



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 With Students With Disabilities.”

[Contact: Laura Pincus, PX 48626.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on May 18, 2011.
- This policy was before the Board for adoption as an Emergency Rule on March 30, 2011.
- The proposed policy is a result of the 2010 passage of 003.573, Florida Statutes which established specific documentation, reporting, and monitoring requirements regarding the use of physical restraint on students with disabilities.
- The policy extends the application of the policy to students eligible under Section 504 of the Rehabilitation Act of 1973, in addition to those eligible under the Individuals with Disabilities Education Improvement Act of 2004.
- The proposed policy implements the following:
 - Prohibits the use of mechanical, chemical or supine restraint techniques on students; the seclusion of any student with a disability; the use of supine restraint of a student; and any technique which restricts a student’s ability to breathe. See paragraph 4b.
 - Prohibits the use of restraint as a means to discipline or punish a student. See paragraph 4b.
 - Requires any restraint to be made by District personnel who have been trained and certified in the use of restraint, and maintains a current (annual) certification. See paragraphs 4a and 8. District personnel are prohibited from using restraint techniques acquired outside of the District training provided for in paragraph 8.
 - Provides for notification, documentation and reporting of any use of physical restraint to parents (See paragraph 7a &c).
 - Requires the principal or designee to prepare an incident report within 24 hours in accordance with the Department of Education web-based

- reporting. See paragraph 7b.
- Requires the monitoring of the use of restraint by District staff. See paragraph 9.
- As a result of the March 30, 2011 Board meeting, the following changes have been made to the policy.
 - Definitions have been provided for prone restraint and supine restraint. See paragraph 3.k. iv. And v.
 - The prohibition of the use of supine restraint has been included in paragraphs 4.b.vii and 6.c.iv.
 - The words “or supine” were removed from paragraph 6.c.xii. Note: Paragraph 6.c. xii previously 6.c.xi in the March 30, 2011 version.
 - Paragraph 6.c.xii has been added to provide as a prohibition the following: 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.
 - As a result of the May 11, 2011 workshop on restraint, the following provisions have been added to the proposed policy.
 - A chain of interventions which should be undertaken prior to the use of prone restraint. See paragraph 5b.
 - The requirement that prone restraint only be used when required as a last resort. See paragraph 5c.
 - A requirement for the School District to monitor the time frame of restraint and develop a plan to reduce the length and occurrences of restraint. See paragraph 5d.i.
 - The School District to develop a plan for a reduction in the length of time and occurrences of restraints. See paragraph 9b.
 - ESE Department is to provide quarterly reports to the School Board and Superintendent of student restraints. See paragraph 9h.

POLICY 5.181

**POLICY FOR THE USE OF PHYSICAL RESTRAINT WITH STUDENT WITH
DISABILITIES**

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

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

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

20 2. **General Applicability of Policy**

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

36 situations where an imminent risk of serious injury or death to a student or
37 others exists.

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

40 a. “Emergency” means a significant, probable, imminent threat of serious bodily
41 injury or death to self or others with the present ability to affect such bodily
42 injury.

43 b. “FLDOE” means the Department of Education, State of Florida.

44 c. “Functional Behavior Assessment (FBA)” is a team process utilized to gain
45 information about an individual who is demonstrating extreme or continuous
46 behaviors that are dangerous to himself/herself or others. The information
47 gathered during the FBA process is utilized to develop the individual Behavior
48 Intervention Plan.

49 d. “Individual Education Plan (IEP)” means a written statement for a student
50 with a disability that is developed, reviewed and revised in accordance with
51 State Board of Education Rules 6A-6.03011 through 6A-6.0361, F.A.C.

52 e. “Imminent risk of serious injury or death” means an immediate, high
53 probability of significant injury to a student or others, such as a laceration,
54 bone fracture, hematoma, bruise, injury to internal organs, or similar serious
55 bodily injury.

56 f. “Parent” or “Parents” means one or both parents of a student, any legal
57 guardian of a student, any person in a parental relationship to a student, or
58 any person exercising supervisory authority over a student in place of the
59 parent. Section 1000.21(5), Florida Statutes.

60 g. “Physical escort” means a temporary touching or holding of the hand, wrist,
61 arm, shoulder, or back for the purpose of inducing a student who is non-
62 compliant to walk to a safe location. The term physical restraint does not
63 include physical escort.

64 h. “Physical restraint procedures” means that in order to promote and maintain
65 a safe learning environment, the School Board, as an emergency intervention
66 measure and as a last resort, has authorized the implementation of specific
67 restraint procedures for its population of students with disabilities. Examples of
68 physical restraint procedures include, but are not limited to: professionally
69 sanctioned holding and escape techniques which, when implemented in
70 accordance with approved, evidence- and research-based practices, are
71 specifically designed to prevent injury to students and staff and/or prevent
72 serious damage to school and personal property.

- 73 i. “Positional asphyxia” means a person’s inability to intake a sufficient amount
74 of oxygen as a result of body position that interferes with the person’s ability to
75 breathe and maintain normal brain function.
- 76 j. “Positive behavioral interventions and supports” (PBIS) is decision making
77 framework that guides selection, integration, and implementation of the best
78 evidence-based academic and behavioral practices for improving important
79 academic and behavior outcomes for students.
- 80 k. “Restraint” means any method used to involuntarily limit a student’s freedom
81 of movement, including, but not limited to, bodily physical force in the least
82 amount necessary to prevent a student from harming self or others. Restraint
83 may be used only by District staff trained in the appropriate use of restraint.
- 84 i. “Chemical restraint” means the use of drugs to restrict a student’s
85 movement or restrict the normal function of a student’s body. The use of
86 chemical restraint is prohibited without exception. Chemical restraint
87 does not include: Prescription medicine that is regularly administered to
88 the student for medical reasons rather than to restrain the student’s
89 freedom of movement (e.g. medications to treat mood disorders, ADHD,
90 etc.); or The administration of medication pursuant to applicable law, or
91 administration of medication for voluntary or life-saving medical
92 procedures (e.g. EpiPens or Diastat.)
- 93 ii. “Mechanical restraint” means the use of any device, material or
94 equipment to restrict a student’s freedom of movement. The use of
95 mechanical restraints in the District is prohibited. Examples of prohibited
96 mechanical restraints include, but are not limited to: belts, vests, helmets,
97 padded mittens, tie-downs, wraps and chairs with straps, seatbelts,
98 blanket wrapping, harnesses, tape and trays.
- 99 A. Exceptions: The prohibition against mechanical restraint does not
100 include devices implemented by trained school personnel or devices
101 used by a student that have been prescribed by an appropriate
102 medical or related service professionals and are used for the
103 specific, approved purposes for which such devices were designed,
104 such as:
- 105 I. Adaptive devices or mechanical supports used to achieve
106 proper body position, balance, or alignment to allow greater
107 freedom of mobility than would be possible without the use of
108 such devices or mechanical supports, except that these
109 exceptions to the definition of mechanical restraint do not apply
110 to any device when it is used for any purpose other than
111 supporting a body position or proper balance, such as when

112 used as coercion, discipline, convenience, or retaliation, to
113 prevent imminent risk of serious injury or death of the student or
114 others, or for any other behavior management reason;

115 II. Vehicle safety restraints when used as intended during the
116 transport of a student in a moving vehicle, such as seatbelts or
117 wheelchair tie-downs;

118 III. Restraints for medical immobilization;

119 IV. Orthopedically prescribed devices that permit a student to
120 participate in activities without risk of harm;

121 V. Medical protective equipment; and

122 VI. Physical equipment or orthopedic appliances, surgical dressings
123 or bandages, or supportive body bands or other restraints
124 necessary for medical treatment that is ongoing in the
125 educational setting.

126 iii. Physical restraint refers to the use of physical intervention techniques by
127 District personnel designed to restrict the movement of a student in an
128 effort to de-escalate aggressive behavior. In order to promote a safe
129 learning environment, the School Board has authorized the
130 implementation of specific restraint procedures for **this population of**
131 students. These procedures include, but are not limited to, holding and
132 escape techniques which, when implemented in accordance with
133 approved practices, are designed to prevent injury to students and staff or
134 prevent serious damage to property. Physical restraint does not include
135 any form of mechanical restraint, such as blanket wrapping, tie-downs,
136 harnesses, or use of tape.

137 iv. “**Prone restraint**” means the restraint of a student in a face down
138 position on the floor.

139 v. “**Supine restraint**” means the restraint of a student in a face up position
140 with his or her back on the floor.

141 I. “**Seclusion**” means the involuntary confinement of a student alone in a room
142 or area from which the student is physically prevented from leaving.
143 Seclusion may not be used under any circumstances in Palm Beach County
144 Schools.

145 m. “**Temporary holding**” means the act of assisting a student without the use of
146 force to aid the student in participating in educational or daily living activities.
147 Examples of temporary holding include: briefly holding an ESE student in

148 order to calm and comfort the student; holding a student's hand or arm to
149 escort the student safely from one area to another; holding a child for a brief
150 time in order to prevent an impulsive behavior that threatens the child's
151 immediate safety (e. g., elopement; running in front of a car); moving a student
152 who is disruptive in a specified area and unwilling to leave that area
153 voluntarily; breaking up a fight in a school building, on school grounds, or at a
154 school function. Temporary holding is not considered a physical restraint
155 under this Policy.

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

163 a. Administered By Trained District Personnel. Without exception, restraint
164 decisions must be made by trained and certified District personnel, who will
165 ensure that each restraint event is performed safely, for the least amount of
166 time necessary, with an emphasis on de-escalation of potentially dangerous
167 incidents, and affording the minimum risk to the student, classmates, teachers,
168 and staff.

169 b. Prohibitions. As more specifically described in Section 6 of this Policy, the
170 School Board hereby prohibits:

171 i. District personnel from communicating or implying any form or threat of
172 restraint, seclusion, behavioral intervention, or other interaction with any
173 student that employs humiliation, embarrassment, withholding of basic
174 needs, or the intentional creation of punishment, pain or discomfort, in
175 any form.

176 ii. The use of restraint for the purposes of discipline, punishment, or
177 convenience.

178 iii. The use of restraint that restricts a student's ability to breathe, or that
179 causes positional asphyxia by impacting the student's ability to take in a
180 sufficient amount of oxygen.

181 iv. The use of mechanical restraints on any student.

182 v. The use of chemical restraints on any student.

183 vi. The seclusion of a student.

- 184 vii. The use of supine restraints on any student.
- 185 c. Behavioral Assessment or Intervention. Students who exhibit continuous
186 aggression or self-injurious behavior shall be provided with a Functional
187 Behavior Assessment (FBA) and an individualized Behavioral Intervention
188 Program (BIP), as set forth in State Board of Education Rule 6A-6.03312.
189 PBSD Form 1549 is incorporated herein by reference
190 (www.palmbeachschools.org/forms). A FBA or BIP may be initiated at the
191 request of the 504 or IEP team.

192 5. Use of Restraint.

- 193 a. Assessment of Need for Restraint. District personnel trained in District-
194 approved restraint methods must determine, by evaluating each individual
195 circumstance, whether restraint is appropriate, based on assessment of
196 whether an emergency, where an imminent risk of serious injury or death to
197 the student or others, exists.

- 198 b. Chain of Intervention Prior to Prone Restraint. Research shows that when
199 you have rules, rules management, classroom routines and quality instruction,
200 the likelihood of disruptive behavior is greatly decreased. The following are
201 some prevention strategies to be implemented, prior to having to physically
202 intervene with a student. During a crisis situation, adults must strive to
203 maintain a relaxed physical demeanor, interacting in a relaxed confident
204 manner. It is recognized that this is most likely to occur when proper training
205 is provided to staff. In the event of a crisis situation, the adults are expected
206 to:

- 207 i. Provide verbal redirection
- 208 ii. Give physical prompt (i.e. light touch on the shoulder), if appropriate
- 209 iii. Give the student choices
- 210 iv. Consider biological factors (is the student hungry, thirsty or sick?)
- 211 v. Consider modifying the student schedule
- 212 vi. Use various types of praise (pivot, quiet, group callouts, individual
213 callouts, etc.)
- 214 vii. Increase your rate or quality of reinforcement
- 215 viii. Use positive relationships with the student
- 216 ix. Give student frequent feedback delivered promptly

- 217 x. Remind student of a preferred activity
- 218 xi. If you do “_____”, then you get “_____”. This is known as Grandma's rule.
- 219 If the student continues to be aggressive or self injurious:
- 220 A. Use personal safety procedures, if necessary.
- 221 B. If criteria is met, implement transportation procedures.
- 222 C. If transportation procedures break down or there is an imminent risk
223 of breaking down, implement one, two or three person
224 vertical immobilization procedures.
- 225 D. If vertical immobilization breaks down, and the student is still
226 physically aggressive or self injurious, and you have proper safety
227 equipment and trained staff, implement prone immobilization
228 procedures.
- 229
- 230 c. Prone Restraint As a Last Resort. A prone restraint will only be used when
231 required as a last resort.
- 232 d. Requirements for Each Restraint. _____ In each restraint event,
- 233 i. Restraint shall be used only for the minimum time required to reduce the
234 imminent risk of serious injury or death to the student or others. The
235 School District shall monitor the time frame of restraint and develop a
236 plan to reduce the length and occurrences of restraint.
- 237 ii. Personnel must limit the degree of physical force used so that a student
238 receives the least amount necessary to reduce the imminent risk of
239 serious injury or death to the student or others.
- 240 iii. Each student shall be vigilantly monitored for the duration of the
241 intervention.
- 242 iv. To the maximum extent practicable, students should be evaluated during
243 and as soon as possible after the intervention.
- 244 e. Location for Restraint. Restraint should be performed in a private location, to
245 the maximum extent practicable under the circumstances. If restraint cannot
246 be implemented in a private location, District personnel should, to the
247 maximum extent practicable, remove other students from the incident area, in
248 order to protect them and to provide the maximum amount of privacy for the

249 student.

250 f. Requirement for District Training Prior to Use of Restraint. District personnel
251 who have received training in restraint not associated with their District
252 employment shall first be trained and certified in the District's approved
253 restraint methods before implementing any form of restraint.

254 g. ESE School Cluster Site Team Requirements. Schools designated as ESE
255 cluster sites should maintain a team with a minimum of four (4) persons
256 trained and certified in restraint.

257 6. **Prohibited Actions.**

258 a. District personnel are prohibited from using restraint procedures acquired
259 outside of their District training.

260 b. Restraint must never be used:

261 i. In situations where a student cannot be safely restrained

262 ii. As punishment, for the convenience of staff, or as a substitute for a
263 Functional Behavior Assessment (FBA) and an individualized Behavioral
264 Intervention Program (BIP).

265 iii. If the intervention would be contraindicated due to a student's psychiatric,
266 medical, or physical condition, as documented in the student's records.

267 iv. After the student is no longer an immediate danger to self or others.

268 v. If a student is reasonably observed to be in physical or mental distress.

269 vi. For more time than the absolute minimum time necessary.

270 c. School personnel shall never use:

271 i. Pain inducement to obtain a student's compliance.

272 ii. Bone locks.

273 iii. Any technique resulting in hyperextension of joints.

274 iv. Any supine restraint technique on a student.

275 v. Peer restraint.

276 vi. Pressure or weight on the chest, lungs, sternum, diaphragm, back, or
277 abdomen, causing chest compression.

- 278 vii. Any restraint that restricts, or has the potential to restrict, a student's
279 breathing, which can cause asphyxia and death, including covering a
280 student's mouth, nose, or body with anything, including soft objects such
281 as pillows or washcloths.
- 282 viii. Any type of choke hold, including hand chokes, and any type of neck or
283 head-hold.
- 284 ix. Any technique that involves pushing on or into the student's mouth, nose,
285 eyes, or any part of the face that is not part of an approved crisis
286 intervention technique.
- 287 x. Any restraint that involves punching, hitting, poking, pinching, or shoving.
- 288 xi. Aversive sprays or liquids, or acting in a threatening manner toward a
289 student as if an aversive will be used.
- 290 xii. Prone restraint on a student known to be diagnosed with breathing or
291 circulation problems, such as asthma; epilepsy; heart condition; gastro-
292 esophageal reflux disease; chronic heartburn reflux; or esophagitis.
- 293 xiii. Techniques that involve any form of straddling or sitting on any part of the
294 body or implementing any maneuver that places pressure, weight, or
295 leverage on the neck or throat, on any artery, or on the back of the
296 student's head or neck, or that otherwise obstructs or restricts the
297 circulation of blood or obstructs an airway.
- 298 d. Specific prohibited actions include, but are not limited to:
- 299 i. Restraining a student in such any way that it places excess pressure on
300 the student's chest, back, or could reasonably be anticipated to cause,
301 positional asphyxia.
- 302 ii. Restraining or secluding a student in a way that inhibits or impedes the
303 student's ability to speak with others.
- 304 iii. Use of any mechanical restraint, such as belts, vests, helmets, padded
305 mittens, tie-downs, wraps and chairs with straps, seatbelts, blanket
306 wrapping, harnesses, tape and trays, unless:
- 307 A. The mechanical restraint is has been prescribed by an appropriate
308 medical or related service professional and is used for the specific,
309 approved purposes for which such devices were designed.
- 310 B. It is a vehicle safety restraint, when used as intended during the
311 transport of a student in a moving vehicle, such as seatbelts or

- 312 wheelchair tie-downs.
- 313 C. The purpose is for medical immobilization.
- 314 D. The restraint is orthopedically prescribed devices that permit a
315 student to participate in activities without risk of harm.
- 316 E. It is medical protective equipment.
- 317 F. It is physical equipment or orthopedic appliances, surgical dressings
318 or bandages, or supportive body bands or other restraints necessary
319 for medical treatment, which is ongoing in the educational setting.

320 7. **Notification, Documentation and Reporting.**

- 321 a. Initial Notification to and Acknowledgement of Parent. The principal or
322 designee shall notify parents or legal guardians each time physical restraint is
323 used. Such notification must be in writing and provided before the end of the
324 school day on which the restraint occurred. (District's notification letter to
325 parents is incorporated herein by this reference and attached as Exhibit A to
326 this Policy). Reasonable efforts must also be taken to notify the parents or
327 guardians by telephone or computer e-mail (or both) and those efforts must be
328 documented. The principal or designee shall obtain, and keep in school
329 records parents' or guardians' signed acknowledgment that they were notified
330 of their child's restraint.
- 331 b. Incident Report of Used Restraint. In compliance with Section 1003.573,
332 Florida Statutes, the principal or designee shall prepare an incident report
333 within twenty-four (24) hours after a student is released from restraint. If the
334 student's release occurs on a day before the school closes for the weekend, a
335 holiday, or another reason, the incident report must be completed by the end
336 of the school day on the day the school reopens. The incident report shall be
337 completed on the FLDOE web-based reporting and a copy to the
338 parent/guardian as required by subparagraph (c) herein. Each incident report
339 must include the following information:
- 340 i. The name of the student restrained;
- 341 ii. The date and time of the event and the duration of the restraint;
- 342 iii. The location at which the restraint occurred;
- 343 iv. The type of restraint used;
- 344 v. The name of the person using or assisting in the restraint of the student;

- 345 vi. The name of any non-student who witnessed the restraint;
- 346 vii. A description of the incident, including:
- 347 A. The context in which the restraint occurred.
- 348 B. The student's behavior leading up to and precipitating the decision to
349 use manual physical restraint, including an indication as to why there
350 was an imminent risk of serious injury or death to the student or
351 others.
- 352 C. The specific positive behavioral strategies used to prevent and
353 deescalate the behavior.
- 354 D. What occurred with the student immediately after the restraint
355 terminated.
- 356 E. Any injuries, visible marks, or possible medical emergencies that
357 may have occurred during the restraint, documented according to
358 District policies.
- 359 F. Evidence of steps taken to notify the student's parent or guardian.
- 360 c. Incident Report to Parent. The principal or designee shall provide parents
361 with the completed incident report by mail within three (3) school days after a
362 student was physically restrained. Schools shall obtain, and maintain in a
363 secure location, parents' signed acknowledgment that they received a copy of
364 the incident report. Schools will mail the completed incident report to parents,
365 including a self-addressed stamped envelope for parents to return the
366 signature page to school.
- 367 8. Training and Certification of District Staff.
- 368 a. Responsibilities for Training and Certification. The Superintendent or
369 designee shall ensure the District has instituted a training and certification
370 program, including refresher certification, designed to address the use of
371 restraint with students with disabilities, consistent with standards provided by
372 FLDOE. The District's Department of ESE will coordinate the designation,
373 training, and related recordkeeping for District employees working with
374 students with disabilities trained in restraint methodology, as well as
375 coordinate and comply with all required reporting requirements to FLDOE. In
376 the event that a person or entity not employed by the District maintains the
377 District's certification and training records, that information must be made
378 readily available to the District upon request.
- 379 b. Training and Certification Program Consistent with guidelines of FLDOE, the

380 District-approved restraint training methodology shall include, but not be
381 limited to:

382 i. Procedures for deescalating problem behaviors before they increase to a
383 level or intensity necessitating physical intervention.

384 ii. Information regarding the risks associated with physical restraint, as well
385 as procedures for assessing individual situations and students, in order to
386 determine if the use of restraint is appropriate and sufficiently safe.

387 iii. The actual use of specific techniques that ranges from the least to most
388 restrictive, with ample opportunity for trainees to demonstrate hands-on
389 proficiency in their use.

390 iv. Techniques for implementing physical restraint, with multiple staff
391 members working as a team.

392 v. Techniques for assisting a student to reenter the instructional
393 environment and again engage in learning.

394 vi. Instruction in the District's documentation and reporting requirements.

395 vii. Procedures to identify and effectively respond to potential medical
396 emergencies arising during the use of restraint.

397 c. Maintenance and Reporting of Training and Certification. The District must
398 maintain records identifying the name and position of each person trained and
399 certified; the date of the most recent certification or training; an indication of
400 whether it was an initial certification or training or a refresher certification or
401 training; and whether the individual successfully completed the certification or
402 training and achieved proficiency. In the event that a person or entity not
403 employed by the District maintains the District's certification and training
404 records, that information must be made readily available to the District upon
405 request.

406 d. Maintenance of Certification by Staff. Current certifications must be maintained
407 by all District staff who have successfully completed the initial restraint training
408 program. Therefore, prior to restraining a child District personnel shall receive
409 annual certification.

410 9. **Monitoring.**

411 a. In compliance with Section 1003.573, Florida Statutes:

412 i. The District must undertake comprehensive monitoring of the use of
413 restraint on students at the school classroom, building, District, and State

- 414 levels.
- 415 ii. Each month that the District's schools are in session, all required restraint
416 documentation will be made accessible via a web-based reporting system
417 to school principals, the District's Director of ESE, and the Bureau Chief
418 of the Bureau of Exceptional Education and Student Services.
- 419 b. District-level administrators` are responsible for regular oversight and data
420 analysis of all restraint events. The ESE Director or designee will monitor the
421 restraints that have been reported by District, school and classroom level.
- 422 c. If there are more than three (3) restraints occurring on one student within a
423 one (1)-month period, an IEP or 504 Team must convene to consider
424 development or review of a Functional Behavior Assessment (FBA) and an
425 individual Behavior Intervention Plan (BIP). Where there are more than three
426 (3) restraints occurring during a school year, the IEP or 504 Team must
427 address the frequency and duration of the restraints.
- 428 d. If there are more than five (5) restraints occurring during a one (1)-month
429 period at an individual school, the ESE Director or designee will contact the
430 school principal and monitor whether there are any particular teachers and/or
431 staff members in need of additional behavioral intervention and/or support.
- 432 e. If there are more than ten (10) restraints occurring at an individual school in
433 the course of a school year, the Program Planner for Autism and E/BD
434 programs or designee will visit the school and provide technical assistance. At
435 any time, a principal may request support from the ESE Department's
436 behavior team.
- 437 f. All documentation regarding a restraint is maintained in the student's
438 confidential file.
- 439 g. The School District shall develop a plan to reduce the length of time and
440 occurrence of restraint within Palm Beach County public schools. This plan
441 will be developed with stakeholders in the school community, including
442 parents, advocates and employees.
- 443 h. The ESE Department will provide quarterly reports to the School Board and
444 Superintendent so that restraints can be carefully monitored.
- 445 i. Any revisions to this Policy must be filed with the State's Bureau Chief of the
446 Bureau of Exceptional Education and Student Services.
- 447 10. **Plans and Programs.**
- 448 a. This Policy does not modify, interfere with, or substitute for the District's non-

449 delegable responsibility under Federal and State law to identify, evaluate, and
450 address the specific, individualized behavioral needs of children with
451 disabilities.

452 b. Where appropriate, this Policy permits a student's educational and behavioral
453 plans to include the use of restraint in specified emergency situations.

454 11. Policy Interpretation.

455 a. This Policy shall be interpreted to comply with all Federal and State laws,
456 regulations, rules and guidance, with particular attention to Section 1003.573,
457 Florida Statutes, and the Technical Assistance Paper issued by the Florida
458 Department of Education, Division of Public Schools, Bureau of Exceptional
459 Education and Student Services ("Guidelines for the Use, Documentation,
460 Reporting, and Monitoring of Seclusion and Restraint with Students with
461 Disabilities").

462 b. This Policy shall not be construed to restrict the ability of law enforcement
463 officers, as defined by Section 943.10, Florida Statutes, to perform any of their
464 lawful duties under State law.

465 c. This Policy shall be timely revised as necessary to ensure compliance with all
466 Federal and State laws, regulations, rules and guidance.

467 **Purpose**

468 ~~This Policy is intended to identify the circumstances under which school personnel may use permissive~~
469 ~~physical restraint for students with disabilities **eligible for Exceptional Student Education (ESE)**~~
470 ~~**services. The term "student" or "students" in this Policy refers only to students eligible for ESE**~~
471 ~~**services. This Policy does not apply to students with a physical or mental impairment eligible only**~~
472 ~~**under Section 504.**~~

473 ~~On the continuum of behavioral interventions, positive and preventative behavioral techniques shall be~~
474 ~~the primary and foremost approach in all schools. This Policy also underscores (in Paragraph No. 3) that~~
475 ~~a student may only be physically restrained in two very serious situations: (1) to prevent imminent danger~~
476 ~~of physical injury to self or others; or (2) to curtail a student's continuous, high-magnitude disruption that~~
477 ~~severely impedes the educational environment and inhibits the education of other students.~~

478 ~~This Policy does not modify a student's individualized behavior goals, objectives, plans, and/or programs.~~
479 ~~Nor does this Policy interfere with or substitute for an **IEP** Team's continual responsibility to identify and~~
480 ~~address the specific behavioral needs of an individual child, which may include provisions for specific~~
481 ~~physical restraints.~~

482 ~~Students who exhibit behaviors that interfere with their learning and/or the learning of others shall be~~
483 ~~provided with an appropriate Functional Behavior Assessment and an individualized Behavioral~~
484 ~~Intervention Plan, as set forth in SBER 6A-6.03312. See PBCSD Form 1549, which is incorporated herein~~
485 ~~by reference (located on the School District's website at:~~
486 ~~www.palmbeach.k12.fl.us/Records/FormSearch.asp).~~

487 Any behavioral intervention or physical restraint which consists of social humiliation, the withholding of a
488 child's basic needs, or the **intentional** creation of pain or discomfort is always inappropriate and strictly
489 prohibited. Students shall never be physically restrained as punishment.

490 **Definitions**

491 Physical restraint refers to the use of physical intervention techniques by school staff designed to restrict
492 the movement of a student in an effort to de-escalate aggressive behavior. In order to promote a safe
493 learning environment, the School Board has authorized the implementation of specific restraint
494 procedures for **this population of** students. These procedures include, but are not limited to, holding and
495 escape techniques which, when implemented in accordance with approved practices, are designed to
496 prevent injury to students and staff or prevent serious damage to property. Physical restraint does not
497 include any form of mechanical restraint, such as blanket wrapping, tie-downs, harnesses, or use of tape.

498 Temporary holding refers to school staff assisting a student without the use of force to aid the student in
499 participating in educational or daily living activities. Temporary holding is not considered a permissive
500 physical restraint under this Policy. Examples of temporary holding include: briefly holding a student in
501 order to calm or comfort the student; holding a student's hand or arm to escort the student safely from
502 one area to another; holding a child for a brief time in order to prevent an impulsive behavior that
503 threatens the child's immediate safety (e. g., running in front of a car); moving a student who is disruptive
504 and unwilling to leave an area; breaking up a fight in a school building, on school grounds, or at a school
505 function.

506 **Use of Physical Restraint**

507 The only two circumstances when physical restraint by school staff would be considered appropriate are:

508 Imminent danger of physical injury to self or others:

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

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

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

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

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

527 **Mandatory Procedures Whenever Physical Restraint is Used**

528 ~~Following any use of physical restraint as defined under this Policy, the school will make all~~
529 ~~reasonable efforts to provide the parents of the student with a verbal report by the end of the~~
530 ~~school day on which the incident occurred, through the principal/designee.~~

531 ~~The school staff is required to prepare a Student Restraint Report (Report) for each incident of~~
532 ~~physical restraint. The Report will contain the following information:~~

533 Name and school of student

534 Date of the physical restraint

535 Behavior that resulted in physical restraint

536 Antecedent behavior/situation which occurred prior to the behavior requiring physical restraint

537 Type of physical restraint procedure

538 Location of the physical restraint

539 Beginning and ending time of the physical restraint

540 Where the student went after the physical restraint

541 Identification of the parent(s) contacted and method used

542 Names of the certified practioners who initiated the physical restraint

543 Witnesses to the event incident

544 ~~Any observations of physical injury to the student, or complaints by the student of physical injury,~~
545 ~~arising from the use of physical restraint~~

546 ~~The Report will be prepared and transmitted electronically to the school principal by the end of~~
547 ~~the school day on which the incident occurred, containing all of the information then available.~~
548 ~~The school will make all reasonable efforts to provide the completed Report to both the principal~~
549 ~~and the parents of the student by the end of the next school day.~~

550 ~~The Report requirement does not preclude the school from submitting any other form reporting~~
551 ~~student injury, if necessary.~~

552 ~~The school must maintain a hard copy of the Report and any other documents relating to each~~
553 ~~incident of physical restraint.~~

554 **Training**

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

561 ~~Except in the case of an emergency, only staff current in the required training will implement physical~~
562 ~~restraint with a student.~~

563 **Oversight and Analysis**

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

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

573 **Law Enforcement Exemption**

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

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

582 **Policy Interpretation**

583 This Policy shall be interpreted consistently with Federal and State law, including State Board of
584 Education Rules.

585 STATUTORY AUTHORITY: Fla. Stat. §§ 394; 1001.41(2); 1001.42(22); 1001.43(1);
586 1003.573; 1006.07; 1006.11; 1003.32; 34 CFR 300.504; State Board Rule 6A-6.0311

587 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43(1); 1003.31(1), (3); 1003.32; 1003.573;
588 1006.07; 1006.09; 1006.11; 1006.13(4)

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

590 HISTORY: 8/17/94; 11/5/08; 3/30/2011-ER; ___/2011

Legal Signoff:

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

Attorney

Date