: Foreshadow for the student.

• What behavior(s) will result in the use of seclusion?
• What will happen before, during, and after the period of seclusion?
• What will be expected of the student?
• When and how will the period of seclusion end?

Use verbal explanations to the student when seclusion is initiated. Explain to the student – in a very business-like, matter-of-fact tone - what behavior precipitated the seclusion. You don't want to argue or debate with the student – just present the facts. Remember that seclusion should only be used as a last resort, and knowing how and why to intervene is important, as is understanding a crisis cycle. Training – which we'll touch on later – in these areas is important.

•Set **criteria for ending the seclusion period.**
(1) Fixed time: generally 15 minutes or 1 minute per year of age of the child (whichever is less) is a useful standard;

(2) A minimal duration plus additional time until the appropriate behavior occurs (be sure the student knows what the appropriate behavior is);

(3) A minimal duration plus another fixed interval (usually to ensure that the student has regained behavioral self-control); or,

(4) Demonstration of appropriate/acceptable behavior, again being clear to the student what the expected behavior is.

Note: For periods of seclusion lasting more than 15 minutes, students must have adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

•Maintain **constant adult supervision** (e.g., visual contact) with the student while he/she is in the seclusion area. If seclusion is being used, the student is out of control and needs this restrictive intervention; therefore, it is important to continuously monitor the student.

This can be done by being in the room with the student, or observing through a window into the room.   Make certain the entire seclusion area can be adequately viewed if staff will remain outside the room.   If the student cannot be seen at all times and in all parts of the space, add another window or enlarge the existing one.

•The **"name" of the room** or area (e.g., "Quiet Room" or "Cool Down Room") is less important than how the space is used. The space may have more than one use (e.g., teacher directed seclusion, student requested break, quiet area where the teacher and student can talk).

•If in doubt, consider it seclusion.

Seclusion

➢ Develop written procedures and policies, which follow DPI directives.

➢ Keep a log of all incident reports.

➢ Use the data to evaluate the use of seclusion.

•**Develop written procedures** so that the use of seclusion is consistent and planned in advance. Consider such things as what behaviors would trigger the use of seclusion, which staff can make the determination that a particular student should be secluded, how parents will be notified, what data is to be kept and where, and how the building principal and/or other administrators will be notified.

•**Keep a log or incident report** to record each use of seclusion. This should be done as soon as possible after the seclusion period is over. Several sample log pages are included in Appendix III of DPI directives or the district may develop its own. The district may wish to consider a uniform reporting system across all buildings and levels so that district-wide data can be kept and analyzed.

•**Use the data** from the log or incident report to regularly evaluate the use of seclusion and the impact of its use on student behavior (e.g., Is it being appropriately used? Is there an over-reliance on seclusion as a disciplinary response? What other intervention options are considered and used? Are there some students who are being secluded frequently, perhaps necessitating an IEP review?).

Seclusion:
Physical Environment

➢ **Basic School Building Codes**

- **Maximum density**

- **Lights and ventilation**

- **Access to exit in case of fire or emergencies**

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•**While there are no "brick-and-mortar" requirements** specific to seclusion or timeout rooms beyond the general school **building codes,** it is important to create a safe, comfortable environment. Be sure to consult with your district's building and grounds staff, the local building inspector and/or fire department to determine if the seclusion area meets applicable codes (e.g., ventilation, lighting, access to exits, maximum density for the size of the space, etc.). The door serving the seclusion room is an exit access door providing an exit for the room. The door must be able to be opened from inside the room at all times and without the use of a key. This allows the occupant(s) of the room the ability to exit the room.

Seclusion:
Physical Environment

➢ Locks are prohibited unless the district seeks and is granted a variance. Contact:

- Your local building or fire inspectors or

- WI Dept. of Commerce (Safety & Buildings Division)

•**Locks are prohibited** unless a variance is granted by local building or fire inspectors. If the community does not have a building inspector and/or a fire inspector, contact the Safety and Buildings Division of the Wisconsin Department of Commerce to arrange for an inspection by a field inspector.

•**Often people want a lock because students may be playing with the door**. If a student is "playing with" the door by swinging it open and closed, analyze the behavior through an FBA and address it in the BIP.

Seclusion:
Physical Environment

➢ **Safety & Common Sense**

- **Full visibility of student at all times**

- **e.g., carpet, electrical sockets, loose materials, safety glass**

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•**Constant visual supervision** of the student during the period of seclusion must be maintained. The student is out of control if he/she is in seclusion. It is important to monitor the situation constantly.

•Minimally, the seclusion room must be free of objects or fixtures with which the student could inflict bodily harm (e.g., light fixtures within reach of the student, furniture, woodwork or molding that could be pulled free, active electrical outlets, pipes, glass or windows and so on).

•Other issues might include floor coverings (carpeting rather than a hard floor surface), safety or reinforced glass and soundproofing to minimize the disruption to others in the immediate area. One way to address lighting issues (e.g., location of switches, need for a key to turn light on or off) is to use motion sensor lights.

Physical Restraint (Definition)

➢ Holding a student in order to restrain his/her movement; use of physical force, without the use of any device or materials, to restrict the free movement of all or a portion of a student's body.

➢ *Does not include:*

This definition is part of the Wisconsin Department of Public Instruction **Directives for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs,** September 2005.

Available on the DPI web site at http://dpi.wi.gov/sped/doc/secrestrgd.doc

Does _not_ include:

➤ Comforting/calming a student;

➤ Holding a student's hand or arm to escort when student is complying;

➤ Intervening in a fight;

➤ Using protective or stabilizing devices prescribed by appropriate professionals and consistent with the student's IEP.

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Escorting a student is for the purpose of directing the student and does not include the use of force.

School personnel should physically intervene to stop a fight only if they can do so without getting injured themselves. Otherwise, they should verbally intervene and immediately seek help to stop the fight.

§ 118.31,(3) Wis. Statutes

> School district employees may use reasonable and necessary force in certain situations.

It's important to remember that Wisconsin law allows school district employees the discretion necessary to handle difficult situations. For instance, school employees are permitted to use reasonable and necessary force:

• To prevent an act that threatens physical injury to any person (a)

• To obtain possession of a weapon or other dangerous object (b)

• For the purpose of self-defense (c)

• For the protection of property (d)

• To prevent a pupil from inflicting harm on himself (f)

• To protect the safety of others (g)

In addition, school employees may use incidental, minor or reasonable physical contact to maintain order and control (h).

A Word of Caution!

➢ Use physical restraint only as a last resort in situations that pose an immediate danger to the student and/or others!

We cannot stress enough the need to use caution in the use of restraint. This means using it only as a last resort to avoid injury to the student or others, including staff persons doing the restraining.

Protective or Stabilizing Devices

➤ The use of protective or stabilizing devices is not appropriate for use in schools without medical authorization and oversight (e.g., physician, school nurse, OT or PT) and only for positioning and posture consistent with the child's IEP.

Protective or stabilizing devices include
•wheelchairs (which may have trays or belts)
•helmets used when a student is prone to seizures
•form fitting gloves to prevent a student from self-injurious behavior, such as biting him/herself
•chairs or other equipment designed to support a child with orthopedic impairments, cerebral palsy, poor muscle tone, etc.

Protective or stabilizing devices may only be used with medical authorization or oversight. This means physicians, occupational therapists, physical therapists and/or school nurses.

Note that strapping or belting a student into a Rifton chair (or other chairs) may absolutely not be used as a behavioral intervention under any conditions - either after a child misbehaves or to "prevent" misbehavior, such as running or moving around the room.

•**Restraint should only be used in an emergency,** e.g., when there is immediate danger to the student and/or to others. An emergency is an imminent threat and may not include threats (verbal behavior = verbal intervention) or property damage unless that destruction is also causing a dangerous situation with imminent danger of injury. Restraint should only be used in an emergency. However, according to Wisconsin Statutes 118.31 (3) (d), reasonable and necessary force may be used in certain circumstances, including protection of property. You may have to make an on-the-spot decision as to how great the danger is.

•**Be sure that someone trained in the use of CPR and First Aid** is available if the individual(s) administering restraint is/are not.

•**The use of restraint should be part of the student's IEP** which should also include a positively focused behavior intervention plan (BIP) based on a functional behavioral assessment (FBA). Including the use of restraint in the IEP provides an opportunity to discuss its use with the parent and staff, as well as to answer any questions, define when and how restraint will be used, demonstrate the technique(s) to be used, etc. Dangerous behaviors and safety issues may override reluctance to use physical restraint. Concerns should be discussed at the IEP meeting, and parent concerns should be documented on the IEP. Every attempt should be made to avoid the use of physical restraint, but safety concerns are paramount. If there was no prior indication that restraint might be a necessary intervention for a particular student, an IEP meeting should be held as soon as possible after the first use of restraint, so that the team can address necessary revisions of the IEP/BIP.

• The IEP team should consider the needs of this student:
(1) Student's physical and medical issues, medications the student is taking, including possible side effects, and any medical and psychiatric diagnoses
(2) Frequency of dangerous behavior by this student and the determination of least restrictive environment (LRE)
(3) Specific techniques to use with this student
(4) Clear definitions of what behavior(s) will result in restraint
(5) Touch/no touch and how those issues apply to this student
(6) Teaching self-calming techniques as part of the BIP;
(7) Student's primary means of communication; (If the student being restrained uses sign language or an augmentative device as his/her primary means of communication, the student's hands will be free of restraint for at least brief periods to allow for communication unless the adult administering the restraint decides that there is likely to be harm to the student or others as a result)
(8) Any further evaluation that is needed
(9) Data collection and review procedures, including the need to reconvene the IEP team.

Restraint

> Foreshadow for the student what will happen during restraint.

> Teach the student what he/she is to do during and after restraint is used.

> Use only for the period of time necessary.

Foreshadow for a student what will happen if restraint is necessary.
•What behavior(s) will result in the use of restraint?
•What will happen before, during, and after the period of restraint?
•What will be expected of the student?
•When and how will the period of restraint end?

Restraint should be **used only for the period of time necessary** to accomplish its purpose, using no more force than is necessary. The specific restraint technique should be appropriate to the student's age, and be safe for the student. Once the staff person administering the restraint has determined that the student is no longer a danger to self or others, the student should be released. Have an alternative plan in the event that the student does not begin to calm down within a reasonable time period.

Restraint

➤ Move other students when possible rather than moving or transporting the student in crisis.

➤ Develop written procedures and policies which follow DPI directives.

➤ Keep a log of all incident reports.

•Whenever possible, move other students from the immediate area rather than trying to transport an out-of-control student or restrain a student while other students are in the immediate area. Moving or transporting a student is physical restraint. It is dangerous to try to move a student who is out-of-control.

•If it is absolutely necessary to move or transport the student to another area, at least two trained staff members should be involved. Consider the distance the child must be moved and safety for the student and others. Do not begin to move the student until staff are ready to do so and have communicated their plan to one another and to others in the area.

•Develop written procedures so that the use of restraint is consistent and planned in advance. Consider what behaviors would trigger the use of restraint, what staff can make the determination that a particular student should be restrained, how parents will be notified, what data is to be kept and where, what training will be required for those involved in administering restraint and how the building principal and/or other administrators will be notified.

•A log or incident report should be kept when physical restraint is used. Documentation is to assist in reassessment of the student, of staff, and of the program. When restraint is used, it is important to ask, "What happened and why was restraint needed?" The district may wish to consider a uniform reporting system across all buildings and levels so that district-wide data can be kept and analyzed.

Restraint

> Use the data to evaluate the use of restraint.

> Require that staff have proper training.

Use the data from the log or incident report to regularly evaluate the use of restraint and the impact of its use on student behavior.

Is it being appropriately used?
Is there an over-reliance on restraint as a disciplinary response?
Are there some students who are being restrained frequently, perhaps necessitating an IEP review?

Proper staff training should ensure that the use of physical restraint is only appropriate:

(1)When the student's behavior is an immediate threat to his/her safety and/or the safety of others;

(2) If there are no physical, medical, psychological or other contraindications; and,

(3) If the staff using the restraint technique have been trained in its safe application.

Best Practices

For Seclusion and Restraint

There may be a need to provide some information on the use of restraint to all school faculty and staff so that they understand what they may see happening. Since parents of other children and other community members (e.g., foster grandparents, school board members, student teachers, classroom volunteer tutors) may be in the building, they might witness a student in crisis. There might also need to be some discussion with other students so that they feel safe, but also so that they can understand that restraint is being used to protect the child who is being restrained. In any of these discussions, it is important to protect confidentiality, but techniques and reasons for restraint can be discussed in general terms.

If questions or issues arise, make sure staff know where to direct those individuals – to the principal and/or the special education director. Sometimes non-school personnel and visitors, as well as school staff who might not be directly involved with a student, have questions or may misinterpret a situation. It is important for them to understand what is being done is for the protection of the student and/or others.

Documentation is Key

➢ In the IEP
  • Clearly define and describe behaviors that will result in seclusion/restraint.
  • Clearly define and describe replacement/alternative behaviors.

➢ Include parent comments under "Concerns of the parents about the student's education" in the IEP.

➢ Written procedures for staff.

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It is often difficult to clearly and accurately define behaviors. Avoid words such as "appropriate" or "disruptive". Describe what you will see and/or hear in objective, measurable terms.

For example, "when student is moving around the room throwing objects and kicking furniture" rather than "when student is upset".

Data Collection

➤ Be accountable.

➤ Document how seclusion and/or restraint is used & by whom.

➤ Look for building and district-wide
- Patterns
- Exceptions

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Documentation should be in writing and could include the following examples:
1. Names and job titles of those who conducted the restraint and any observers.
2. Date, time frame, etc.
3. Antecedents or behavior leading to the restraint
4. Description of the restraint
5. Alternatives to the restraint
6. Parent involvement

Data Collection

➢ Collect student data & evaluate progress.

➢ Check efficacy and use (behavior should decrease/cease).

➢ If behavior continues, reconvene IEP.

Data collection pertains to best practices in general for special education classrooms. It may include behavioral charts, point sheets, etc.
The use of restraint and seclusion should reduce or extinguish the identified behavior. If this is not the case, alternatives to restraint and seclusion should be explored. A review of the IEP may be warranted.

Provide Training

- ⮞ Require personnel to be trained before administering restraint (except if no one is immediately available and there is an emergency & then get assistance ASAP).
- ⮞ Training should include the crisis cycle and interventions to be considered before restraint is administered.

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It is important to ensure that staff who will use restraint have the **information and training** necessary. The risks in using physical restraint are high, and inappropriate use of restraint has caused injury and even death, as well as lawsuits.

Training must include the continuum of interventions, not just techniques for restraint. Anyone who will be using (or potentially using) restraint must have knowledge of:
•The student;
•The student's IEP and BIP;
•The restraint technique to be used;
•Events precipitating the use of the technique;
•Follow up requirements (reporting/documenting, contacting parents); and,
•Any cautions or contraindications, both physical and psychological.

The content of training should include:
•Continuum of intervention options;
•Preventing a crisis;
•A model of phases of a crisis cycle, including suggestions for intervening at each phase;
•Interventions to de-escalate a crisis before physical restraint is necessary;
•Documentation of the use of restraint;
•Practice using restraint techniques and demonstration of beginning level of proficiency of restraint techniques; and,
•Follow-ups to increase staff knowledge and skills, monitor implementation integrity (consistency of implementation across settings, people, times, and so on), and problem solving as needed.

It is important to have more than one staff person trained in physical restraint. The responsibility for implementing restraint should not fall to one person, as that person may not always be available. In addition, having a team trained together allows staff to support each other and the students, and provides for a common language regarding behavioral intervention techniques.

Local Procedure
(Chain of Command)

➤ **Develop local complaint procedures for parents to include:**
- **meeting with Principal;**
- **meeting with Director of Special Education;**
- **meeting with Superintendent.**

Establish a complaint procedure for parents that will be based on the district's chain of command as highlighted on the slide.

Be Prepared

➢ Discuss potential for crisis ahead of time.

➢ Make expectations clear to both students and staff.

➢ Make sure all necessary staff are aware of procedures.

Include physical restraint and seclusion policies and procedures in staff handbooks.

Discuss policies and procedures at faculty meetings.

Be Proactive

➢ During the first month of school, distribute and review the WCASS PowerPoint presentation and WDPI Directives.

➢ Identify personnel to receive in-depth training and serve as district resource for seclusion and physical restraint.

Document staff participants, date and time of training of seclusion/restraint presentation and directives, and maintain the documentation on file.

In Conclusion

➢ **It's not the directives that are problematic,**

➢ **It's the implementation and/or supervision of the use of seclusion/restraint.**

Remember: The dignity and safety of all children and school staff are paramount. Implement the DPI Directives and WCASS 2008 position paper.

Resources

➢ WDPI Directives of seclusion and restraint:
http://www.dpi.state.wi.us/sped/doc/secrestrgd.doc

➢ Summary of WDPI Directives:
   http://www.dpi.state.wi.us/sped/doc/secrestsumm.doc

➢ WCASS Position Paper on the website:
   http://www.wcass.org