704 KAR 7:160 Use of Restraint and Seclusion in Public Schools

704 KAR 7:160 is designed to enhance safety for both students and staff by limiting the use of physical restraint and seclusion, training teachers on more effective ways to improve student behavior, and training teachers on how to safely conduct restraints when absolutely necessary.

For the 2009-10 school year, 104 of 174 Kentucky school districts self-reported over two thousand incidents of physical restraints, nearly 1000 mechanical restraints and over eighteen hundred incidents of seclusion.

Protection and Advocacy (P & A) has documented 80 allegations of the abuse and misuse of physical restraint in more than 45 Kentucky districts in the last five years. P & A has documented cuts, abrasions, bruises, friction burns, sprains, broken bones and fractures, psychological trauma, miscarriage, hemorrhage, and shunt displacement resulting from the improper physical restraint and seclusion of Kentucky students

Integrating Positive Behavioral Interventions and Supports (PBIS)

A comprehensive set of strategies used to redesign the environment to support an individual in reducing problem behavior and increasing positive behaviors. Effective support involves modifying environments, teaching new skills, controlling staff responses and the natural consequences of behavior. (Horner 2000)

The key features of PBIS

- A prevention-focused continuum of support;
- The major goal of a universal system of positive behavioral interventions and supports is to prevent problem behavior from occurring. Proactive instructional approaches to teaching and improving social behaviors;
- Conceptually sound and empirically validated practices;
- Systems change to support effective practices; and
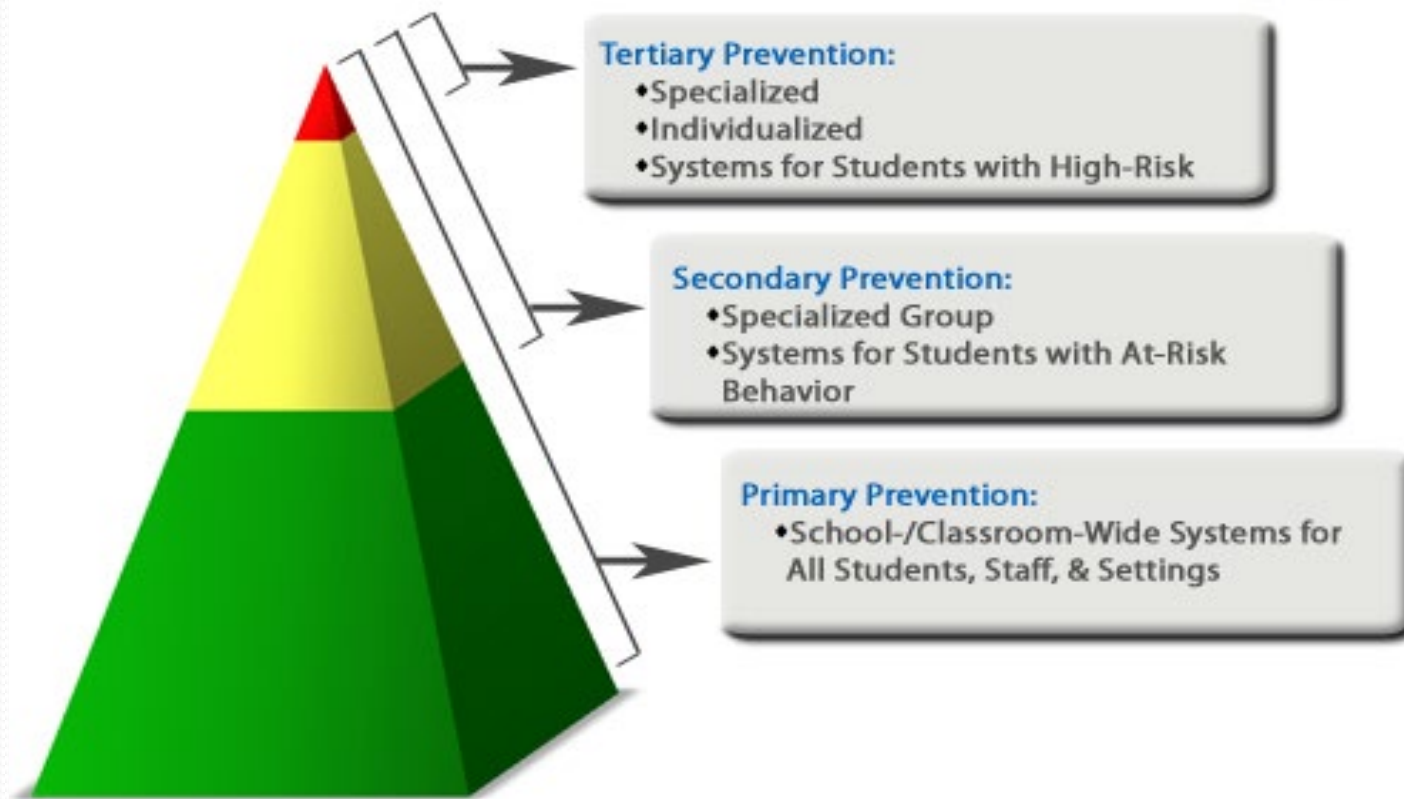- Data-based decision making.

(Horner, Sugai 2002)

Multi-Tiered Behavior System

A multi-tiered positive behavior support system has the following characteristics:
- Addresses the social and emotional needs of all students
- Predicts potential behavior problems
- Creates plans to avoid potential behavior problems
- Establishes clear and consistent expectations
- Establishes clear and consistent consequences
- Focuses on intervention planning and prevention
- Creates a positive learning climate

Continuum of School-Wide Instructional & Positive Behavior Support

Tertiary Prevention:
- Specialized
- Individualized
- Systems for Students with High-Risk

Secondary Prevention:
- Specialized Group
- Systems for Students with At-Risk Behavior

Primary Prevention:
- School-/Classroom-Wide Systems for All Students, Staff, & Settings

- Monitor transitions
- Provide positive prompts and reminders
- Keeping doors to the stairways open
- Praise good behavior
- Correct inappropriate behavior

Behavior Management Strategies

Build positive relationships

Schedules and routines

Physical environment

Staff proximity

Teaching practices

Keeping students engaged-responding opportunities

De-Escalation Techniques

Integrated Experience

Crisis Development Behavior Levels	Staff Attitudes/Approaches
1. Anxiety	1. Supportive
2. Defensive	2. Directive
3. Acting Out Person (AOP)	3. Non violent Physical Crisis Intervention
4. Tension Reduction	4. Therapeutic Rapport

Definitions:

1. Anxiety: A noticeable increase or change in behavior, e.g. pacing, finger drumming, wringing of hands, staring.
Supportive: An empathetic non-judgmental approach attempting to alleviate anxiety.

2. Defensive: The beginning stage of loss of rationality, belligerent behavior, challenging authority.
Directive: Staff takes control by setting limits (offer possibility first)

3. Acting Out Person: Total loss of control often results in a physical acting out episode.
Nonviolent Physical Crisis Intervention: SAFE, non-harmful control and restraint technique used to control individual until he can regain control of his behavior. This technique should only be sued as a last resort when an individual presents a danger to himself or others.

4. Tension Reduction: Loss of physical and emotional energy which occurs after a person has acted out, regaining rationality
Therapeutic Rapport: An attempt to re-establish communication.

Verbal Intervention

1.Questioning:
A. Information seeking – rational questions seeing a rationale response
B. Challenging questions – students trying to draw you into a power struggle
 Interventions:
A. Answer question – give information
B. Redirect and stick to topic – ignore questions, but not the person

2.Refusal: Non-compliance – slight loss of rationality
Intervention: Set limits, state positive first, frame situation for them

3.Release: Venting, screaming, yelling
Intervention: Let individual vent, isolate situation if possible

4.Intimidation: Individual is verbally or non-verbally threatening in some manner
Intervention: 1. take it seriously; 2. get help if possible; 3. document

5.Tension Reduction: Regaining rationality, drop in physical and emotionally
Intervention: Therapeutic rapport – establishment of trust

Keys to Setting Limits

- Keep it simple – always offer choices – stand with positive

- Keep it reasonable – fair and appropriate

- Enforceable – make sure you can do it
- Timing – give them time
- What motivates individual
- Consistency

Precipitating Factors, Rational Detachment, Integrated Experience

- Precipitating Factors – All the things that students bring to school that influence behavior internal or external influences behavior (slow triggers)

- Rational Detachment – Ability to stay in control of our own behaviors and not take acting out behaviors personally (Q-TIP – Quit Taking It Personally)

- Control your own response

- Maintain a professional attitude

- Find a positive outlet for negative energy

Integrated Experience – Behaviors and attitudes of staff impact behaviors and attitudes of students

704 KAR 7:160 Use of Physical Restraint and Seclusion in Public Schools

Restraint

Physical Restraint means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely.

but does not mean:

(a) Temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of encouraging

a student to move voluntarily to a safe location;

(b) A behavioral intervention, such as proximity control or verbal soothing, used as a response to calm and

comfort an upset student;

(c) Less restrictive physical contact or redirection to promote student safety; or

(d) Physical guidance or prompting when teaching a skill or redirecting the student's attention.

All Personnel

- Use of physical restraint by all school personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training may physically restrain students, but shall summon core trained school personnel as soon as possible.

The following are expressly **<u>prohibited</u>** in public Kentucky schools and educational programs:

- Mechanical restraint;
- *Chemical restraint;*
- *Aversive behavioral* interventions;
- Physical restraint that is life-threatening;
- Prone or supine restraint; or
- Physical restraint known to be contraindicated based on the student's disability, health care needs, or medical or psychiatric condition.

Restraint shall not be used :

- As punishment or discipline;
- To force compliance;
- To retaliate;
- As a substitute for appropriate educational or behavioral support;
- To prevent property damage, except as permitted under KRS Chapter 503;
- As a routine school safety measure; or
- As a convenience

Question: Will this regulation prohibit teachers to break up fights between students?
Answer: No

Question: Will this regulation force teachers to stand by and watch students destroy property?
Answer: Not necessarily

What if, during a restraint, the student and I fall to the floor. Will I be in trouble for using a prone restraint?
Answer: No

Question: I have a student who "bolts" unless he is passed from hand to hand. May I grab him to prevent him from running from the school?

Answer: Yes

Question: Will I get in trouble if I use physical restraint or seclusion?

Answer: The proposed regulation was designed to educate school personnel on the dangers of immobilizing a student through physical restraint or placing the student in a seclusion room. These actions should never be taken lightly and must be the last, rather than first, step taken, when a student misbehaves.

Seclusion

Seclusion means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving.

Seclusion **does not** mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.

REQUIRED PROCEDURES

- Documentation of the event in the student information system;

- Notice to parents; and

- A process for the parent or emancipated youth to request a debriefing session.

- Notify parent as soon as possible within twenty-four (24) hours of the incident.
- Notify principal as soon as possible, but no later than the end of the school day on which the incident occurred.

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Physical Restraint and Seclusion Forms

DOCUMENTATION OF USE

Please attach additional sheets as needed.

STUDENT NAME:	DATE OF USE:

Description of Physical Restraint or Seclusion Measure Used:

Beginning Time of Measure Used:	Ending Time of Measure Used:

School Personnel Involved:

Student Behavior Prompting Use:

How Student Behavior Posed Imminent Danger of:

☐ Physical harm to self/others _____

☐ Property damage, destruction, criminal mischief, theft, or a felony involving use of force _____ _____

☐ Disruption of reasonable discipline/order _____

School Personnel Response to Behavior and Techniques Used:

Events Leading Up to Use of Measure:

Student's Behavior During Restraint or Seclusion and Interactions During Use:

Behavioral Interventions Used Just Prior to Physical Restraint/Seclusion:

Injuries to Student(s), School Personnel or Others:

Effectiveness of Restraint/Seclusion in De-escalating the Situation:

Student Post-Incident Interview Comments:

Planned Future Positive Behavioral Interventions:

Documentation of Referral for Section 504 or IDEA Services (OR BASIS FOR NOT DOING SO):

Date Notice Sent to Parent/Guardian/Authorized Individual Acting as Parent:

Check as applicable:

☐ Parent   ☐ Emancipated Youth notified on _____(date) of the five (5) school day timeline to request debriefing session.

_____   _____
Signature of Staff Member Completing Report   *Date Report Provided to Principal*

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(CONTINUED)

Physical Restraint and Seclusion Forms

NOTICE TO PARENT

ADMINISTRATIVE NOTE: AS SOON AS POSSIBLE WITHIN TWENTY-FOUR (24) HOURS FOLLOWING EACH INCIDENT INVOLVING USE OF PHYSICAL RESTRAINT OR SECLUSION, NOTICE SHALL BE PROVIDED TO THE PARENT/GUARDIAN OF A STUDENT WHO IS NOT EMANCIPATED EITHER VERBALLY OR BY EMAIL, IF EMAIL IS AVAILABLE TO THE RECIPIENT. IF THE RECIPIENT CANNOT BE REACHED WITHIN TWENTY-FOUR (24) HOURS, A WRITTEN COMMUNICATION SHALL BE MAILED VIA U.S. MAIL. IN ANY EVENT, THIS FORM SHOULD BE COMPLETED AND KEPT ON FILE TO DOCUMENT THE NOTIFICATION.

_____
Date

Dear parent/guardian,

On _____, authorized school personnel used the following with your child:
       Date

☐ Seclusion   ☐ Physical Restraint

The following is a summary description of the measure used:
_____
_____

This occurrence took place at _____
                                   Location and Time Frame

and was necessary due to the following behavior by your child:
_____
_____

Because the safety of students, school personnel and visitors is our utmost concern, we did not take this action lightly.

Please contact me directly if you have questions about this information or if you want to request a debriefing session. The District must receive such request within five (5) school days from the date you received notice of the use of physical restraint or seclusion. We will do our best to schedule a meeting as soon as practicable, but no later than five (5) school days following receipt of your request, unless we mutually agree otherwise.

I can be reached at _____.
                         Telephone Number

Sincerely,

_____   _____
Signature   Position

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Debriefing Session