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5630.01 - **POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION**

The Governing Board is committed to the Educational Service Center-wide use of Positive Behavior Intervention and Supports ("PBIS") with students and the establishment of a school environment focused on the care, safety, and welfare of all students and staff members. Student Personnel shall work to prevent the need for the use of restraint and/or seclusion. PBIS shall serve as the foundation for the creation of a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students. An emphasis shall be placed on promoting positive interventions and solutions to potential conflicts._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.

Professional staff members and support staff determined appropriate by the Superintendent are permitted to physically restrain and/or seclude a student, but only when there is immediate risk of physical harm to the student and/or others, there is no other safe and effective intervention possible, and the physical restraint or seclusion is used in a manner that is age and developmentally appropriate and protects the safety of all children and adults at school.

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 regarding the use of student restraint and seclusion.

Training in methods of PBIS and the use of restraint and seclusion will be provided to all professional staff and support staff determined appropriate by the Superintendent. Training will be in accordance with the State's Standards. Only school staff who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Every use of restraint and seclusion shall be documented and reported in accordance with this Policy.

The Board shall annually notify parents of this policy, and publish it on the District’s website.

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; or

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 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, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes to:

A. break up a fight;

B. knock a weapon away from a student's possession;

C. calm or comfort;

D. assist a student in completing a task/response if the student does not resist the contact; or

E. 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. It does not include a timeout.

Student means a child or adult aged three (3) to twenty-one (21) enrolled in the Center.

Student Personnel means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, bus drivers, or other Center staff who interact directly with students.

Timeout 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

Positive Behavior Intervention and Supports ("PBIS") creates structure in the environment using a non-aversive effective behavioral system to improve academic and behavior outcomes for all students.

The PBIS prevention-oriented framework or approach shall apply to all students and staff, and in all settings.

PBIS shall include:

A. school staff trained to identify conditions such as where, under what circumstances, with whom, and why specific inappropriate behavior may occur;

B. preventative assessments that include:

    1. review of existing data;

    2. interviews with parents, family members, and students; and

    3. examination of previous and existing behavioral intervention plans.

C. development and implementation of preventative behavioral interventions, and the teaching of appropriate behavior, including:

    1. modification of environmental factors that escalate inappropriate behavior;

    2. supporting the attainment of appropriate behavior; and

    3. use of verbal de-escalation to defuse potentially violent dangerous behavior.

SECLUSION

Seclusion may be used only when a student’s behavior poses an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. Seclusion may be used only as a last resort safety intervention that provides the student with an opportunity to regain control of his/her actions. Seclusion must be used in a manner that is age and developmentally appropriate, for the minimum amount of time necessary for the purpose of protecting the student and/or others from physical harm, and otherwise in compliance with this Policy and the Ohio Department of Education’s ("ODE") corresponding policy.

Seclusion shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity, and safety of the student.

Additional requirements for the use of seclusion:

If Student Personnel use seclusion, they must:

A. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

B. use verbal strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;

C. remove the student from seclusion when the immediate risk of physical harm to the student and/or others has dissipated;

D. assess the student for injury or psychological distress after the use of seclusion, and monitor the student as needed following the incident;

E. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and

F. complete all required reports and document their observations of the student.

Requirements for a room or area used for seclusion:

A room or area used for seclusion must provide for adequate space, lighting, ventilation, clear visibility, and the safety of the student.

A room or area used for seclusion ***must not be locked*** or otherwise prevent the student from exiting the area should staff become incapacitated or leave the area.

Additional prohibited seclusion practices:

Seclusion shall never be used as a punishment or to force compliance.

Seclusion shall not be used:

A. for the convenience of staff;

B. as a substitute for an educational program;

C. as a form of discipline or punishment;

D. as a substitute for less restrictive alternatives;

E. as a substitute for inadequate staffing;

F. as a substitute for staff training in positive behavior supports and crisis prevention and intervention;

G. as a means to coerce, retaliate, or in a manner that endangers a student; or

H. if it deprives the student of basic needs.

Seclusion of preschool-age children is prohibited, except that a preschool-age child may be secluded from his or her classmates, either in the classroom or in a safe, lighted, and well-ventilated space, for an amount of time that is brief in duration and appropriate to the child's age and development, if the child is always within sight and hearing of a preschool staff member.

RESTRAINT

There are different types of restraint, as defined above, including physical restraint,

prone restraint, mechanical restraint, and chemical restraint. The use of restraint other than physical restraint is prohibited.

Physical restraint may be used only when the student’s behavior poses an immediate risk of physical harm to the student and/or others and no other safe and/or effective intervention is possible. The physical restraint must be implemented in a manner that is age and developmentally appropriate, does not interfere with the student’s ability to communicate in his/her primary language or mode of communication, and otherwise in compliance with this Policy and the ODE’s corresponding policy.

Physical restraint shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity and safety of the student, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

Additional requirements for the use of physical restraint:

If Student Personnel use physical restraint, they must:

A. continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;

B. use verbal strategies and research-based de-escalation techniques in an effort to help the student regain control;

C. remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has dissipated;

D. assess the student for injury or psychological distress after the use of physical restraint, and monitor the student as needed following the incident;

E. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and

F. complete all required reports and document their observations of the student.

Physical restraint shall not be used for punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control.

Prohibited Restraint Practices

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

A. prone restraint as defined in Executive Order 2009-13 (which defines prone restraint to mean "all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time");

B. physical restraint that restricts the airway of a student or obstructs the student’s ability to breathe;

C. physical restraint that impacts the student's primary mode of communication;

D. restraint of preschool-age students, except for holding a child for a short period of time, such as in a protective hug, so that the child may regain control;

E. restraint that deprives the student of basic needs;

F. restraint that unduly risks serious harm or needless pain to the student, including physical restraint that involves the intentional, knowing, or reckless use of any of the following techniques:

1. using any method that is capable of causing loss of consciousness or harm to the neck or restricting/obstructing respiration in any way;

2. pinning down the student by placing knees to the torso, head, and/or neck of the student;

3. using pressure points, pain compliance, or joint manipulation;

4. dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;

5. using other students or untrained staff to assist with the hold or restraint; or

6. securing the student to another student or to a fixed object.

G. mechanical restraint (that does not include devices used by trained Student Personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed); or

H. chemical restraint (which does not include medication administered as prescribed by a licensed physician).

ADDITIONAL PROHIBITED PRACTICES

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

A. corporal punishment;

B. child endangerment as defined in Ohio Revised Code 2919.22; and

C. aversive behavioral interventions.

CONTACT LAW ENFORCEMENT AND/OR EMERGENCY RESPONSE PERSONNEL

In accordance with the Board’s Emergency Management Plan (see Policy 8400), District personnel shall contact law enforcement and/or appropriate emergency response personnel if at any point they determine that an intervention (either a restraint or seclusion) is insufficient to maintain the safety of all involved.

FUNCTIONAL BEHAVIORAL ASSESSMENT AND BEHAVIOR INTERVENTION PLAN

If a student repeatedly engages in dangerous behavior that leads to instances of restraint and/or seclusion, Center personnel shall conduct a functional behavioral assessment to identify the student's needs and more effective ways of addressing those needs. If necessary, Center personnel shall also develop a behavior intervention plan that incorporates positive behavioral interventions.

TRAINING AND PROFESSIONAL DEVELOPMENT

The Center shall provide training as follows:

A. All Student Personnel, as defined in this Policy, shall be trained annually on the requirements of the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion; Ohio Administrative Code 3301-35-15; and this Policy.

B. the Superintendent, in consultation with each school building's supervisor, shall identify which Center employees should receive additional training so that an adequate number of personnel in each building are trained in crisis management and de-escalation techniques, including the use of restraint and seclusion. Center employees who receive such additional training must keep their training current in accordance with the requirements of the provider of the training.

C. The Superintendent shall develop a plan to provide training to school personnel, as defined in this Policy, so that Positive Behavior Intervention and Supports are implemented on a Center-wide basis.

The Center shall maintain written or electronic documentation on training provided and lists of participants in each training.

Only individuals trained in accordance with this Policy in the appropriate use of restraint and seclusion may use those techniques.

MONITORING AND COMPLAINT PROCEDURES

The Superintendent shall monitor the implementation of this policy.

Any parent of a child enrolled in school in the Center may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent shall investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint. If the parent is not satisfied with the response provided, the parent may request to meet with the Board in executive session to address the situation.

REQUIRED DATA AND REPORTING

Each use of restraint or seclusion shall be:

A. documented in writing;

B. reported to the building administration immediately;

C. reported to the parent immediately; and

D. documented in a written report.

A copy of the written report shall be made available to the student’s parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. A copy of the written report shall also be maintained in the student's file.

All written documentation of the use of restraint or seclusion are educational records pursuant to the Family Educational Right to Privacy Act ("FERPA"), and Center personnel are prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with FERPA's requirements.

The Superintendent shall develop a process for the collection of data regarding the use of restraint and seclusion.

The Superintendent shall report information concerning the use of restraint and seclusion annually to the Ohio Department of Education as requested by that agency, and shall make the Center's records concerning restraint and seclusion available to the staff of the Ohio Department of Education upon request.

* Adapted from the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion, adopted January 15, 2013.

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