

## **CEC's Policy on Physical Restraint and Seclusion Procedures in School Settings**

As advocates for children and youth with exceptionalities, the members of the Council for Exceptional Children (CEC) are committed to supporting the mental, social, and physical health and well-being of all students. This requires providing access to a full continuum of positive behavioral interventions and supports for all children. CEC further believes that only positive educational strategies that respect the dignity and safety of children and youth with exceptionalities should be used. In too many instances, students have been subjected to the inappropriate use of restraint and seclusion and it should be the goal of all educators and policy makers to develop and implement proactive supports to ensure that, over time, schools utilize restraint and seclusion on a less frequent basis or eliminate it altogether. Data indicate that children and youth with exceptionalities are subjected to restraint and seclusion at significantly higher rates than their typically developing peers; and this is especially true for African American and Hispanic students with disabilities (2017-18 CRDC School Form, 2017).

As a matter of practice, CEC believes that the use of restraints, seclusion and time out as defined by the Office for Civil Rights (OCR) at the US Department of Education (CRDC, 2017) are not behavior change strategies and their use should never be included within behavior intervention plans or Individualized Education Programs, nor should they be identified in individualized safety or emergency plans. CEC endorses the use of positive behavior strategies and safe, effective, evidence-based strategies to support children who display challenging behaviors in school settings.

### **Definitions**

#### *Physical Restraint*

According to the OCR Form for the 2017-2018 Data Collection, the term “physical restraint” means “a personal restriction that immobilizes or reduces the ability of an individual to move the individual’s arms, legs, torso, or head freely.” OCR distinguishes between this term and the term physical escort which means “the 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” (CRDC, 2017). Physical restraint is a means for controlling that person’s movement, reconstituting behavioral control, and establishing and maintaining safety for the out-of-control individual, other individuals, and school staff.

#### *Seclusion -*

OCR defined seclusion as “the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving” (CRDC, 2017). Seclusion does not include a sensory room and does not include a timeout.

#### *Time Out -*

According to OCR, Time Out is “a behavior management technique that is part of an approved treatment program and involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming” (CRDC, 2017). Time Out rooms may include detention rooms, sensory rooms, and in-school suspension rooms where children and youth may not be alone or where they are not technically prevented from leaving, although they may perceive that they are prevented from leaving.

### **Parameters and Beliefs**

Given these definitions, CEC supports the following principles and practices related to the use of physical restraints, seclusion, and time out in school settings:

1. All children and youth should receive necessary behavioral, social, emotional, and mental health screenings, support, and programming in a safe and least-restrictive environment. Further, schools and districts should include regular school-wide behavioral screenings to identify students who are at greater risk for developing behavioral disorders.

2. Physical restraint should never be used as a means of disciplining or coercing a student nor should it ever be used as a primary method for de-escalating a child’s behavior. Physical restraint should only be used in situations where all other supports have been exhausted, there is no medical contraindication, in a time-limited fashion, and only when a child has demonstrated that s/he is a danger to himself/ herself or others. Physical restraint should end when the child demonstrates that s/he is no longer a danger to himself/herself or others.
3. Seclusion should never be used as a means of disciplining a student nor should it ever be used as a primary method for de-escalating a child’s behavior as there are no known therapeutic benefits. CEC believes that seclusion should be used only in the extremely rare situations where all other supports have been exhausted, where there is no medical contraindication, in a time-limited fashion, and only when a child has demonstrated that s/he is a danger to himself/ herself or others. Seclusion should end when the child demonstrates that s/he is no longer a danger to himself/herself or others or if the child demonstrates signs of medical distress.
4. The following practices should *never* be employed in the school setting:
  - The use of prone restraint (with the child face down on his/her stomach).
  - Any restraint or maneuver, including supine restraint, that places pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat or that is administered in such a manner that prevents a student from breathing, communicating, or speaking.
  - The use of chemical restraint (meaning the use of a drug or medication used on a student to control behavior or restrict freedom of movement).
  - The use of mechanical restraint (meaning the use of devices as a means of restricting a child's freedom of movement). Prescribed assistive devices such as standing tables and chairs with restraints are not considered mechanical restraints. Additionally, vehicle restraints (i.e., seat belts and harnesses) are not considered mechanical restraints.
  - The use of any practice related to restraint or seclusion as a form of discipline, to force compliance, as a convenience for staff (i.e. placing a student in seclusion while staff is working on other issues), or as a substitute for appropriate educational supports.
5. Policies and procedures should provide preference for safe, effective, evidence-based strategies to support children who display challenging behaviors in school settings, including schoolwide positive behavior interventions and support, trauma-informed care practices, and restorative justice practices, over the use of physical restraints, seclusion, and time out, and must be clearly articulated by school districts and schools to all parents and families prior to these supports being utilized.
6. Policies and procedures related to the use of restraint and seclusion must make clear that it may only be used as described above and only by trained individuals. When training staff on the use of physical restraint, schools should train staff using only evidence-based programs and techniques and should keep current on the latest approaches to supporting students with significant behavioral challenges. (For a list of suggested peer reviewed programs, [click here](#)).
7. The functional behavior analysis (FBA) and the behavior intervention plan (BIP) should be a core component of planning for students with significant behavioral, emotional, or social challenges and the use of physical restraints or time out should never be a planned intervention for any student. Through the BIP, the educational team will ensure that people with a significant level of knowledge of the child, including the parents/ guardians, will make decisions about how best to support the student in the school.
8. State education agencies, in partnership with local education agencies, must develop clear and consistent reporting systems with parents and families to ensure that all incidents of restraint, seclusion, and time out are reported to parents within a short time period and that a series of several incidents (which may constitute a pattern of behaviors) results in a review of the child’s programming.

9. Local education agencies must ensure compliance with all applicable state and federal reporting requirements related to physical restraint, seclusion and time out. Specifically, local education agencies should all schools should accurately report data required under the Civil Rights Data Collection (CRDC) and any other required state reports to ensure accurate and timely information is publicly reported about the use of restraint, seclusion, and time out is available.
10. State and local education agencies should regularly examine data surrounding restraint and seclusion to determine data quality and look for trends and patterns related to racial disproportionality, age, disability category, and time of day in an effort to improve oversight and improve student safety.
11. Only staff who have been trained on the safe use of evidence-based approaches should be able to implement physical restraint, seclusion, and time out. Training should include content and skill development on crisis prevention, de-escalation, conflict management, and evaluation of risks of challenging behavior. Additionally, training must make individuals aware of the potential psychological harm that the use of restraint, seclusion, and time out may have on children and youth who have experienced trauma related to previous abuse and information about how medications or health problems might affect the physical well-being of the student during restraint procedures. This should also include methods for monitoring a student’s well-being during a restraint and should result in some sort of certification. Training should occur at least annually and should not be limited to the special education staff in the building. Proactive efforts to train all staff on de-escalation techniques and evidence-based approaches are necessary.
12. Rooms and/or spaces used for timeout and/or seclusion should be inspected and evaluated at least annually and prior to use to ensure they are physically and emotionally safe and humane, free from potential dangers, and that they continue to support the behavioral needs of students and that their continued use is necessary. Children must be continuously monitored to ensure physical safety at all times. The human rights of children must be respected. Additionally, while these rooms are being used with students, locking mechanisms should only be engaged in a situation where the lock is activated or engaged by a human being and can be disengaged quickly in the case of an emergency.
13. Federal laws, passed by Congress, and proactive technical assistance provided by the federal OCR and the Office for Special Education Programs (OSEP) are necessary for schools to reduce the incidents of restraint, seclusion, and time out and for all schools to have a common understanding of the issue.
14. Researchers are encouraged to utilize existing sources of data to identify school districts and schools that have significantly reduced the use of restraint, seclusion, and time out and to identify additional proactive methods of supporting student behaviors.
15. Full funding of IDEA 2004, that promotes the use of FBA and BIP when a student has demonstrated behavior that impedes their learning or the learning of others, is necessary to fully support students.

The IDEA requires school districts to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE) to eligible students with disabilities, including those with significantly challenging and sometimes dangerous behaviors. It is clear school districts cannot meet this burden alone. CEC will partner with sponsors of legislation to ensure clear language consistent with practice to ensure student safety.

#### **Citations**

2017-18 CRDC School Form (2017). Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/2017-18-crdc-school-form.pdf>