

## Comprehensive Review of State Seclusion and Restraint Policy

(based on Freeman & Sugai 2013)

### Review

Policy or legislative documents from all 50 states as well as Washington DC. U.S. territories were excluded.

### Results

To what extent have states updated or added legislation or policy statements since 2010?

- 30 states have updated or added legislation or policy statements
- Currently 33 states have legislative documents addressing crisis procedures in schools, 15 states have policy documents, 8 states provide technical assistance manuals.
- 3 states do not currently have either legislation or policy documents addressing the use of seclusion or restraint procedures in schools

What elements of comprehensive restraint and seclusion policy are present in related state level policy or legislation?

1. Preventative techniques were suggested
  - 31 states include SWPBIS as a preventative strategy for reducing crisis procedures
  - 19 states require FBA assessments
  - 31 states require de-escalation training for staff
2. Limitations were placed on specific procedures
  - 22 states have defined time limits
  - 23 states allow these procedures for emergency use only (not used as punishment)
  - 11 states restrict or prohibit the use of prone restraints
  - 2 states explicitly allow the use of aversive techniques
3. Reporting requirements to parents and state were defined
  - 10 states require reporting to the state level
  - 32 states require parental notification
4. Requirements for debriefing with staff and students were indicated
  - 13 states require staff debriefing meetings
  - 8 states require debriefing with students

In general

- Concern about student safety has increased,
- Schools are expected to reduce or eliminate the use of seclusion and restraint procedures except as a last resort, emergency procedure.
- Limitations were placed on specific procedures
  - Time duration
  - Prone restraints
  - Restraint or seclusion for the purposes of punishment.

### Recommendations

#### Federal Guidance

At a minimum, federal legislation is needed requiring states to enact comprehensive legislation regulating the use of seclusion and restraint

Federal Resource guide was released in 2012

Differentiate policies with respect to use, restrictions, safeguards, etc

#### Time Limits

Generally shorter is better but research and guidance needed to help answer questions about duration, contingent release

#### State level reporting to monitor the use of and guide decision making

Under what conditions were restraint or seclusion procedures used?

What specific procedure were implemented

How long the procedures were used

Who was involved in the situations

What happened immediately and later after restraint and seclusion were terminated

How was debriefing conducted (e.g., by whom, when, where) and what were the outcomes  
What preventive strategies were put in place

### **Prevention strategies**

State policies should increase their emphasis on professional development, implementation fidelity, and evaluation relative to documented de-escalation practices.

Statewide efforts to scale up the implementation of school-wide behavior systems, like SWPBS, should be supported and encouraged at the federal level

### **Clear limitations**

The use of seclusion and restraint in schools should be limited to emergency use and not be considered a therapeutic treatment option except in very rare instances where the need for these procedures is clearly defined and limited in a student's individual education plan

### **Research**

Relative to use of restraint and seclusion

Prevention strategies

Alternative responses to restraint and seclusion

What works, under which conditions, for how long, where, and why

## **Ethical and Professional Guidelines for Use of Crisis Procedures**

(based on Simonsen, Sugai, Freeman, Kern, & Hampton, 2014)

### **Guidance from US DOE**

“Physical restraint or seclusion should not be used except in situations where the child’s behavior poses **imminent danger of serious physical harm** to self or others and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff” (US DOE, 2012, p. 2; emphasis added).

### **Suggested Guidelines for Educators**

- Educators should be:
  - Familiar with local, state, and federal **policies and guidelines** related to crisis procedures;
  - Aware of their school’s/district’s operational **definition of crisis** (i.e., what levels of behavior constitute a crisis);
  - Trained to **recognize** a crisis and **request support**; and
  - Trained, if appropriate, in district-approved **crisis response procedures**.
- Educators should also **inform all parents** of the crisis procedures used within their school to maintain safety

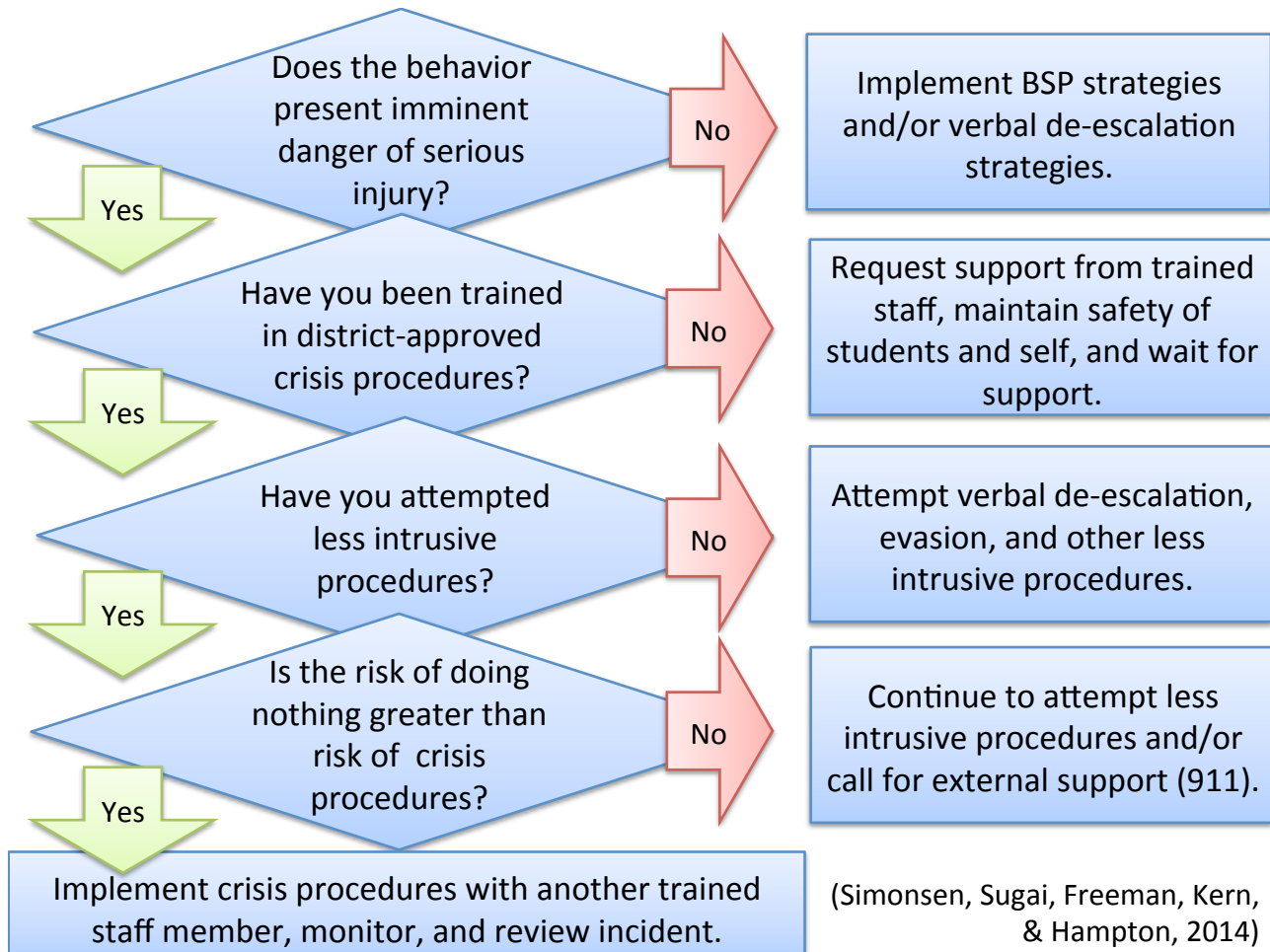
### **Suggested Guidelines Related to Students**

- For each student who has a history of engaging in crisis-level behavior, a **representative school team** should develop an **individualized crisis plan (ICP)**
  - describes student-specific behaviors that indicate crisis procedures may be warranted,
  - specifies district-approved crisis procedures that can be used to maintain the safety of that student and others in the event of crisis-level behavior, and
  - clearly indicates any district-approved procedures that should not be used with that student (given student-specific medical and psychological conditions)
- An ICP should **be attached to the proactive BSP** and used only **in the event that BSP strategies fail** to prevent a crisis

### **Suggested Guidelines for a Crisis Incident**

- In the event of a student behavior crisis, educators should calmly implement their district-approved and/or individualized student crisis plan
- Educators should use crisis procedures only if
  - a student’s behavior puts self or others in **imminent danger**
  - they have **training** in district-approved crisis procedures
  - **less restrictive approaches were attempted**, but were not successful in de-escalating the student’s behavior
  - the **crisis procedure reduces the risk** presented by the student’s behavior
- Throughout the crisis
  - Implement crisis procedures **as intended** (e.g., by two or more trained staff),
  - Continuously **monitor** the student for signs of physical distress, and
  - **Discontinue** the procedure as quickly as possible and immediately if signs of distress are present.

- After the crisis
  - **review** the crisis incident,
  - **communicate** with necessary parties (i.e., parents, administrators),
  - complete appropriate **paperwork** (e.g., incident report)
  - **review** of the student's positive, proactive, and function-based **BSP**
    - identify strategies that were not implemented with fidelity
    - suggest changes to the BSP strategies and/or future implementation to prevent future escalations.
  - If the student does not have a BSP, the student should be immediately referred for an **FBA** to develop a **BSP**



**Crisis Procedure Review: Checklist for Educators**  
(based on Simonsen, Sugai, Freeman, Kern, & Hampton, 2014)

Questions for Educators		Yes	No	?
1	Did the behavior present a risk of serious or imminent injury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Have you been trained in crisis procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Did you attempt redirection or verbal de-escalation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Did you attempt evasion for yourself and others?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Was the risk of <i>not</i> performing a crisis procedure (e.g., seclusion or physical restraint) <i>greater</i> than the risk of performing the crisis procedure?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did you use the least intrusive crisis procedure needed to maintain safety?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Would you have performed the procedure in the same way if the student's parent and/or representatives from your district/state were watching?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Did you document (a) the antecedents leading up to the behavior crisis, (b) the exact events that occurred during the behavior crisis, and (c) the resulting crisis procedures and details of how they were used (when, where, for how long, by whom, etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Did you review the student's behavior plan to (a) identify strategies that could be implemented with greater fidelity in the future, (b) additional strategies to prevent the behavior from escalating, or (c) revisions that would suggest the need for a new assessment and/or plan (e.g., reconvening the IEP or student-centered team)? Did you document this review?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did you send documentation (#8 and #9) to the parent and required school and/or district level staff in accordance with your state's reporting procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Crisis Procedure Review: Checklist for Parents**  
(based on Simonsen, Sugai, Freeman, Kern, & Hampton, 2014)

Questions for Parents		Yes	No	?
1	Were you informed of the crisis procedure within a reasonable timeframe (e.g., phone call within the same school day)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Did you receive written documentation of the crisis procedure within a reasonable timeframe (e.g., incident report received within 1-2 school days)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Did the summary of the incident suggest that the crisis procedure was necessary? That is, was there evidence that (a) the behavior presented a risk of serious or imminent injury and (b) staff attempted less restrictive procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Does your child already have an individualized behavior support plan (BSP) that specifies positive and proactive supports to prevent future crises? (If no, skip remaining questions and talk to your child's teacher or administrator about the need for a BSP.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Was your child's BSP based on a functional-behavioral assessment (FBA)? (If no, skip remaining questions and talk to your child's teacher or administrator about the need for an FBA to inform the BSP.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Does your child have an individualized crisis plan (ICP) attached to his/her BSP? If yes, were the strategies implemented in accordance with the ICP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were you involved in developing the FBA, BSP, and/or ISC? That is, <ul style="list-style-type: none"> <li>• Did you provide information for the FBA?</li> <li>• Were you involved in developing the BSP?</li> <li>• Were you involved in developing the ISC?</li> </ul> (If the answer to <i>any</i> of these questions is "No," please check the box for No.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	If your child has engaged in multiple crisis-level behaviors resulting in repeated use of crisis procedures, do you have evidence that the current BSP is either (a) resulting in a decrease in incidents overall or (b) being revised to better support your child?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>