



## **5495.2: RESTRAINT AND SECLUSION**

## **I. Purpose**

**The purpose of this Rule is to insure that all students and staff are safe in school, and that students are free from the inappropriate use of physical restraint or seclusion.**

## **II. Authorized Use**

**A. The District supports school-wide programs and services that motivate, teach and support positive behavior in order to create a school climate that is highly conducive to learning.**

**1. Each school will establish practices that have the goal of making the school climate and environment welcoming and supportive of learning, and promote the recognition and reinforcement of appropriate student behavior.**

**2. School staff will implement behavior management programs and strategies that promote safety, respect, and responsibility and address individual student needs and the needs of all students.**

**3. When school personnel anticipate that a student is likely to behave in a way that may be dangerous to the point of causing injury to one's self or others, staff will conduct a behavioral assessment and develop a behavior plan including a plan for teaching replacement behaviors. The behavior plan will be developed in cooperation with the parent or guardian.**

**B. The District authorizes staff members to use physical restraint and seclusion in limited situations and in accordance with the requirements specified in this Rule.**

**C. District staff are authorized to use allowable physical force and allowable physical contact in accordance with District Rule 5495.1**

## **III. Informing Parents and Guardians Generally**

**A. District students and their parents or guardians will be notified annually of this Rule regarding physical restraint and seclusion, by including in all student handbooks the following statement:**

**As a part of the emergency procedures in place in our schools, any student who poses a significant imminent risk of injury to him/herself or others may be physically restrained and/or placed in seclusion by school staff in accordance with District Rule 5495.2. These actions could occur along with other emergency actions such as calling the police. Significant violations of the law including assaults on students and staff, will be reported to the police. The building administrator or designee will make reasonable efforts to notify the parent/guardian no later than the end of business on the school day on which the physical restraint/seclusion occurred. The parent will be notified of the circumstances leading up to the physical**

restrain/seclusion and be given a point of contact for additional information.

District Rule 5495.2 is available to all parents electronically via the District's website or as a hard copy upon request.

#### **IV. Conditions for Appropriate Use of Physical Restraint**

**A. Physical restraint is appropriate only when a student is displaying physical behavior that presents significant imminent risk of injury to the student or others, and the student is demonstrating the intent and the ability to cause significant imminent injury.**

**B. Physical restraint should only be employed as a last resort after other methods of de-escalating a dangerous situation have been attempted without success or have been deemed inappropriate for the situation.**

**C. Physical restraint should only be employed by staff members who have received specific District approved training in the use of physical restraint procedures, including de-escalation strategies.**

**1. Other school personnel may employ physical restraint procedures only in rare and clearly unavoidable emergency circumstances when staff trained in physical restraint are not immediately available. Untrained staff should request assistance from trained staff as soon as possible.**

**2. A physical restraint of a student should be conducted in a manner consistent with the techniques prescribed in the District approved physical restraint training program.**

**D. Physical restraint should last only as long as is necessary for the student to regain behavioral stability, and the risk of injury has ended, usually a matter of minutes.**

**E. The degree of physical restriction employed must be in proportion to the circumstances of the incident, the size and condition of the student, and the potential risks for injury to the student.**

**F. Mechanical or chemical restraints are not authorized.**

**G. Prone or supine forms of physical restraint are not authorized.**

#### **V. When Physical Restraint Procedures Should Not Be Employed**

**A. Physical restraint is not appropriate without significant imminent risk of injury to self or others.**

**B. A verbal threat or verbally aggressive behavior does not itself indicate a significant imminent risk of injury, and should not result in restraint.**

**C. Destruction or damage to property does not constitute a risk of imminent injury, unless in doing so a risk of injury to the student or others is created.**

**D. When known medical or physical conditions of the student would make the physical restraint procedures dangerous for that student (e.g. students with heart or circulatory conditions, asthma, or other conditions) they should not be employed.**

**E. Physical restraint should never be used as a punishment, or for the purpose of discipline or convenience, or to force compliance with staff commands.**

## **VI. Conditions for Appropriate Use of Seclusion**

**A. Seclusion is appropriate only when a student is displaying physical behavior that presents a significant imminent risk of injury to the student or others, and when the threat could be diminished if the student was in a safe environment away from other students and staff.**

**B. Seclusion should only be employed as a last resort after other methods of de-escalating a dangerous situation have been attempted without success or have been deemed inappropriate for the situation.**

**C. Seclusion should only be used as long as is necessary and should be discontinued when the student is no longer a threat to others.**

**D. Seclusion should only be employed by staff members who have received specific District approved training regarding the use of seclusion procedures.**

**E. Seclusion must be used only when the student can safely be transported to the seclusion environment by trained staff members using appropriate techniques based on District approved training.**

**F. Seclusion should only be used if a staff member can continuously monitor the student for visual or auditory signs of physiological distress and can communicate with the student.**

**1. Students should be permitted to use the restroom as needed, and be escorted to and from the restroom.**

**2. Students should be provided water as needed.**

**3. Students should be permitted to consume lunch or other regularly scheduled meals.**

**G. Time out procedures that do not constitute seclusion are permitted in school.**

**H. All seclusion environments should be inspected for adherence to regulations affecting school accreditation.**

## **VII. When Seclusion Procedures Should Not Be Employed**

**A. When the significant imminent risk of injury no longer exists.**

**B. When known medical or physical conditions of the student would make the seclusion procedures dangerous for that student (e.g. students with heart or circulatory conditions, asthma, or other conditions).**

**C. Seclusion should never be used as a punishment, or for the purposes of discipline or convenience, or to force compliance with staff commands.**

## **VIII. Training**

**A. The District will provide all staff members with prevention and conflict de-escalation training which includes the dangers of physical restraint and seclusion, and procedures for contacting staff trained in physical restraint when behavioral crises occur.**

**1. This prevention and conflict de-escalation training will be recurrent and will be provided to new staff.**

**B. The District will determine a physical restraint and seclusion training curriculum and method of providing such training that complies with applicable regulatory guidance.**

**C. A core group of appropriate personnel will be trained and “certified” in each building in prevention and conflict de-escalation which will include the use of physical restraint and seclusion procedures.**

**1. Recurrent training to maintain “certification” will be provided on a regular basis to meet the requirements for the curriculum or program used.**

## **IX. Reporting, Documentation and Debriefing Requirements**

**A. Immediately after the student has regained emotional and behavioral control following the use of physical restraint and/or seclusion, a staff member not directly involved with the incident shall examine the student to ascertain if any injury has been sustained during the physical restraint or seclusion. The staff member will document the student’s condition, administer first aid if needed, and if warranted follow District procedures and rules to seek additional medical assistance. The student, with the assistance from staff, will de-brief the incident at the earliest appropriate time.**

**B. The staff member involved with the physical restraint or seclusion will have the opportunity to meet with his/her supervisor or designee after the incident to ascertain if any injury has been sustained during the physical restraint or seclusion and determine any next steps to insure staff well-being. If no injury is sustained, the supervisor or designee will determine when the staff member can return to his/her duties. If the supervisor or designee believes the employee should not return to his/her duties, he or she shall follow**

**District procedures and rules to seek additional medical assistance for the employee and contact Human Resources.**

**C. The building administrator or designee will make reasonable efforts to notify the parent/guardian no later than the end of business on the school day on which the physical restraint/seclusion occurred. The parent will be notified of the circumstances leading up to the physical restraint/seclusion and be given a point of contact for additional information.**

**D. The individuals involved with the physical restraint/seclusion shall complete the District Restraint/Seclusion Incident Report as soon as possible after the incident.**

**E. The building administrator or designee will send written notification to the parent/ guardian within two school days following the use of restraint or seclusion.**

**F. Each staff member involved in a physical restraint/seclusion incident will engage in a de-briefing session. The purpose of the de-briefing session is to determine what could have been done to prevent this incident and the prevention of future use of physical restraint or seclusion for this student.**

## **X. Annual Review, Planning Process and Oversight**

**A. A District administrator or designee will be designated as the coordinator of data, planning and oversight of the use of physical restraint or seclusion procedures in the District.**

**B. The District shall establish or use a standing committee to conduct an annual review of all individual and program-wide data associated with this Rule.**

**C. Upon review of the data, the committee shall identify any issues and/or practices that require further attention and provide written recommendations to the Superintendent for changes in policies or practices.**

**D. The committee can recommend review of the training program to ensure the most current knowledge and techniques are reflected in the District training curriculum.**

**E. A designated member of this committee will be responsible to submit necessary data on physical restraints and seclusions as requested by the Nebraska Department of Education or other agencies.**

## **XI. Definitions**

**A. Chemical Restraint. Use of medications to control behavior.**

**B. De-escalation. Causing a situation to become more controlled, calm and less dangerous, thus lessening the risk for injury to someone.**

**C. Behavioral Assessment.** Ongoing process of gathering information that can be used to hypothesize about the function of student behavior. The analysis provides the information necessary to develop a behavior plan.

**D. Imminent.** Likely to happen right away; within a matter of minutes.

**E. Mechanical Restraint.** Use of any device or object (e.g., tape, ropes, straps, weights, or weighted blankets) to limit an individual's body movement so as to prevent or manage out-of-control behavior.

1. Medically prescribed devices for which the purpose is to compensate for orthopedic weaknesses, to protect from falling or to permit the student to participate in activities at school are not considered to be mechanical restraints when recommended by an occupational or physical therapist, physician, physician assistant, advanced practice registered nurse, or nurse for purposes of this Rule.

2. Educationally recommended devices included in a student's IEP at the recommendation of appropriate certificated and/or licensed personnel are not considered to be mechanical restraints for purposes of this Rule.

3. Vehicle restraints, or other restraints used by sworn law enforcement officers are not considered to be mechanical restraints for purposes of this Rule.

**F. Physical Restraint.** Any method of one or more persons restricting another person's freedom of movement, physical activity, or normal access to his/her body. Physical restraint, for purposes of this Rule, does not include:

1. Taking away a weapon (such as a knife or gun).

2. Breaking up a fight.

3. Physical prompts provided in the course of instruction.

4. Applying minimal physical contact when escorting a student from one location to another.

5. Allowable physical force pursuant to District Rule 5495.1 (III).

6. Allowable physical contact pursuant to District Rule 5495.1 (IV).

**G. Physical Restraint and Seclusion Training.** Training provided to selected staff members which addresses how to deal with aggressive, violent or out of control behavior, including specific techniques for physical restraint and seclusion. The curriculum should meet any applicable regulatory guidelines for such training and result in certification of the individuals who complete the training.

**H. Prevention and Conflict De-escalation Training.** Training which is provided broadly to school staff on how to prevent, defuse and de-escalate potential behavioral emergency situations.

**I. Prone Physical Restraint.** The person is being held face down lying on their stomach on a horizontal surface such as the floor.

**J. Seclusion.** Student is placed in a location where they are alone, and where they are physically prevented from leaving that environment.

**K. Supine Physical Restraint.** A person is being held face up on their back on a horizontal surface such as the floor.

**L. Time Out(s).** Continuum of behavioral strategies to reduce inappropriate behavior by removing a student's access to positive reinforcement in the normal school setting.

**M. Significant Imminent Risk of Injury.** Situation where there is serious, imminent threat of bodily harm and where there is the immediate ability to enact such harm.

**N. Staff Trained in Restraint and Seclusion.** Individuals who successfully complete and maintain certification in a training program that results in acquisition of skills to prevent physical restraints, evaluate risk of harm in an individual situation, use approved physical restraint and seclusion techniques, and monitor the effect of the physical restraint or seclusion.

#### **Date of Adoption**

**February 21, 2011**

#### **Date of Revision**

**November 19, 2018**

#### **Related Policies and Rules**

**[5495: Corporal Punishment and Physical Contact](#)**

#### **Legal Reference**

**H.R. 4247: Peterson, R. (2010). Developing School Policies and Procedures for Physical Restraint and Seclusion in Nebraska Schools. A Technical Assistance Document. Lincoln, NE: Nebraska Department of Education**