



## **POLICY 5.181**

**4-A** I recommend that the Board adopt the proposed revised Policy 5.181, entitled “Policy for the Use of Physical Restraint for Students with Disabilities.”

[Contact: Laura Pincus, PX 48626.]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on July 9, 2008.
- This revision identifies the circumstances under which school personnel may use permissive physical restraint for students with disabilities eligible for ESE services. It further defines the circumstances where physical restraint may be used and the procedures that must be followed when restraint is used.
- This policy was revised with the input of a group consisting of parents, teachers, administrators, behavioral consultants, advocates/advocate attorneys, and community stakeholders, who were provided the opportunity to submit suggested revisions to several drafts.
- The Florida Department of Education issued a Technical Assistance Paper June 3, 2008, entitled: “Guidelines for the Use of Manual Physical Restraint in Special Education Programs.”
- The State Board of Education is taking public comment on a proposed permissive restraint rule applicable to all students – Section 6A-6.05271: “Standards for the Use of Reasonable Force.”
- This revision also updates statutory references.

POLICY 5.181

~~POLICY FOR THE USE OF BEHAVIOR MANAGEMENT PROCEDURES (BMP) FOR STUDENTS WITH DISABILITIES~~

POLICY FOR THE USE OF PHYSICAL RESTRAINT FOR STUDENTS WITH DISABILITIES

~~The Board recognizes that the implementation of individually designed behavioral interventions, with a focus on positive behavioral techniques, will promote an appropriate educational program for students with exceptionalities. The Board acknowledges that the majority of the more restrictive BMP plans will be developed for the few students whose behavior significantly interferes with their learning and/or the learning of others.~~

~~While all educationally appropriate behavior techniques will be considered, a plan for behavioral interventions which consists of social humiliation, the withholding of basic needs, or creates pain or extreme discomfort is inappropriate and prohibited. Interventions used in emergency situations to prevent a student from endangering self or others do not constitute behavior management procedures.~~

~~The Board promotes the use of positive interventions in all behavior management procedures. The Individual Education Plan (IEP) process shall include a behavior management procedures plan, when appropriate, for the individual student. The IEP process provides the opportunity for involvement of parents/guardians and trained staff. The Board recommends that whenever a Category I and/or Category II procedure is implemented, the parent will be notified by school personnel. Provisions for informed parental consent for some categories of interventions will be specifically addressed in the directives. In situations where the involvement of a parent/guardian is not possible, information regarding support services will be made available for parents/guardians and students.~~

~~Compliance with procedural safeguards of the IEP for any planned behavior management objective will ensure consistent application throughout the district. The Board will require that all employees will be appropriately trained in BMP and techniques relative to their responsibility prior to implementing BMP plans.~~

~~The Superintendent shall approve district directives and the necessary staff development plan to implement this policy.~~

1. Purpose

- a. This Policy is intended to identify the circumstances under which school personnel may use permissive physical restraint for students with disabilities eligible for Exceptional Student Education (ESE) services. The term "student" or "students" in this Policy refers only to students eligible for

40 **ESE services. This Policy does not apply to students with a physical or**  
41 **mental impairment eligible only under Section 504.**

- 42 b. On the continuum of behavioral interventions, positive and preventative  
43 behavioral techniques shall be the primary and foremost approach in all  
44 schools. This Policy also underscores (in Paragraph No. 3) that a student  
45 may only be physically restrained in two very serious situations: (1) to prevent  
46 imminent danger of physical injury to self or others; or (2) to curtail a student's  
47 continuous, high-magnitude disruption that severely impedes the educational  
48 environment and inhibits the education of other students.
- 49 c. This Policy does not modify a student's individualized behavior goals,  
50 objectives, plans, and/or programs. Nor does this Policy interfere with or  
51 substitute for an IEP Team's continual responsibility to identify and address  
52 the specific behavioral needs of an individual child, which may include  
53 provisions for specific physical restraints.
- 54 d. Students who exhibit behaviors that interfere with their learning and/or the  
55 learning of others shall be provided with an appropriate Functional Behavior  
56 Assessment and an individualized Behavioral Intervention Plan, as set forth in  
57 SBER 6A-6.03312. See PBCSD Form 1549, which is incorporated herein by  
58 reference (located on the School District's website at:  
59 <http://www.palmbeach.k12.fl.us/Records/FormSearch.asp>).
- 60 e. Any behavioral intervention or physical restraint which consists of social  
61 humiliation, the withholding of a child's basic needs, or the *intentional*  
62 creation of pain or discomfort is always inappropriate and strictly prohibited.  
63 Students shall never be physically restrained as punishment.

64 2. **Definitions**

- 65 a. Physical restraint refers to the use of physical intervention techniques by  
66 school staff designed to restrict the movement of a student in an effort to de-  
67 escalate aggressive behavior. In order to promote a safe learning  
68 environment, the School Board has authorized the implementation of specific  
69 restraint procedures for *this population of* students. These procedures  
70 include, but are not limited to, holding and escape techniques which, when  
71 implemented in accordance with approved practices, are designed to prevent  
72 injury to students and staff or prevent serious damage to property. Physical  
73 restraint does not include any form of mechanical restraint, such as blanket  
74 wrapping, tie-downs, harnesses, or use of tape.
- 75 b. Temporary holding refers to school staff assisting a student without the use of  
76 force to aid the student in participating in educational or daily living activities.  
77 Temporary holding is not considered a permissive physical restraint under this  
78 Policy. Examples of temporary holding include: briefly holding a student in

79 order to calm or comfort the student; holding a student's hand or arm to escort  
80 the student safely from one area to another; holding a child for a brief time in  
81 order to prevent an impulsive behavior that threatens the child's immediate  
82 safety (e.g., running in front of a car); moving a student who is disruptive and  
83 unwilling to leave an area; breaking up a fight in a school building, on school  
84 grounds, or at a school function..

85 3. **Use of Physical Restraint**

86 a. The only two circumstances when physical restraint by school staff would be  
87 considered appropriate are:

88 Imminent danger of physical injury to self or others:

89 Demonstrated evidence of a behavior likely to cause injury to self or others.

90 Examples *of imminent danger* include *acts of continuous aggression,*  
91 *such as* continuous hitting, kicking, head butting, head banging, face slapping,  
92 biting, or use *of* any other part of the body or an object to injure another  
93 person. Non-examples of imminent danger include, but are not limited to:  
94 head banging only once, throwing a single punch towards another individual  
95 by a student who then sits down, or annoying a fellow student by poking in the  
96 arm.

97 Continuous high-magnitude disruption: Repeated demonstration of  
98 fundamentally disruptive behaviors that severely impede the educational  
99 environment and inhibit the education of other students.

100 High-magnitude disruption may occur in the classroom, hallway, assemblies or  
101 at other school functions. It is contemplated that there are rare circumstances  
102 when disruption, in and of itself, will require a physical removal from a  
103 student's present educational environment. Other less severe interventions to  
104 alleviate the disruption should always be attempted first. It is noted that  
105 physical removal could lead to escalation of the disruption in a specific  
106 situation. Physical removal should therefore be avoided whenever possible.

107 b. Any student physically restrained under this Policy shall be constantly  
108 monitored by school staff for the duration of the intervention.

109 c. Whenever possible, physical intervention should not be done in front of other  
110 students. It is more respectful of the student to try to escort the student to a  
111 private area. If the *staff* is unable to get the student to a private area, then it is  
112 preferable to clear the room of other students in order to protect them and to  
113 provide privacy for the student being restrained.

114 4. **Mandatory Procedures Whenever Physical Restraint is Used**

- 115 a. Following any use of physical restraint as defined under this Policy, the  
116 school will make all reasonable efforts to provide the parents of the  
117 student with a verbal report by the end of the school day on which the  
118 incident occurred, through the principal/designee.
- 119 b. The school staff is required to prepare a Student Restraint Report  
120 (Report) for each incident of physical restraint. The Report will contain  
121 the following information:
- 122 i. Name and school of student
- 123 ii. Date of the physical restraint
- 124 iii. Behavior that resulted in physical restraint
- 125 iv. Antecedent behavior/situation which occurred prior to the behavior  
126 requiring physical restraint
- 127 v. Type of physical restraint procedure
- 128 vi. Location of the physical restraint
- 129 vii. Beginning and ending time of the physical restraint
- 130 viii. Where the student went after the physical restraint
- 131 ix. Identification of the parent(s) contacted and method used
- 132 x. Names of the certified practioners who initiated the physical restraint
- 133 xi. Witnesses to the event incident
- 134 xii. Any observations of physical injury to the student, or complaints by  
135 the student of physical injury, arising from the use of physical  
136 restraint
- 137 c. The Report will be prepared and transmitted electronically to the school  
138 principal by the end of the school day on which the incident occurred,  
139 containing all of the information then available. The school will make all  
140 reasonable efforts to provide the completed Report to both the principal  
141 and the parents of the student by the end of the next school day.
- 142 d. The Report requirement does not preclude the school from submitting  
143 any other form reporting student injury, if necessary.
- 144 e. The school must maintain a hard copy of the Report and any other  
145 documents relating to each incident of physical restraint.

146 5. **Training**

147 When physical restraint must take place, it is imperative that school staff utilize  
148 appropriate and safe methodology. Accordingly, regular training, certification, and  
149 recertification of staff, ***as appropriate***, in safe physical restraint procedures must  
150 take place. The ***ESE*** Department ***and/or the School Police Department*** will  
151 coordinate all trainings for staff working with students. It is highly recommended  
152 that schools referred to as ESE cluster sites have a team with a minimum of four  
153 staff members trained in physical restraint.

154  
155 Except in the case of an emergency, only staff current in the required training will  
156 implement physical restraint with a student.

157 6. **Oversight and Analysis**

158 Regular oversight and data analysis of physical restraints must take place by the  
159 ESE Department and/or School Police Department. Such reviews must include an  
160 analysis of the frequency of physical restraint on individual students, use by  
161 individual teachers, duration of the physical restraint, and frequency by individual  
162 schools, to ensure that physical restraints are utilized only in appropriate  
163 circumstances.

164 Additionally, when an individual student has been restrained three (3) times in a  
165 one (1)-month period, a team of relevant persons must convene to address or  
166 readdress the student's Functional Behavioral Assessment and/or the Behavioral  
167 Intervention Plan. If a student has been restrained six (6) times in a one-month  
168 period, a designee from the ESE Department will review the circumstances,  
169 observe the student, and make appropriate recommendation(s) to a school team of  
170 relevant persons.

171 7. **Law Enforcement Exemption**

172 This Policy does not apply to any law enforcement officer, as defined in Fla. Stat. §  
173 943.10. It requires school staff, ***or those acting as agents of the School***  
174 ***District***, to utilize appropriate and safe methodology in physically restraining  
175 students.

176 The School Board anticipates that physical restraint issues related to law  
177 enforcement action will generally be limited to situations where the underlying  
178 incident may be punishable as a crime (e.g., acts identified in School Board Policy  
179 Ch. 6Gx50-5.80 "General Disciplinary Policy for Criminal Acts"), or in discharging  
180 duties required in ***The Florida Mental Health Act, Fla. Stat. § 394 ("The Baker***  
181 ***Act"***), or other lawful purpose.

182 8. **Policy Interpretation**

183        This Policy shall be interpreted consistently with federal and State law, including  
184        State Board of Education Rules.

185        STATUTORY AUTHORITY: Fla. Stat. §§ 34 CFR 300.504; Fla. Stat. § 394; Florida  
186        Statute ~~230.23~~; §§ 1001.41(2); 1001.42(22); 1001.43(1), 1006.07; 1006.11; 1003.32,  
187        Fla. Stat.; State Board Rule 6A-6.0311

188        LAWS IMPLEMENTED: Fla. Stat. §§ Fla. Stat. §§ 1001.43(1); 1003.31(1), (3); 1006.07;  
189        1006.09, 1006.13(4)

190        RULES SUPPLEMENTED: SBER 6A-6.03312 & 6A-6.03311; 34 CFR 300.504

191        HISTORY: New: 8/17/94;       /      /08

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.181 and finds it legally sufficient for development by the Board.

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Attorney

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Date