

**POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS,**

**RESTRAINT AND SECLUSION**

Rise and Shines's philosophy is founded on evidence-based Positive Behavior Intervention and Supports ("PBIS"), in order to achieve long lasting positive behavioral changes and to provide our students a safe and nurturing environment, in which learning is possible. PBIS emphasizes prevention of student behavior problems through the use of non-aversive techniques, which should greatly reduce, if not eliminate, the need to use restraint and/or seclusion.

However, Rise and Shine Academy specializes in behavior modification for students, who struggle to regulate their emotions in an appropriate manner. As they are learning effective coping skills, there may be times when physical restraint and seclusion may be necessary to maintain the student's safety as well as that of others. Physical restraint and seclusion are used to defuse dangerous situations, protect the student and others from injury, and regain a safe controlled learning environment. Physical restraint and/or seclusion may only be implemented, if the student presents an imminent risk of physical harm to himself/herself or others.

All restraint and seclusion shall only be done in accordance with this Policy, which is based on the standards adopted by the State Board of Education and procedures established by the Crisis Prevention Institute, regarding the use of student restraint and seclusion.

The most desirable behavior management approaches are positive and proactive, while restraint and seclusion are reactive strategies and should only be implemented if the student presents an imminent risk of physical harm to himself/herself or others. When considering the use of physical restraint and/or seclusion, it is important to maintain the respect for the child and protect his/her dignity and safety. The intervention should be appropriate for the student's age and developmental level, and take into account any medical or other issues the student may have.

The physical restraint or seclusion should not be intended to harm or create undue discomfort. In no event shall physical force be used beyond that which is necessary to limit the student's freedom of movement. Physical restraints and seclusion shall only be used for the period of time necessary to accomplish its purpose and by staff certified in Crisis Prevention Intervention through the Crisis Prevention Institute.

Definitions:

Aversive behavioral interventions – means an intervention that is 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.

Chemical restraint – means a drug or medication used to control a student’s behavior or restrict freedom of movement that is not:

- a. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under Ohio law, for the standard treatment of a student’s medical or psychiatric condition; and
- b. Administered as prescribed by the licensed physician or other qualified health professional acting under the “scope of the professional’s authority under Ohio law.

De-escalation techniques - are strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

Functional behavior assessment ("FBA") - is a collaborative problem-solving process that is used to describe the "function" or purpose that is served by a student's behavior. Understanding the "function" that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

Mechanical restraint - means any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose. Mechanical restraint does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including:

- A. restraints for medical immobilization;
- B. adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such, devices or mechanical supports;
- C. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent means:

- A. a biological or adoptive parent;
- B. a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State);
- C. an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- D. a surrogate parent who has been appointed in accordance with Ohio Administrative Code 3301-51-05(E); or
- E. any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of the child.

Physical escort/transport - means 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.

Physical restraint- means the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. Physical restraint does not include a physical escort, chemical restraint or mechanical restraint.

Physical restraint does not include brief physical contact for or similar purposes to: break up a fight; knock a weapon away from a student's possession; calm or comfort; assist a student in completing a task/response if the student does not resist the contact; or prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

Positive Behavior Intervention and Supports ("PBIS") - means a school-wide systematic approach to embed evidence-based practice and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students. PBIS encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

Positive Behavior Support Plan - means the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of

behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

Prone restraint - means physical or mechanical restraint while the student is in the face-down position for an extended period of time.

Seclusion - means 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.

Seclusion does not include: In-school suspension, detention, student requested break, the student is instructed or requested to return to his/her desk or designated area away from a group activity or to another room and the student does so voluntarily, or timeout that does not involve physically preventing the student from leaving the room or area.

Seclusion rooms – means that Rise and Shine Academy has designated “chill areas”, where seclusion may occur. These rooms are multi-purpose and are used for “chill time”, sensory breaks, and to meet other student needs. All “chill areas” are open doorway structures.

Timeout/ Chill time - means a behavioral intervention in which the 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 his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

Positive Behavior Intervention and Supports:

1. Every student deserves to be treated with dignity, be free from abuse, and treated as a unique individual with individual needs, strengths, and circumstances.
2. Education environments shall be structured to greatly reduce, and in most cases eliminate, the need to use restraint and/or seclusion. Positive Behavior Intervention and Supports (PBIS), creates structure to the environment using a non-aversive effective behavioral system. It is a decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students.
3. The PBIS prevention-oriented framework of approach applies to all students, all staff, and all

settings. Research supports the conclusion that PBIS, when integrated with effective academic instruction, provides the support students need to become actively engaged in their own learning and academic success.

4. Components of a system of Positive Behavior Intervention and Supports include:

A. Trained school staff to identify conditions such as:

1) Where, under what conditions, with whom and why specific inappropriate behaviors may occur.

2) Preventative assessments should include:

a. A review of existing data,

b. Interviews with parents, family members and students and

c. Examination of previous and existing behavioral intervention plans.

3) With the analysis of these data Eagle Wings Academy shall develop and implement preventative behavioral interventions and teach appropriate behavior.

a. Modify the environmental factors that escalate the inappropriate behavior.

b. Support the attainment of appropriate behavior.

c. Use verbal de-escalation to defuse potentially violent dangerous behavior.

B. Positive Behavior Support System that will support students' efforts to manage their own behavior; implement instructing techniques in how to self-manage behavior, decrease the development of new problem behaviors; prevent worsening of existing problem behaviors; redesign learning/teaching environments to eliminate triggers and maintainers of problem behaviors. Positive Behavior Support System includes family involvement as part of the system.

Prohibited Practices:

The following are prohibited under all circumstances, including emergency safety situations:

1. Prone restraint as defined in Executive Order 2009-13S;

2. Corporal punishment;

3. Child endangerment as defined in R.C. 2919.22;

4. Seclusion or restraint of preschool students in violation of the provisions of Ohio Adm.

Code Rule 3301-37-10(D);

5. The deprivation of basic needs;
6. Restraint that unduly risks serious harm or needless pain to the student, including the intentional, knowing, or reckless use of any of the following techniques:
  - A. Using any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way,
  - B. Pinning down with knees to torso, head and/or neck;
  - C. Using pressure points, pain compliance and joint manipulation techniques,
  - D. Dragging or lifting of the student by the hair or ear or by any type of mechanical restraint,
  - E. Using other students or untrained staff to assist with the hold or restraint,
  - F. Securing a student to another student or to a fixed object;
7. Mechanical restraints (which does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
8. Chemical restraint (which does not include medication administered as prescribed by a licensed physician.)
9. Aversive behavioral interventions;
10. Seclusion of students in a locked room.
11. Physical restraint or seclusion may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student and regaining control.

Procedures for the Use of Physical Restraint:

Physical restraints should only be used if the student presents an imminent risk of physical harm to himself/herself or others and only in a manner that is age and developmentally appropriate.

The use of prone restraint, physical restraint that obstructs the airway of a student, or any physical restraint that impacts a student's primary mode of communication is prohibited as defined and prohibited in Ohio Executive Order 2009-13S is prohibited.

Staff should be appropriately trained to protect the care, welfare, dignity, and safety

of the student.

1. Use verbal strategies and research based de-escalation techniques in an effort to help the student regain control as quickly as possible;
2. Continually observe the student in restraint for indications of physical and mental distress and seek immediate medical or mental health assistance if there is a concern;
3. Restraint should only be used for the period of time necessary. The specific restraint technique should be appropriate to the student's age and height/size, and be safe for the student. Once the staff member administering the restraint has determined that the student is no longer a danger to self or others, the student should be released. Eagle Wings Academy has an alternative plan in the event that the student does not begin to calm down within a reasonable time period.
4. Following the release of the student after the restraint, the student must be seen by the school nurse or designee within one hour for the post-vention physical assessment.
5. 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.
6. Staff, who frequently work with students needing behavioral supports must have appropriate training in crisis management, de-escalation and restraint to prevent injuries to the student or themselves.

Rise and Shine Academy is responsible for providing the appropriate training.

All staff that are currently trained and are in positions that may require restraints will receive updated training each school year. It is important to have sufficient staff trained in physical restraint, including more than one staff person within a classroom having students with significant behavior needs. Having a team trained together allows staff to support each other and the students and provides for a common language regarding behavioral intervention techniques. All training will be in accordance with policy JFJ, the State Board of Education Restraint and Seclusion Policy and Ohio Administrative

Code Section 3301-35-15.

7. A physical restraint report must be completed when physical restraint is used. The staff needs to use the Rise and Shine Academy restraint/seclusion form so that data can be kept and analyzed. All staff members involved in addressing the restraint need to complete this form. A request to complete a separate report or to review the report being submitted, may be made to witnesses in order to document their observations. Staff members have to provide the crisis therapist with the restraint/seclusion form.

8. Use the data from the physical restraint reports to evaluate the use of physical restraints and to determine if there is an over-reliance on physical restraints as a disciplinary response. Within 48 hours, conduct a de-briefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;

9. Inform parents and/or document attempts to contact parents of the physical restraint within 8 hours. A copy of the written report shall be made available to the parent or guardian within 24 hours, and the school shall maintain a copy of the report in the student's file. These reports are educational records subject to the Family Educational Right to Privacy Act, and a school district is prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with the requirements of that Act.

#### Procedures For Use of Seclusion:

Seclusion may be used only when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. Seclusion shall never be used as a punishment or to force compliance. Seclusion should only be used in a manner that is age and developmentally appropriate. Seclusion is a last resort safety intervention that provides an opportunity for the student to regain self-control.

1. A room or area used for seclusion must:

A. provide for adequate space, lighting, ventilation, clear visibility and the safety of the

student; and

B. not be locked.

C. Seclusion shall not be used:

- 1) for the convenience of staff;
- 2) as a substitute for an educational program;
- 3) as a form of discipline/punishment;
- 4) as a substitute for less restrictive alternatives;
- 5) as a substitute for inadequate staffing;
- 6) as a substitute for staff training in positive behavior supports and crisis prevention
- 7) as a means to coerce, retaliate, or in a manner that endangers a student.

2. The staff must:

- A. Be appropriately trained to protect the care, welfare, dignity, and safety of the student;
- B. Continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical or mental health assistance if there is a concern;
- C. Use verbal strategies and research based de-escalation techniques in an effort to help the student regain control as quickly as possible; and
- D. Remove the student when the immediate risk of physical harm to self or others has dissipated;
- E. When student demonstrates appropriate/acceptable behavior the student may be removed from seclusion.
- F. Following the release of the student from seclusion, the student must be seen by the school nurse or designee within one hour for the post-vention physical assessment.
- F. If behavior re-escalates, the student may be returned to seclusion.
- G. After extended or repeated seclusions within a school day, the teacher shall contact an administrator to consider other actions. For an extended period of time in seclusion, the teacher and staff must provide adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

3. Complete a restraint/seclusion form for each use of seclusion.
4. Use the data from the reports to regularly evaluate the use of seclusion and to determine if there is an over-reliance on seclusion for behavior management. Within 48 hours, conduct a de-briefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs;
5. Inform parents and/or document attempts to contact parents regarding the seclusion within 8 hours. A copy of the written report shall be made available to the parent or guardian within 24 hours, and the school shall maintain a copy of the report in the student's file.

These reports are educational records subject to the Family Educational Right to Privacy Act, and a school district is prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with the requirements of that Act.

#### Debriefing:

When restraint and/or seclusion have been used, the following discussion points may be considered:

- The student understood of the purpose for the restraint/seclusion
- There was a de-briefing with the student once he/she had regained behavioral control
- The student had an opportunity to stop the misbehavior and demonstrate appropriate behavior
- Warnings were used
- Once the student stopped the misbehavior, interventions other than restraint/seclusion were used
- The student had opportunities to demonstrate responsibility for his/her own behavior and to practice self-control
- The student understood the expectations for a successful return to classroom activities
- The length of time in restraint/seclusion was reasonable and appropriate for the student's age, ability, developmental level, level of escalation etc.
- Was data collected and reviewed to evaluate the effectiveness of restraint/seclusion, the possible need for additional evaluation (including an FBA), and/or the need to

review/revise the student's IEP/BIP?

Complaint Procedures:

1. Informal Resolution of Concern about Use of Physical Restraint or Seclusion

A. Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint and/or seclusion may seek to resolve his/her concerns regarding a specific use of a physical restraint and/or seclusion by raising the issue with the teacher and/or building administrator(s).

B. The student and/or their parent/guardian should direct their concerns regarding a specific use of a physical restraint and/or seclusion to the building administrator within ten (10) calendar days of the parent/guardian's notification of the incident regarding restraint or seclusion.

C. The building administrator shall attempt, within his/her authority, to work with the individual to resolve the complaint. If the student and/or their parent/guardian are not satisfied with the resolution, or if the student and/or their parent/guardian does not choose informal resolution, then the student and/or their parent/guardian may proceed with the formal complaint process.

2. Formal Resolution of Concern About Use of Physical Restraint or Seclusion

A student and/or their parent/guardian, who has concerns regarding a specific use of a physical restraint and/or seclusion, may seek to resolve his/her concerns by submitting a written complaint to the Office of the Superintendent of the student's respective public school district. The district shall investigate each written complaint and respond in writing to the complaint within 30 days of receipt.

The District will notify all parents annually of its policies and procedures regarding restraint and seclusion and post the policy and procedures on its website. The Administration shall develop a monitoring procedure to ensure that this policy is appropriately implemented.

[Readopted October 2020]