

## **Positive Behavior Intervention Supports, Restraint, Seclusion, and Prohibited Practices**

Akron Digital Academy shall make every effort to prevent the need for the use of Restraint and/or Seclusion. Restraint and/or Seclusion shall not be used, except when there is an immediate risk of physical harm to the students or others, and shall only occur in a manner that complies with this policy and protects the safety of all children and adults at the School. Every use of Restraint and/or Seclusion shall be documented and reported.

### **Positive Behavior Intervention and Supports**

To greatly reduce, or in most cases eliminate, the need to use Restraint and/or Seclusion, the School shall implement an evidence-based system of Positive Behavioral Intervention and Supports (PBIS System). The PBIS System shall encompass a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors. The PBIS System applies to all student, staff, and settings.

The PBIS System shall include:

- Trained school staff to identify conditions such where, under what conditions, with whom and why specific inappropriate behavior may occur;
- Preventative assessments, which should include: a review of existing data, interviews with parents; family members; and students, examination of previous, and existing behavioral intervention plans;
- Using the above data, the School shall develop and implement preventative behavioral interventions and teach appropriate behavior.
- A 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; and
- Family involvement.



### Restraint

The only type of restraint permitted is Physical Restraint, and any use of Physical Restraint must comply with this Policy.

Physical Restraint is defined as the use of physical contact that immobilizes or reduces the ability of a student to move her/hers arms, legs, body, or head freely. Physical Restraint does not include – and this Policy does not apply to – brief, but necessary physical contact used to break up a fight, to knock a weapon away, to calm or comfort, to assist a student in completing a task where the student does not resist the contact, or to prevent an impulsive behavior threatening the student’s behavior.

Physical Restraint may only be used:

- when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible, but in no circumstances may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control;
- in a manner that is age and developmentally appropriate;
- by Student Personnel who are trained in safe restraint techniques, except in the case of unavoidable emergency situations when trained personnel are not immediately available; and
- by Student Personnel in accordance with Ohio law

*Procedure for using Physical Restraint.* If a Student Personnel use Physical Restraint, Student Personnel must:

- be appropriately-trained to protect the care, welfare, dignity, and safety of the student;
- continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- use verbal strategies and research based de-escalation techniques in an effort to help the student regain control;
- remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated;
- 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; and



- complete all required reports and document staffs' observations of the student.

*Prohibited forms of restraint.* The School prohibits the following forms of restraint under all circumstances, including emergency safety situations:

- “Prone Restraint” or a physical or mechanical restraint while the student is in the face down position.
- physical restraints that obstruct the airway of a student.
- physical restraints that interfere with a student’s primary mode of communication.
- any restraint that unduly risks serious harm or needless pain to the student. This includes intentionally, knowingly, or recklessly using any of the following techniques:
  - uses any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
  - pins down with knees to torso, head and/or neck;
  - includes using pressure points, pain compliance, and joint manipulation techniques;
  - drags or lifts of the student by the hair or ear;
  - uses other students or untrained staff to assist with the hold or restraint; or
  - secures a student to another student or to a fixed object.
- restraint of preschool children in violation of paragraph (D) of rule 3301-37-10 of the Administrative code.
- “Mechanical Restraint” or any method that restricts a student’s freedom of movement, physical activity, or normal use of the body, using an appliance or device manufactured for this purpose. This does not mean devices used for the specific and approved therapeutic or safety purpose for which such device were designed including: restraints for medical immobilization, adaptive devices or mechanical supports to allow for greater freedom of mobility, and vehicle safety restraints when used as intended during the transport of a student.
- “Chemical Restraint” or any drug or medication used to control a student’s behavior or restrict freedom of movement. This does not include drugs or medications prescribed by a qualified health professional for standard treatment of the student’s medical or psychiatric condition. This also does not include drugs or medications administered as prescribed by the qualified health professional acting under the scope of Ohio law.



## Seclusion

Student Personnel may only use seclusion in accordance with this Policy.

Seclusion is defined as the involuntary isolation of a student in a room, enclosure or space from which the student is prohibited from leaving by physical restraint, closed door, or other physical barrier. Seclusion is a last resort, safety intervention that provides an opportunity for the student to regain self-control.

Seclusion may be used only:

- if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
- as a last resort to provide an opportunity for the student to regain control of his or her actions; and
- in a room or area that is (1) not locked and (2) provides for adequate space, lighting, ventilation, clear visibility, and the student's safety.

Seclusion shall not be used:

- for the convenience of staff;
- as a substitute for an educational program;
- as a form of discipline/punishment;
- with preschool students in violation of Ohio Adm. Code Rule 3301.-37-10(D);
- as a substitute for less restrictive alternatives, inadequate staff, staff training in positive behavior supports and crisis prevention or intervention; or
- as a means to coerce, retaliate, or in a manner that endangers a student.

*Procedure for using Seclusion.* If Student Personnel use seclusion, Student Personnel must:

- continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- use verbal strategies and research based de-escalation techniques in an effort to help the student regain control;
- remove the student from seclusion when the immediate risk of physical harm to self or others has dissipated;



- 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; and
- complete all required reports and document staffs' observations of the student.

### **Additional Prohibited Practices**

The School prohibits the following practices under any circumstance:

- *corporal punishment*;
- *child endangerment*, as defined in R.C. 2919.22;
- *deprivation of basic needs*; and
- *Aversive Behavioral Interventions*. Aversive Behavioral Intervention is defined as any interventions that are intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors. This is defined to include applications of noxious, painful and/or intrusive stimuli, including any form of noxious, painful, or intrusive spray, inhalants or tastes.

### Reporting Restraint and/or Seclusion

Each use of Restraint and/or Seclusion shall be documented in writing and reported immediately to the building administration and the parent(s).

Additionally, the use of Restraint and/or Seclusion shall be documented in a written report. A copy of the written report shall be made available to the parent or guardian within twenty-four (24) hours of the use of Restraint and/or Seclusion. 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 (FERPA). Pursuant to FERPA, the School is prohibited from releasing any personally identifiable information to anyone other than the parent.

The School shall report information concerning its use of restraint and seclusion annually to the Ohio Department of Education.

### Repeated Dangerous Behavior

If a student repeatedly engages in dangerous behavior that leads to instances of restraint and/or seclusion, the School shall conduct a functional behavioral assessment to identify the student's needs and more effective ways of addressing those needs. If necessary, this



functional behavioral assessment should be followed by a behavioral intervention plan that incorporates appropriate positive behavioral interventions.

#### School District Monitoring and Complaint Procedures

*Monitoring Procedure.* To ensure this Policy is implemented, the School shall establish a monitoring procedure.

*Complaint Procedure.* The School shall also adopt a complaint procedure. The Complaint procedure shall be developed as follows:

- A parent may present written complaints to the Head Administrator to initiate a complaint investigation by the School regarding an incident of restraint and/or seclusion.
- The School will respond to the Complaint within thirty days of the complaint's filing.

#### Availability of IDEA Complaint Process for Students with Disabilities

The Parent of a student with a disability may choose to file a complaint with the Ohio Department of Education, Office for Exceptional Children (the "Office"), in accordance with the complaint procedures available concerning students disabilities. Complaints alleging injuries to a student with a disability or the use of restraints and/or seclusion shall not be deemed insufficient on the face if they are framed within the context of IDEA, including:

- a pattern of challenging behaviors that are related to the student's disability;
- whether the student has had or should have a functional behavioral assessment (FBA) or a positive behavior support plan (PBSP);
- whether the FBA and the PSBP are appropriate
- whether the student's behavior ad interventions are addressed or should have been addressed in the IEP; and
- whether staff has been sufficiently trained in de-escalation and restraint techniques.

#### Training and Professional Development

The School shall train its staff in accordance with this Policy. The training shall include the following components:





- All student personnel shall be trained annually on the requirements of this Policy, O.A.C. 3301-35-15, and the School's policies and procedures regarding restraint and seclusion. Student Personnel include teachers, principals, counselors, social workers, school resource officers, teacher's aids, psychologists, bus drivers, or other School staff who interact directly with students.
- The Head Administrator shall develop a plan regarding training student personnel as necessary to implement PBIS. This may be a multi-year process for a School that is not currently implementing PBIS across the entire program.
- The Head Administrator shall ensure that an adequate number of personnel in each building are trained in crisis management and de-escalation techniques, and that their training is kept current in accordance with the requirements of the provider of the training.

#### Disseminating this Policy

This Policy shall be made available to parents annually. Additionally, if the School has a website, the School shall post this Policy on its website.

*Ohio:* O.A.C. 3301-35-15; Governor's Executive Order 2009-135; Ohio Department of Education Policy on Positive Behavior Interventions and Support, Restraint, and Seclusion (January 2013).

*Cross Reference:* Policy 2670 Public Conduct of School Property; Policy 4103, Harassment and Sexual Harassment; Policy 4104, Policy on Harassment, Intimidation, and Bullying; Policy 4105, Anti-Hazing Policy; Policy 4510, Tiered Student Discipline Program; Policy 4520, Transportation Discipline; Policy 4530, Suspension & Expulsion Policy; Policy 4540, Disciplining a 504 Student; Policy 4550, Suspension & Expulsion Policy for Students with Disabilities.

