



**THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL**

EXCEPTIONAL STUDENT EDUCATION
3300 FOREST HILL BLVD., A-203
WEST PALM BEACH, FL 33406-5813

PHONE: 561-434-8626/FAX: 561-434-8384

WWW.PALMBEACHSCHOOLS.ORG/ESE

WILL J. GORDILLO
DIRECTOR

CHERYL C. ALLIGOOD
CHIEF ACADEMIC OFFICER

KEITH OSWALD
ASSISTANT SUPERINTENDENT

August 26, 2013
Bulletin #P-14683-CLS/ESE

Contact:

Pamela R. Tepsic, PX 48272

Pam.tepsic@palmbeachschools.org

Information Only

TO: All Principals

FROM: Cheryl C. Alligood, Chief Academic Officer *cca*

SUBJECT: PHYSICAL RESTRAINT PROCEDURES FOR STUDENTS WITH DISABILITIES AND SECTION 504

The Department of Exceptional Student Education has completed a Self Assessment and provided Corrective Action to Florida Department of Education (FLDOE) in the area of physical restraints for students with disabilities and Section 504. While completing the Self Assessment, it was discovered that many schools are not following proper notification procedures after a student with a disability or Section 504 is restrained. Listed below is modified notification procedures taken from Policy 5.181 and Bulletins #P-14304-CLS/ESE and #P-14564-CLS/ESE. This Bulletin is **not** meant to substitute the previous ones listed.

Restraint should only be used when staff determines that there is **an imminent risk of serious injury or death to the student** or others.

Written notification is required to the parent/guardian once physical restraint is used. The procedures are listed below:

1. The principal or designee shall notify parents or legal guardians each time physical restraint is used. Such notification must be in writing and provided before the end of the school day on which the restraint occurred. Reasonable efforts must also be taken to notify the parents or guardians by telephone or computer e-mail (or both) and those efforts must be documented. Please use revised Parent Notification Letter (attached).
2. The principal or designee shall prepare an incident report on the FLDOE web-based reporting system <https://app1.fldoe.org/ESE/RestraintSeclusionIncident/> within 24 hours after a student is released from restraint. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens. Each incident report must include the following information:
 - The name of the student restrained
 - The date and time of the event and the duration of the restraint
 - The location at which the restraint occurred
 - The type of restraint used

- The name of the person using or assisting in the restraint of the student
 - The name of any non-student who witnessed the restraint
 - The context in which the restraint occurred
 - A description of the incident, including:
 - The student's behavior leading up to and precipitating the decision to use manual physical restraint, including an indication as to why there was an imminent risk of serious injury or death to the student or others
 - The specific positive behavioral strategies used to prevent and deescalate the behavior
 - What occurred with the student immediately after the restraint terminated
 - Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint, documented according to District policies
 - Evidence of steps taken to notify the student's parent or guardian
3. The principal or designee shall provide the parent(s)/guardian(s) with a copy of the completed incident report by mail within three school days after a student was physically restrained. Schools shall obtain, and maintain in a secure location, parents signed acknowledgment that they received a copy of the incident report. Schools will mail the completed incident report to parents, including a self-addressed stamped envelope for parents to return the signature page to school. The principal or designee shall obtain, and keep in school records, parent(s)/guardian(s) signed acknowledgment that they were notified of their child's restraint.

All physical restraints (disabled and non-disabled students) must be reported to the state through our Mainframe System; this is in addition to the restraints that you presently report on the FLDOE website for exceptional students. A new Incident Code of 00 (non incident) and an Action Code of PR (physical restraint) has been added within our Mainframe System. In an effort to explain how to capture this data we are including these examples:

- An exceptional student has an episode on campus and needs to be restrained by trained staff that is **NOT** going to lead to disciplinary action. The FLDOE paperwork is completed and the following is added to the **A24** screen of the student, an **Incident Code of 00**, and an **Action CODE of PR**.
- An exceptional student or general education student has a situation on campus that requires the student be restrained by trained staff and the student **WILL** receive some type of disciplinary actions that will be coded in the Mainframe System. Administrator and/or designee will code appropriate incidents and Action Codes and add an **Action Code of PR**.

Attached is the FLDOE and Bureau of **Exceptional Education and Student Services-Compliance Self Assessment 2012-13 Restraint and Seclusion Protocol and instructions**. It is recommended the schools refer to this protocol as a guideline to ensure all non-educators and documentations for each incident are in compliance.

In order to update the FLDOE Restraint database, attached is a form that each principal needs to complete and return to the Department of Exceptional Student Education by Friday, September 13, 2013.

EWG/CCA/KO/WJG:jb
Attachments

Approved: 
E. Wayne Gent, Superintendent

[SCHOOL LETTERHEAD]

[DATE]

[PARENT/GUARDIAN
NAME & ADDRESS]

Re: [STUDENT'S NAME]

Dear [PARENT/GUARDIAN]

Florida law requires that your child's school notify you, as the designated parent or guardian, each time manual physical restraint is used on your child. This law is entitled the "Florida Restraint and Seclusion Law" ("FRSL"). Fla. Stat. 1003.573.

The FRSL requires that your child's school make "reasonable efforts" to notify you by "telephone or computer e-mail, or both," and document those notification efforts. On [DATE], school staff notified you by [INSERT TELEPHONE AND/OR E-MAIL AND TIME(S) OF CONTACT] that [RESTRAINT] was used on your child.

The FRSL also requires your child's school to provide you "written notification of the manual physical restraint or seclusion" and "provide such notification to you before the end of the school day on which the event(s) occurred." The school is required to obtain, and keep in its records, a signed acknowledgement that you received this written notification. Fla. Stat. 1003.573(c). In order to comply with this notification requirement, please sign and date this letter where indicated below and immediately return it in the enclosed self-addressed stamped envelope. I have also enclosed a copy of this letter for your records.

Please note that the FRSL further requires the school to prepare a detailed Incident Report within 24 hours after a student is released from physical restraint. If the student's release occurs "on a day before the school closes for the weekend, a holiday, or another reason, the Incident Report must be completed by the end of the school day on the day the school reopens." Fla. Stat. 1003.573(a).

You will receive a copy of the completed Incident Report by mail within three school days after your child was physically restrained. Please note that the school is also required to obtain, and keep in its records, your signed acknowledgement that you received a copy of the Incident Report. Fla. Stat. 1003.573(d).

I invite you to please contact me should you have any questions or concerns.

Sincerely,

[SCHOOL PRINCIPAL]

Encl. Self-addressed stamped envelope
Copy of letter

[PARENT/GUARDIAN TYPED NAME]

Date

Type of Restraint_____

Any injuries sustained: (please circle) YES NO

If yes, please explain_____

Attempts to Contact: (please note date, how you made contact and with whom you spoke)

1. _____

2. _____

(Incident report will be sent within three school days)

**FLORIDA DEPARTMENT OF EDUCATION DATABASE
FOR RESTRAINT/SECLUSION REPORTING**

FY14

This information is due to Will Gordillo by Friday, September 13, 2013.

Name of School: _____ School No.: _____

People responsible for data input:

Name: _____ Title: Assistant Principal

Name: _____ Title: ESE Coordinator

Name: _____ Title: _____

Name: _____ Title: _____

Name: _____ Title: _____

Principal's Name

PLEASE FAX THIS FORM TO 434-8276 (FX 48276)

Policy 5.181 Policy for the Use of Physical Restraint With Students With Disabilities

1. **Purpose of Policy.** The School Board of Palm Beach County (Board) acknowledges that students, their families, and personnel of the School District of Palm Beach County (District) have serious concerns about the use of seclusion and restraint with students with disabilities. This Policy addresses those serious concerns and underscores that District personnel must always use the least intrusive measures possible under the circumstances to ensure the physical safety and security of students with disabilities, District personnel, and campus visitors.

The use of seclusion is prohibited in Palm Beach County Public Schools. Thus, this Policy defines the limited, emergency circumstances in which staff and school personnel of the District may use physical restraint on students with disabilities, who are eligible under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), and State law.

This Policy seeks to reduce the use of restraint throughout the District while still helping to instill an educational culture that promotes a positive, safe learning environment for students with disabilities and District personnel.

2. **General Applicability of Policy**

- a. This Policy applies to all District schools, students with disabilities and school-based District personnel.
- b. This Policy describes the procedures to be followed in the administration of restraint, required training and certification, notice to parents, and documentation requirements.
- c. Restraint must only be used as a safety measure, within a comprehensive approach to a student's behavioral challenges, including accurate and continuous data related to fidelity of implementation and impact on behavioral outcomes.
- d. This Policy does not eliminate or restrict the ability of trained and certified District personnel to use their discretion in the use of restraint to protect students or others from an imminent risk of serious injury or death as provided in this Policy.
- e. This Policy does not limit or interfere with the duties and obligations of law enforcement and emergency medical personnel to respond appropriately to situations where an imminent risk of serious injury or death to a student or others exists.

3. **Definitions.** The following Policy terms are listed in alphabetical order and shall have the meanings expressly assigned to them for the purposes of this policy.

- a. "**Emergency**" means a significant, probable, imminent threat of serious bodily injury or death to self or others with the present ability to affect such bodily injury.
- b. "**FLDOE**" means the Department of Education, State of Florida.
- c. "**Functional Behavior Assessment (FBA)**" is a team process utilized to gain information about an individual who is demonstrating extreme or continuous behaviors that are dangerous to himself/herself or others. The information gathered during the FBA process is utilized to develop the individual Behavior Intervention Plan.
- d. "**Individual Education Plan (IEP)**" means a written statement for a student with a disability that is developed, reviewed and revised in accordance with State Board of Education Rules 6A-6.03011 through 6A-6.0361, F.A.C.
- e. "**Imminent risk of serious injury or death**" means an immediate, high probability of significant injury to a student or others, such as a laceration, bone fracture, hematoma, bruise, injury to internal organs, or similar serious bodily injury.
- f. "**Parent**" or "**Parents**" means one or both parents of a student, any legal guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. Section 1000.21(5), Florida Statutes.
- g. "**Physical escort**" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is non-compliant to walk to a safe location. The term physical restraint does not include physical escort.
- h. "**Physical restraint procedures**" means that in order to promote and maintain a safe learning environment, the School Board, as an emergency intervention measure and as a last resort, has authorized the implementation of specific restraint procedures for its population of students with disabilities. Examples of physical restraint procedures include, but are not limited to: professionally sanctioned holding and escape techniques which, when implemented in accordance with approved,

evidence- and research-based practices, are specifically designed to prevent injury to students and staff and/or prevent serious damage to school and personal property.

- i. **"Positional asphyxia"** means a person's inability to intake a sufficient amount of oxygen as a result of body position that interferes with the person's ability to breathe and maintain normal brain function.
- j. **"Positive behavioral interventions and supports"** (PBIS) is decision making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for students.
- k. **"Restraint"** means any method used to involuntarily limit a student's freedom of movement, including, but not limited to, bodily physical force in the least amount necessary to prevent a student from harming self or others. Restraint may be used only by District staff trained in the appropriate use of restraint.
 - i. **"Chemical restraint"** means the use of drugs to restrict a student's movement or restrict the normal function of a student's body. The use of chemical restraint is prohibited without exception. Chemical restraint does not include: Prescription medicine that is regularly administered to the student for medical reasons rather than to restrain the student's freedom of movement (e.g. medications to treat mood disorders, ADHD, etc.); or The administration of medication pursuant to applicable law, or administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens or Diastat.)
 - ii. **"Mechanical restraint"** means the use of any device, material or equipment to restrict a student's freedom of movement. The use of mechanical restraints in the District is prohibited. Examples of prohibited mechanical restraints include, but are not limited to: belts, vests, helmets, padded mittens, tie-downs, wraps and chairs with straps, seatbelts, blanket wrapping, harnesses, tape and trays.
 - A. *Exceptions:* The prohibition against mechanical restraint does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professionals and are used for the specific, approved purposes for which such devices were designed, such as:
 - i. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports, except that these exceptions to the definition of mechanical restraint do not apply to any device when it is used for any purpose other than supporting a body position or proper balance, such as when used as coercion, discipline, convenience, or retaliation, to prevent imminent risk of serious injury or death of the student or others, or for any other behavior management reason;
 - II. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle, such as seatbelts or wheelchair tie-downs;
 - III. Restraints for medical immobilization;
 - IV. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm;
 - V. Medical protective equipment; and
 - VI. Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for medical treatment that is ongoing in the educational setting.
 - iii. Physical restraint refers to the use of physical intervention techniques by District personnel designed to restrict the movement of a student in an effort to de-escalate aggressive behavior. In order to promote a safe learning environment, the School Board has authorized the implementation of specific restraint procedures for *this population of* students. These procedures include, but are not limited to, holding and escape techniques which, when implemented in accordance with approved practices, are designed to prevent injury to students and staff or prevent serious damage to property. Physical restraint does not include any form of mechanical restraint, such as blanket wrapping, tie-downs, harnesses, or use of tape.
 - iv. **"Prone restraint"** means the restraint of a student in a face down position on the floor.
 - v. **"Supine restraint"** means the restraint of a student in a face up position with his or her back on the floor.
- l. **"Seclusion"** means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion may not be used under any circumstances in Palm Beach County Schools.
- m. **"Temporary holding"** means the act of assisting a student without the use of force to aid the student in participating in educational or daily living activities. Examples of temporary holding include: briefly holding an ESE student in order to calm and comfort the student; holding a student's hand or arm to escort the student safely from one area to another; holding a child for a brief time in order to prevent an impulsive behavior that threatens the child's immediate safety (e.g., elopement; running in front of a car); moving a

student who is disruptive in a specified area and unwilling to leave that area voluntarily; breaking up a fight in a school building, on school grounds, or at a school function. Temporary holding is not considered a physical restraint under this Policy.

4. **Statement of Policy.** The School Board recognizes its responsibility to ensure that all students are treated with respect and dignity in an environment that provides for the physical safety and security of all students, District personnel and campus visitors. In accordance with state law, the School Board seeks to ensure that physical restraint is administered on students with disabilities consistent with this Policy. Thus, District personnel are authorized to physically restrain students with disabilities only in the limited situations as provided in this Policy.

- a. *Administered By Trained District Personnel.* Without exception, restraint decisions must be made by trained and certified District personnel, who will ensure that each restraint event is performed safely, for the least amount of time necessary, with an emphasis on de-escalation of potentially dangerous incidents, and affording the minimum risk to the student, classmates, teachers, and staff.
- b. *Prohibitions.* As more specifically described in Section 6 of this Policy, the School Board hereby prohibits:
 - i. District personnel from communicating or implying any form or threat of restraint, seclusion, behavioral intervention, or other interaction with any student that employs humiliation, embarrassment, withholding of basic needs, or the intentional creation of punishment, pain or discomfort, in any form.
 - ii. The use of restraint for the purposes of discipline, punishment, or convenience.
 - iii. The use of restraint that restricts a student's ability to breathe, or that causes positional asphyxia by impacting the student's ability to take in a sufficient amount of oxygen.
 - iv. The use of mechanical restraints on any student.
 - v. The use of chemical restraints on any student.
 - vi. The seclusion of a student.
 - vii. The use of supine restraints on any student.
- c. *Behavioral Assessment or Intervention.* Students who exhibit continuous aggression or self-injurious behavior shall be provided with a Functional Behavior Assessment (FBA) and an individualized Behavioral Intervention Program (BIP), as set forth in State Board of Education Rule 6A-6.03312. PBSD Form 1549 is incorporated herein by reference. A FBA or BIP may be initiated at the request of the 504 or IEP team.

5. **Use of Restraint.**

- a. *Assessment of Need for Restraint.* District personnel trained in District-approved restraint methods must determine, by evaluating each individual circumstance, whether restraint is appropriate, based on assessment of whether an emergency, where an imminent risk of serious injury or death to the student or others, exists.
- b. *Chain of Intervention Prior to Prone Restraint.* Research shows that when you have rules, rules management, classroom routines and quality instruction, the likelihood of disruptive behavior is greatly decreased. The following are some prevention strategies to be implemented, prior to having to physically intervene with a student. During a crisis situation, adults must strive to maintain a relaxed physical demeanor, interacting in a relaxed confident manner. It is recognized that this is most likely to occur when proper training is provided to staff. In the event of a crisis situation, the adults are expected to:
 - i. Provide verbal redirection
 - ii. Give physical prompt (i.e. light touch on the shoulder), if appropriate
 - iii. Give the student choices
 - iv. Consider biological factors (is the student hungry, thirsty or sick?)
 - v. Consider modifying the student schedule
 - vi. Use various types of praise (pivot, quiet, group callouts, individual callouts, etc.)
 - vii. Increase your rate or quality of reinforcement
 - viii. Use positive relationships with the student
 - ix. Give student frequent feedback delivered promptly
 - x. Remind student of a preferred activity
 - xi. If you do "___", then you get "___". This is known as Grandma's rule.

If the student continues to be aggressive or self injurious:

- A. Use personal safety procedures, if necessary.
 - B. If criteria is met, implement transportation procedures.
 - C. If transportation procedures break down or there is an imminent risk of breaking down, implement one, two or three person vertical immobilization procedures.
 - D. If vertical immobilization breaks down, and the student is still physically aggressive or self injurious, and you have proper safety equipment and trained staff, implement prone immobilization procedures.
- c. *Prone Restraint As a Last Resort.* A prone restraint will only be used when required as a last resort.

- d. *Requirements for Each Restraint.* In each restraint event,
 - i. Restraint shall be used only for the minimum time required to reduce the imminent risk of serious injury or death to the student or others. The School District shall monitor the time frame of restraint and develop a plan to reduce the length and occurrences of restraint.
 - ii. Personnel must limit the degree of physical force used so that a student receives the least amount necessary to reduce the imminent risk of serious injury or death to the student or others.
 - iii. Each student shall be vigilantly monitored for the duration of the intervention.
 - iv. To the maximum extent practicable, students should be evaluated during and as soon as possible after the intervention.
- e. *Location for Restraint.* Restraint should be performed in a private location, to the maximum extent practicable under the circumstances. If restraint cannot be implemented in a private location, District personnel should, to the maximum extent practicable, remove other students from the incident area, in order to protect them and to provide the maximum amount of privacy for the student.
- f. *Requirement for District Training Prior to Use of Restraint.* District personnel who have received training in restraint not associated with their District employment shall first be trained and certified in the District's approved restraint methods before implementing any form of restraint.
- g. *ESE School Cluster Site Team Requirements.* Schools designated as ESE cluster sites should maintain a team with a minimum of four (4) persons trained and certified in restraint.

6. Prohibited Actions.

- a. District personnel are prohibited from using restraint procedures acquired outside of their District training.
- b. Restraint must never be used:
 - i. In situations where a student cannot be safely restrained
 - ii. As punishment, for the convenience of staff, or as a substitute for a Functional Behavior Assessment (FBA) and an individualized Behavioral Intervention Program (BIP).
 - iii. If the intervention would be contraindicated due to a student's psychiatric, medical, or physical condition, as documented in the student's records.
 - iv. After the student is no longer an immediate danger to self or others.
 - v. If a student is reasonably observed to be in physical or mental distress.
 - vi. For more time than the absolute minimum time necessary.
- c. School personnel shall never use:
 - i. Pain inducement to obtain a student's compliance.
 - ii. Bone locks.
 - iii. Any technique resulting in hyperextension of joints.
 - iv. Any supine restraint technique on a student.
 - v. Peer restraint.
 - vi. Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression.
 - vii. Any restraint that restricts, or has the potential to restrict, a student's breathing, which can cause asphyxia and death, including covering a student's mouth, nose, or body with anything, including soft objects such as pillows or washcloths.
 - viii. Any type of choke hold, including hand chokes, and any type of neck or head-hold.
 - ix. Any technique that involves pushing on or into the student's mouth, nose, eyes, or any part of the face that is not part of an approved crisis intervention technique.
 - x. Any restraint that involves punching, hitting, poking, pinching, or shoving.
 - xi. Aversive sprays or liquids, or acting in a threatening manner toward a student as if an aversive will be used.
 - xii. Prone restraint on a student known to be diagnosed with breathing or circulation problems, such as asthma; epilepsy; heart condition; gastro-esophageal reflux disease; chronic heartburn reflux; or esophagitis.
 - xiii. Techniques that involve any form of straddling or sitting on any part of the body or implementing any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the student's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
- d. Specific prohibited actions include, but are not limited to:
 - i. Restraining a student in such any way that it places excess pressure on the student's chest, back, or could reasonably be anticipated to cause, positional asphyxia.
 - ii. Restraining or secluding a student in a way that inhibits or impedes the student's ability to speak with others.
 - iii. Use of any mechanical restraint, such as belts, vests, helmets, padded mittens, tie-downs, wraps and chairs with straps, seatbelts, blanket wrapping, harnesses, tape and trays, unless:

- A. The mechanical restraint has been prescribed by an appropriate medical or related service professional and is used for the specific, approved purposes for which such devices were designed.
- B. It is a vehicle safety restraint, when used as intended during the transport of a student in a moving vehicle, such as seatbelts or wheelchair tie-downs.
- C. The purpose is for medical immobilization.
- D. The restraint is orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- E. It is medical protective equipment.
- F. It is physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints necessary for medical treatment, which is ongoing in the educational setting.

7. Notification, Documentation and Reporting.

- a. *Initial Notification to and Acknowledgement of Parent.* The principal or designee shall notify parents or legal guardians each time physical restraint is used. Such notification must be in writing and provided before the end of the school day on which the restraint occurred. Reasonable efforts must also be taken to notify the parents or guardians by telephone or computer e-mail (or both) and those efforts must be documented. The principal or designee shall obtain, and keep in school records parents' or guardians' signed acknowledgment that they were notified of their child's restraint.
- b. *Incident Report of Used Restraint.* In compliance with Section 1003.573, Florida Statutes, the principal or designee shall prepare an incident report within twenty-four (24) hours after a student is released from restraint. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day on the day the school reopens. The incident report shall be completed on the FLDOE web-based reporting and a copy to the parent/guardian as required by subparagraph (c) herein. Each incident report must include the following information:
 - i. The name of the student restrained;
 - ii. The date and time of the event and the duration of the restraint;
 - iii. The location at which the restraint occurred;
 - iv. The type of restraint used;
 - v. The name of the person using or assisting in the restraint of the student;
 - vi. The name of any non-student who witnessed the restraint;
 - vii. A description of the incident, including:
 - A. The context in which the restraint occurred.
 - B. The student's behavior leading up to and precipitating the decision to use manual physical restraint, including an indication as to why there was an imminent risk of serious injury or death to the student or others.
 - C. The specific positive behavioral strategies used to prevent and deescalate the behavior.
 - D. What occurred with the student immediately after the restraint terminated.
 - E. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint, documented according to District policies.
 - F. Evidence of steps taken to notify the student's parent or guardian.
 - viii. Each incidence or the use or prone restraint will be reported to and reviewed by the Principal, Area Superintendent, ESE Director, Chief Academic Officer and Superintendent.
- c. *Incident Report to Parent.* The principal or designee shall provide parents with the completed incident report by mail within three (3) school days after a student was physically restrained. Schools shall obtain, and maintain in a secure location, parents' signed acknowledgment that they received a copy of the incident report. Schools will mail the completed incident report to parents, including a self-addressed stamped envelope for parents to return the signature page to school.

8. Training and Certification of District Staff.

- a. *Responsibilities for Training and Certification.* The Superintendent or designee shall ensure the District has instituted a training and certification program, including refresher certification, designed to address the use of restraint with students with disabilities, consistent with standards provided by FLDOE. The District's Department of ESE will coordinate the designation, training, and related recordkeeping for District employees working with students with disabilities trained in restraint methodology, as well as coordinate and comply with all required reporting requirements to FLDOE. In the event that a person or entity not employed by the District maintains the District's certification and training records, that information must be made readily available to the District upon request.
- b. *Training and Certification Program Consistent with Guidelines of FLDOE,* the District-approved restraint training methodology shall include, but not be limited to:
 - i. Procedures for deescalating problem behaviors before they increase to a level or intensity necessitating physical intervention.

- ii. Information regarding the risks associated with physical restraint, as well as procedures for assessing individual situations and students, in order to determine if the use of restraint is appropriate and sufficiently safe.
 - iii. The actual use of specific techniques that ranges from the least to most restrictive, with ample opportunity for trainees to demonstrate hands-on proficiency in their use.
 - iv. Techniques for implementing physical restraint, with multiple staff members working as a team.
 - v. Techniques for assisting a student to reenter the instructional environment and again engage in learning.
 - vi. Instruction in the District's documentation and reporting requirements.
 - vii. Procedures to identify and effectively respond to potential medical emergencies arising during the use of restraint.
- c. *Maintenance and Reporting of Training and Certification.* The District must maintain records identifying the name and position of each person trained and certified; the date of the most recent certification or training; an indication of whether it was an initial certification or training or a refresher certification or training; and whether the individual successfully completed the certification or training and achieved proficiency. In the event that a person or entity not employed by the District maintains the District's certification and training records, that information must be made readily available to the District upon request.
- d. *Maintenance of Certification by Staff.* Current certifications must be maintained by all District staff who have successfully completed the initial restraint training program. Therefore, prior to restraining a child District personnel shall receive annual certification.

9. Monitoring.

- a. In compliance with Section 1003.573, Florida Statutes:
 - i. The District must undertake comprehensive monitoring of the use of restraint on students at the school classroom, building, District, and State levels.
 - ii. Each month that the District's schools are in session, all required restraint documentation will be made accessible via a web-based reporting system to school principals, the District's Director of ESE, and the Bureau Chief of the Bureau of Exceptional Education and Student Services.
- b. District-level administrators' are responsible for regular oversight and data analysis of all restraint events. The ESE Director or designee will monitor the restraints that have been reported by District, school and classroom level.
- c. If there are more than three (3) restraints occurring on one student within a one (1)-month period, an IEP or 504 Team must convene to consider development or review of a Functional Behavior Assessment (FBA) and an individual Behavior Intervention Plan (BIP). Where there are more than three (3) restraints occurring during a school year, the IEP or 504 Team must address the frequency and duration of the restraints.
- d. If there are more than five (5) restraints occurring during a one (1)-month period at an individual school, the ESE Director or designee will contact the school principal and monitor whether there are any particular teachers and/or staff members in need of additional behavioral intervention and/or support.
- e. If there are more than ten (10) restraints occurring at an individual school in the course of a school year, the Program Planner for Autism and E/BD programs or designee will visit the school and provide technical assistance. At any time, a principal may request support from the ESE Department's behavior team.
- f. All documentation regarding a restraint is maintained in the student's confidential file.
- g. The School District shall develop a plan to reduce the length of time and occurrence of restraint within Palm Beach County public schools. This plan will be developed with stakeholders in the school community, including parents, advocates and employees.
- h. The ESE Department will provide quarterly reports to the School Board and Superintendent so that restraints can be carefully monitored.
- i. Any revisions to this Policy must be filed with the State's Bureau Chief of the Bureau of Exceptional Education and Student Services.

10. Plans and Programs.

- a. This Policy does not modify, interfere with, or substitute for the District's non-delegable responsibility under Federal and State law to identify, evaluate, and address the specific, individualized behavioral needs of children with disabilities.
- b. Where appropriate, this Policy permits a student's educational and behavioral plans to include the use of restraint in specified emergency situations.

11. Policy Interpretation.

- a. This Policy shall be interpreted to comply with all Federal and State laws, regulations, rules and guidance, with particular attention to Section 1003.573, Florida Statutes, and the Technical Assistance Paper issued by the Florida Department of Education, Division of Public Schools, Bureau of Exceptional Education and

Student Services ("Guidelines for the Use, Documentation, Reporting, and Monitoring of Seclusion and Restraint with Students with Disabilities").

- b. This Policy shall not be construed to restrict the ability of law enforcement officers, as defined by Section 943.10, Florida Statutes, to perform any of their lawful duties under State law.
- c. This Policy shall be timely revised as necessary to ensure compliance with all Federal and State laws, regulations, rules and guidance.

Florida Department of Education
Bureau of Exceptional Education and Student Services

Compliance Self-Assessment

Restraint and Seclusion

This protocol addresses the required school-based standards for restraint and seclusion. When conducting this self-assessment, the reviewer **must** have access to a student's incident report for restraint or seclusion, any signed acknowledgement of the parent's or guardian's receipt of the same-day notification and incident report, and documentation of the following:

- The provision of written same-day notification of the incident of restraint or seclusion, including the type of restraint used and any injuries occurring during or resulting from the restraint, before the end of the school day on which the restraint or seclusion occurred
- Reasonable efforts to contact the parent or guardian via telephone or email on the day of the incident
- Attempts to obtain written acknowledgement of the same-day notification if the parent or guardian failed to respond
- The provision of the written incident report to the parent or guardian by mail within three school days of the incident of restraint or seclusion
- Attempts to obtain written acknowledgement of the incident report if the parent or guardian failed to respond

Information from each of these will be used to determine the extent to which specific standards are met. For each standard, refer to the guidance provided in this document when determining if it is met. Some standards include multiple components.

Mark "**yes**" if **all** components are met. Mark "**no**" if one or more components are **not** met. Mark "**N/A**" if the standard **does not apply** for this student's incident.

RS-1. The parent or guardian was provided with a notification in writing of any incident of restraint or seclusion. The notification included the type of restraint used and any injuries occurring during or resulting from the incident.

(Section 1003.573(1)(c), F.S.)

A school must provide a notification in writing to the parent or guardian of a student each time manual physical restraint or seclusion is used.

Review the notification of the incident of restraint or seclusion to determine if it includes the following details:

- (a) The type of restraint used
- (b) Any injuries that occurred during or resulted from the incident

Mark "**yes**" if the notification includes (a) and (b) above. Mark "**no**" if the notification does not include (a) or (b), or both.

RS-2. Notification in writing of any incident of restraint or seclusion was provided to the parent or guardian before the end of the school day on which the restraint or seclusion occurred.

(Section 1003.573(1)(c), F.S.)

Review the written notification for the date and time of the incident of restraint or seclusion and the date and time it was provided to the parent or guardian.

Mark **"yes"** if the notification was provided to the parent or guardian before the end of the school day on which the restraint or seclusion occurred. Mark **"no"** if it was not.

- RS-3. Reasonable efforts were made to contact the parent or guardian via telephone or email on the day of the incident of restraint or seclusion.**
(Section 1003.573(1)(c), F.S.)

Review the student's restraint and seclusion folder or the school's data log related to restraint and seclusion. Mark **"yes"** if there is documentation indicating reasonable efforts to contact the parent or guardian via telephone or email on the day of the incident. Mark **"no"** if there is no documentation.

- RS-4. The school has the documentation of the parent's or guardian's signed acknowledgement of the same-day notice or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the initial notification.**
(Section 1003.573(1)(c), F.S.)

When the parent or guardian failed to respond to the initial same-day written notification, the school made at least two attempts to obtain written acknowledgement.

Mark **"yes"** if the school has a copy of the signed acknowledgement of the same-day notification or if the school has documentation of at least two attempts to receive the signed acknowledgement. Mark **"no"** if the school doesn't have a copy of the signed acknowledgement of the same-day notification or documentation of at least two attempts to receive the signed acknowledgement.

- RS-5. The parent or guardian was provided with a completed written incident report by mail within three school days of any incident of restraint or seclusion.**
(Section 1003.573(1)(d), F.S.)

Review the student's restraint and seclusion folder or the school's data log related to restraint and seclusion. Mark **"yes"** if the documentation indicates that the incident report was mailed to the parent within three school days of the incident. Mark **"no"** if the documentation indicates that the incident report was not mailed within three school days of the incident.

- RS-6. The school has documentation of the parent's or guardian's signed acknowledgement of receipt of the incident report or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the incident report.**
(Section 1003.573(1)(d), F.S.)

When the parent or guardian failed to respond to the incident report, the school made at least two attempts to obtain written acknowledgement.

Mark **"yes"** if the school has a copy of the signed acknowledgement of the incident report or if the school has documentation of at least two attempts to receive the signed acknowledgement.

Mark **"no"** if the school doesn't have a copy of the signed acknowledgement of the incident report or documentation of at least two attempts to receive the signed acknowledgement.

Florida Department of Education
Bureau of Exceptional Education and Student Services

**Compliance Self-Assessment
2012-13**

Restraint and Seclusion (RS)

| | |
|----------------------------|--|
| GSW Student Number: | District: |
| Student's Name: | Restraint [] Seclusion [] Date of Incident: |
| School/Grade: | Exceptionality: |
| Reviewer's Name: | Today's Date: |

Response Corrections:

- **Correctable** = Requires immediate action(s) to correct the noncompliance for this student
- **Ensure future compliance** = Requires immediate action(s) to address how the school district will ensure future compliance

| Standard | | Response |
|----------|--|----------|
| RS-1 | The parent or guardian was provided with a notification in writing of any incident of restraint or seclusion. The notification included the type of restraint used and any injuries occurring during or resulting from the incident. (Section 1003.573(1)(c), F.S.) <i>[] Correctable [X] Ensure future compliance</i> | Y N |
| RS-2 | Notification in writing of any incident of restraint or seclusion was provided to the parent or guardian before the end of the school day on which the restraint or seclusion occurred. (Section 1003.573(1)(c), F.S.) <i>[] Correctable [X] Ensure future compliance</i> | Y N |
| RS-3 | Reasonable efforts were made to contact the parent or guardian via telephone or email on the day of the incident of restraint or seclusion. (Section 1003.573(1)(c), F.S.) <i>[] Correctable [X] Ensure future compliance</i> | Y N |
| RS-4 | The school has documentation of the parent's or guardian's signed acknowledgement of the same-day notice or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the initial notification. (Section 1003.573(1)(c), F.S.) <i>[] Correctable [X] Ensure future compliance</i> | Y N |
| RS-5 | The parent or guardian was provided with a completed written incident report by mail within three school days of any incident of restraint or seclusion. (Section 1003.573(1)(d), F.S.) <i>[X] Correctable [] Ensure future compliance</i> | Y N |
| RS-6 | The school has documentation of the parent's or guardian's signed acknowledgement of receipt of the incident report or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the incident report. (Section 1003.573(1)(d), F.S.) <i>[] Correctable [X] Ensure future compliance</i> | Y N |