Positive Behavior Intervention and Supports and Restraint and Seclusion Model Policy and Procedures

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By:

The Charles School at Ohio Dominican University Board of Directors (IRN: 007999)

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I. Policy Rationale and Philosophy:

Efforts should be made to prevent the use of restraint and the use of seclusion. A non-aversive effective behavioral system such as Positive Behavior Intervention and Supports (PBIS) shall be used to create a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic, social and behavioral outcomes for all students.

The Charles School believes the school environment should be one that ensures the care, safety and welfare of all students and staff members. Efforts to promote positive interactions and solutions to potential crises should be used. If a student's behavior presents a threat of immediate harm to the student or others, the use of approved physical restraint or seclusion to maintain a safe environment may be used as a last resort. The Charles School Board of Directors policy states:

II. Definitions: The following terms are used throughout the policy and are provided for reference. They also can be found in Ohio Administrative Code (OAC) 3301-35-15.

a. Aversive behavioral interventions
Interventions that are intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or taste or other sensory stimuli such as climate control, lighting and sound.

b. Behavior Intervention Plan
A comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it by strengthening replacement skills, teaching new skills and providing PBIS and services to address behavior.

c. Chemical Restraint
A drug or medication used to control a student's behavior or restrict freedom of movement.

d. De-escalation Techniques
Interventions used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent and/or disruptive incidents.

e. Functional Behavior Assessment
    i. A school-based process for students with disabilities and students without disabilities that includes a student's parent and, as appropriate, the child to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment.
    ii. Consent from the parent and, as appropriate, the child (18 years of age or older) is to be obtained at the initial Functional Behavior Assessment.

f. Mechanical Restraint
Any method of restricting a student's freedom of movement, physical activity or normal use of the student's body by using an appliance or device manufactured for this purpose.

g. Physical Escort
The temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip or back for the purpose of inducing a student to move to a safe location.

h. Physical Restraint
   i. The use of physical contact in a way that immobilizes or reduces the ability of a student to move the student's arms, legs, body or head freely. Such term does not include a physical escort, mechanical restraint or chemical restraint.
   ii. Physical restraint may be used only when there is an immediate risk of physical harm to the student or others and no other safe or effective intervention is available. Physical restraint only may be used in a manner that is age and developmentally appropriate.
   iii. Physical restraint does not include brief, physical contact for the following or similar purposes:
      1. To break up a fight.
      2. To knock a weapon away from a student's possession.
      3. To calm or comfort.
      4. To assist a student in completing a task/response if the student does not resist the contact.
      5. To prevent immediate risk of injury to the student or others.

i. PBIS
   i. A multi-tiered, schoolwide, behavioral framework developed and implemented for the purpose of improving academic and behavior outcomes and increasing learning for all students.
   ii. A schoolwide systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture to achieve improved academic and behavior outcomes and increase learning for all students.
   iii. Encompasses a wide range of systemic and individualized positive strategies to teach students schoolwide behavior expectations, reinforce desired behaviors and diminish reoccurrences of challenging behaviors.

j. PBIS Leadership Team
   The assigned team at the district and building level that plans, coaches and monitors PBIS in the district and building. PBIS leadership teams may include, but are not limited to, school administrators, teacher representatives across grade levels and programs, staff able to provide behavioral expertise and other representatives identified by the district or school, such as bus drivers, food service staff, custodial staff and paraprofessionals.

k. Prone Restraint
   A physical or mechanical restraint while the individual is in the facedown position.

l. Seclusion
   The involuntary isolation of a student in a room, enclosure or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a time out.

m. Time out
   A behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling the student's own behavior. In a time out, the student is not physically restrained or prevented from leaving the area by physical barriers.

III. PBIS Framework:

The Charles School will implement PBIS on a systemwide basis in accordance with Ohio Revised Code (ORC) 3319.46 and OAC 3301-35-15.

a. The framework will include:
    i. A decision-making framework that consists of multiple school staff members who guide selection, integration and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students.
    ii. The following integrated elements:
        1. Data-based decision-making (to select, monitor and evaluate outcomes, practices and systems).
        2. Evidence-based practices along a multi-tiered continuum of supports.
        3. Systems that enable accurate and sustainable implementation of practices.
        4. Progress monitoring for fidelity and target outcomes.
b. Standards for The Charles School implementation of PBIS framework include:
    i. Student personnel to receive professional development in accordance with OAC 3301-35-51 (C).
    ii. Explicit instruction of schoolwide behavior expectations.
    iii. Consistent systems of acknowledging and correcting behaviors.
    iv. Teaching environments designed to eliminate behavior triggers.
    v. Family and community involvement.

IV. Professional Development for the Implementation of PBIS:

The following are requirements for professional development to be received by student personnel to implement PBIS on a systemwide basis:

a. Occurs at least every three years.
b. Provided by a building or district PBIS team or appropriate state, regional or national source in collaboration with the building or district PBIS team.
c. The trained PBIS leadership team will provide professional development to the school or district in accordance with the district's developed PBIS training plan. The district will retain records of completion of the professional development.
d. The following topics, as required by OAC 3301-35-15:
    i. Overview of PBIS.
    ii. Process for teaching behavioral expectations.
    iii. Data collection.
    iv. Implementation of PBIS with fidelity.
    v. Consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors.
    vi. Consistency in discipline and discipline referrals.
e. The Charles School can accept any professional development or continuing education provided in accordance with ORC 3319.237 (B), as long as the professional development or continuing education meets the professional development requirements of divisions OAC 3301-35-15(C)(4).
f. The Charles School will ensure continuous training structures are in place to provide ongoing coaching and implementation with fidelity.
g. The above requirements in Section IV may be appropriately modified for the intended audience.

V. Training and Professional Development for the use of Crisis Management and De-escalation Techniques, Restraint and Seclusion:

The Charles School will ensure an appropriate number of personnel in each building are trained annually in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. The minimum training requirements are as follows:

a. Proactive measures to prevent the use of seclusion or restraint.
b. Crisis management.
c. Documentation and communication about the restraint or seclusion with appropriate parties.
d. Safe use of restraint and seclusion.

e. Instruction and accommodation for age and body size diversity.
f. Directions for monitoring signs of distress during and following physical control.
g. Debriefing practices and procedures.
h. Is a face-to-face training.
i. Allow for a simulated experience of administering and receiving physical restraint.
j. Ensure that participants will demonstrate proficiency in the above-mentioned items in Section V.

VI. Additional Requirements for Training and Professional Development for PBIS and Restraint and seclusion:

a. The school district will maintain written or electronic documentation on training provided and lists of participants in each training.
b. The school district will ensure an appropriate number of student personnel shall be trained annually on the requirements of this policy, OAC 3301-35-15 and the district's procedures regarding restraint and seclusion.
c. The school district will have a plan regarding training student personnel as necessary to implement PBIS on a systemwide basis.

VII. District Monitoring:

a. The district shall establish a procedure to monitor the implementation of this policy.
b. This policy and subsequent procedures shall be accessible on the district's website.
c. The district is responsible for notifying all parents annually of its policies and procedures concerning seclusion and restraint.

VIII. Requirements for the use of Restraint:

Physical restraint may be applied only if there is an immediate risk of physical harm to the student or others and no other safe or effective intervention is available. If physical restraint is applied, the staff must:

a. Be appropriately trained.
b. Implement in a manner that accommodates age and body size diversity.
c. Ensure safety of other students and protect the dignity and safety of the student involved.
d. Combine use with other approaches (non-physical interventions always are preferred) that will diminish the need for physical intervention in the future.
e. Use the least amount of force necessary for the least amount of time necessary.
f. Ensure physical restraint does not interfere with a student's ability to communicate in the student's primary language or mode of communication.
g. Continually observe the student in restraint for indications of physical or mental distress and contact appropriate personnel if needed according to the district's Emergency Procedure of the Family Handbook.
h. Remove the student from physical restraint promptly once the risk of physical harm to self or others has dissipated.
i. If at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, contact emergency personnel.

IX. Prohibited Practices for Use of Physical Restraint:

Staff members are not to use prohibited physical restraints for which they have not been trained by the district and are not to use any unauthorized physical restraints. This includes, but is not limited to:

a. Prone restraint, including:
    i. The intentional knowing or reckless use of any technique that involves the use of pinning down a student by placing knees to the torso, head and or neck of the student; and
    ii. Use of any method that can cause loss of consciousness or harm to the neck or restricting respiration in any way.
b. Chemical restraint.

c. Mechanical restraint.
d. Corporal punishment.
e. Deprivation of basic needs.
f. Restraint of preschool children in violation of OAC 3301-37-10 (D).
g. Child endangerment, as defined in ORC 2919.22.
h. Aversive behavioral interventions.
i. Using pressure point, pain compliance or joint manipulation techniques.
j. Dragging or lifting of the student by the hair or ear or any type of mechanical restraint.
k. Using other students or untrained staff to assist with the hold or restraint.
l. Securing a student to another student or fixed object.

X. Requirements Following an Incident of Physical Restraint:

If a physical restraint occurs, staff is required to:

a. Immediately or within 24 hours report the incident to a building administrator and the parent/guardian.
b. Attempt to contact parent/guardian during the same day of incident or within 24 hours.
c. Complete an Incident Report and any other district-required reports following the physical restraint, which will:
    i. Include staff's observations of the student.
    ii. Include documented attempts to contact the parent/guardian following the physical restraint.
    iii. Be completed within 24 hours;
    iv. Be provided to district administration within 24 hours.
    v. Be made available to parent/guardian within 24 hours.
    vi. Be maintained by the school district in the student file.
d. Debrief following the restraint, with all involved staff, the student and parents/guardians (if possible) to include:
    i. Utilizing information from the district's incident report.
    ii. The trigger for the incident and staff response.
    iii. Methods to address the student's behavioral needs.
    iv. Completion of a Functional Behavior Assessment and/or a Behavior Intervention Plan if this behavior is noted as a pattern of behavior that leads to the use of restraint (3 or more incidents within a school year).

Comment [MOU1]: Do we have this? Or do we need to create it?

XI. Requirements for Use of Seclusion:

Seclusion may be applied only if there is an immediate risk of physical harm to the student or others and no other safe or effective intervention is available. If seclusion occurs, staff must:

a. Be appropriately trained.
b. Implement in a manner that is age and developmentally appropriate.
c. Ensure safety of other students and protect the dignity and respect of the student involved.
d. Combine use with other approaches (non-physical interventions always are preferred) that will diminish the need for seclusion in the future.
e. Use the least amount of time necessary.
f. Continually observe the student in seclusion for indications of physical or mental distress and contact appropriate emergency entities according to district crisis policy.
g. Only utilize a room or area that:
    i. Provides for adequate space, lighting and ventilation.
    ii. Has clear visibility for the safety of the student.
    iii. Is not locked.
h. Cease seclusion when the immediate risk of physical harm to self or others has dissipated.
i. If at any point the staff assesses that the intervention is insufficient to maintain safety of all involved, contact emergency personnel.

Comment [MOU2]: Does our policy address this?

XII. Prohibited Practices for Use of Seclusion:

Staff members are not to use seclusion for which they have not been trained by the district and are not to use any prohibited seclusion. Prohibited seclusion includes but is not limited to:

a. Use of seclusion in any environment that does not meet the above criteria in Section XI.
b. Corporal punishment.
c. Seclusion of preschool children in violation of OAC 3301-37-10 (D).
d. Child endangerment, as defined in ORC 2919.22.
e. Aversive behavioral interventions.
f. Seclusion cannot be used:
    i. As a form of discipline/punishment.
    ii. As a means to coerce or retaliate or in a manner that endangers a student.
    iii. For the convenience of staff.
    iv. As a substitute for inadequate staff.
    v. As a substitute for an educational program.
    vi. As a substitute for less restrictive alternatives.
    vii. As a substitute for staff training in positive behavior supports or another crisis prevention program.

XIII. Requirements Following an Incident of Seclusion:

If seclusion occurs, staff are required to:

a. Immediately or within 24 hours report the incident to a building administrator and the parent/guardian.
b. Attempt to contact parent/guardian during the same day or within 24 hours of the incident.
c. Complete an Incident Report and any other district-required reports following the seclusion, which will:
    i. Include staff's observations of the student.
    ii. Include documented attempts to contact the parent/guardian following the seclusion.
    iii. Be completed within 24 hours.
    iv. Be provided to district administration within 24 hours.
    v. Be made available to parent/guardian within 24 hours.
    vi. Be maintained by the school district in the student file.
d. Following the seclusion, debrief with all involved staff, the student and parents/guardians (if possible) to include:
    i. Utilizing information from the district's incident report.
    ii. The trigger for the incident and staff response.
    iii. Methods to address the student's behavioral needs.
    iv. Completion of a Functional Behavior Assessment and/or a Behavior Intervention Plan if this behavior is noted as a pattern of dangerous behavior that leads to the use of seclusion (3 or more incidents within a school year).

XIV. Multiple Incidents of Restraint and Seclusion:

After a student's third incident of physical restraint or seclusion in a school year, a meeting will occur within 10 school days of the third incident as follows:

a. For students who have Individualized Education Programs (IEP) or 504 plans, the requirements are as follows:
    i. The student's individualized education program (IEP) or 504 team will meet to consider the need to conduct or develop a Functional Behavioral Assessment or Behavior Intervention Plan or amend an existing Functional Behavioral Assessment or Behavior Intervention Plan.
b. For all other students, the requirements are as follows:

i. A team, consisting of the parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited) and other appropriate staff members will meet to discuss the need to conduct or review a Functional Behavioral Assessment and/or develop a Behavior Intervention Plan.

c. The Charles School may choose to complete a Functional Behavioral Assessment or Behavior Intervention Plan for any student who might benefit from these measures but has fewer than three incidents of restraint or seclusion.

XV. Reporting and Notification to the Ohio Department of Education:

The Charles School will annually report information regarding its use of restraint and seclusion to the Ohio Department of Education in the form and manner prescribed by the Department.

XVI. Complaint:

The Charles School will create a complaint procedure for parents.

a. Parents will present written complaints to the superintendent of the school district to initiate a complaint investigation by the school district regarding an incident of restraint or seclusion.

b. The district will respond to the parent's complaint in writing within 30 days of the filing of a complaint regarding an incident of restraint or seclusion and will make reasonable efforts to have an in-person follow up meeting with the parents: and

c. The district also will advise parents of the additional complaint options available to them as outlined in OAC 3301-35-15 (L).