Guidelines on the Use of Physical Restraint and Seclusion

For Students with Disabilities Receiving Special Education Services
Foreword

The purpose of this document, *Guidelines on the Use of Physical Restraint and Seclusion*, is to provide guidance to all school administrators and all persons working with students with disabilities within Fairfax County Public Schools (FCPS) regarding the appropriate use of physical restraint and seclusion to manage extremely challenging student behaviors in emergency situations. The document addresses the division’s philosophy, expectations, and procedures for the systematic management of the full range of student behaviors including the process for required documentation and reporting of incidents of extreme behaviors to appropriate school officials and parents.
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FCPS School Board Beliefs

**We Believe in Our Children**
- Each child is important and entitled to the opportunity to realize his/her fullest potential.
- High expectations promote high achievement.

**We Believe in Our Teachers**
- Effective teachers are essential to student success.
- Learning occurs best when instruction is tailored to individual needs.

**We Believe in Our Public Education System**
- Adults and children thrive in a vibrant, safe, enriching, and respectful environment.
- A well-rounded education enables students to lead fulfilling and culturally rich lives.
- An educated citizenry is critical to sustaining our economy and our system of self-governance.

**We Believe in Our Community**
- A dynamic partnership among students, parents, teachers, staff members, and the community is critical to exceptional student achievement.
- Our diversity creates resilient, open, and innovative citizens of the global community.

FCPS School Board Student Achievement Goals

**Goal 1: Academics**
- All students will obtain, understand, analyze, communicate, and apply knowledge and skills to achieve success in school and in life. Academic progress in the core disciplines will be measured to ensure that all students, regardless of race, poverty, language or disability, will graduate with the knowledge and skills necessary for college and/or employment, effectively eliminating achievement gaps.

**Goal 2: Essential Life Skills**
- All students will demonstrate the aptitude, attitude, and skills to lead responsible, fulfilling and respectful lives.

**Goal 3: Responsibility to the Community**
- All students will understand and model the important attributes that people must have to contribute to an effective and productive community and the common good of all.
Statement of Philosophy

Fairfax County Public Schools believes that each child is a valued contributor in the education process and that all students have the inherent right to be treated with dignity and respect. School personnel bear the responsibility of safeguarding this right and ensuring that the learning environment remains safe and supportive. The right to be educated in a safe and supportive climate of success extends to all students at all times, in all school environments. Mutual respect and dignity are fostered when procedures used to proactively manage student conduct emphasize prevention, positive supports, and effective and ethical approaches. When there is a need to manage challenging student behaviors in dangerous situations in school settings, there must be a balance between ensuring practices that maintain a safe and effective learning environment and those procedures that safeguard the rights of students and staff members. This balance should be reflected in intervention practices and procedures that emphasize the need to use the least restrictive intervention when behaviors require special treatment, and that students are free from the unreasonable use of physical restraint, seclusion, and any aversive intervention methods.

The safety and security of students and staff members is paramount. School staff members should ensure that any behavior management techniques used are appropriate. When possible, less restrictive measures should be used initially, and no intervention should remove a student from the learning environment for unreasonable or unnecessary periods of time. When the behaviors have been addressed, returning the student to the learning environment is important.

The use of aversive interventions as a planned response to challenging student behaviors, including corporal punishment, is expressly prohibited in the public schools of Virginia and in Fairfax County Public Schools.

When managing student behavior, physical restraint and seclusion are safety procedures used when less restrictive alternatives have failed and the student is an immediate danger to him or herself and/or others. The use of abusive or aversive interventions, including corporal punishment, is expressly prohibited.

Glossary of Terms

For the purposes of this document, the following terms and definitions are provided. Where available, definitions are cited from existing laws, regulations, and technical assistance resources. Accordingly, the majority of the definitions in this section are cited in the glossary section of a Virginia Department of Education technical assistance resource document entitled, Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations in Virginia Public Schools (2009).

Abused or Neglected Child  Any child less than 18 years of age whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental function; or neglects or refuses to provide care necessary for his health; or whose parents or other person responsible for his care abandons such child; or whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law; or who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent or guardian, legal custodian or other person standing in loco parentis. See §63.2-100 of the Code of Virginia for the full text of the definition of the term "abused or neglected child."
**Aversive Intervention** Any action used to punish a student or to eliminate, reduce, or discourage the problem behavior by use of any of the following, many of which are prohibited by the *Code of Virginia*:

- Noxious odors and tastes
- Water and other mists or sprays
- Blasts of air
- Corporal punishment
- Verbal and mental abuse
- Forced exercise where
  - the student’s behavior is related to his or her disability,
  - the exercise would have a harmful affect on the student’s health, or
  - the student’s disability prevents participation in activities
- Deprivation of necessities including
  - food or liquid at a time when it is customarily served
  - medication, or
  - use of restroom

**Behavioral Intervention Plan (BIP)** A plan that utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of a student, the learning of others, or that require disciplinary action. A behavioral intervention plan is the product of a functional behavioral assessment (see definition of functional behavioral assessment).

**Corporal Punishment** The infliction of, or causing the infliction of, physical pain on a student as a means of discipline. (Section 22.1-279 of the *Code of Virginia*)

**Dangerous Situation** A sudden, urgent, usually unexpected, situation that requires a person(s) to take immediate action to avoid harm, injury, or death to a student or to others.

**Exclusion** The removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

**Functional Behavioral Assessment (FBA)** A systematic process of gathering information to determine the underlying causes or functions of a child's behavior that impede the learning of the student or the learning of the student's peers. The information is used to guide the development of a positive, effective, and efficient behavioral intervention plan for a problem behavior. The process includes:

- A description of the problem behavior;
- The identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time;
- The determination of the underlying cause or functions of a student's behavior that impede the learning of the student or the learning of the student's peers.

An FBA may include a review of existing or new data as determined by problem-solving team or the Individual Education Plan team.

**Long-term Suspension** The removal of a student for more than 10 school days. For a student with a disability, a long-term suspension means the removal of a student to an alternative setting for more than 10 cumulative school days within a school year.

**Physical Restraint** This is also known as ambulatory restraint, manual restraint, or physical intervention. It is a safety procedure, in which one or more individuals are restricting a student’s freedom of movement, physical activity, or normal access to his or her body. Physical restraint
does NOT include:

- Holding a student in order to calm or comfort the student;
- Holding a student's hand or arm to escort the student from one area to another;
- Intervening in a fight or an assault;
- The use of reasonable and necessary force to protect oneself or others from physical injury or harm, or to prevent property damage, in an emergency or dangerous situation;
- Using protective or stabilizing devices, including adaptive equipment prescribed by a health care professional; using a weighted glove or arm cuff to hold one of the student's arms, allowing him/her to refrain from stereotypy and work with the free arm/hand;
- Using incidental, minor or reasonable physical contact to maintain order and control to quell a disturbance or remove a student from the scene of a disturbance;
- The use of reasonable and necessary force to obtain possession of weapons, dangerous objects, controlled substances or paraphernalia which are on the student's person or within his/her control; or
- Holding a student as necessary to model behavior or teach a skill.

Positive Behavior Supports  An operational framework that uses a broad set of research-validated strategies designed to create school environments that promote and support appropriate behavior of all students.

Restraint  A method or device restricting another person’s freedom of movement, physical activity, or normal access to his or her body, including but not limited to physical, mechanical, or chemical methods.

Seclusion  A safety procedure that results in the involuntary confinement of a student alone in a room or in a secured area in which the student is physically prevented from leaving. This includes any time a student is involuntarily alone in a room and prevented from leaving regardless of the intended purpose or the name of the area where the student is secluded. Seclusion does NOT include the following activities:

- In-school suspension
- Detention
- Time-out
- Placement decisions made by IEP teams, such as one-on-one instruction
- Temporary placement in an office or similar space an administrator for the purposes of investigation, testing, or other academic or administrative purpose.

Time-out  A behavior reduction strategy implemented following the occurrence of an inappropriate behavior, in which the student loses access to reinforcement or is removed from a reinforcing setting within or outside of the classroom for a specified period (e.g., 5 minutes). It includes both exclusionary and inclusionary time-out. In some instances, the student may self-select this procedure.
Prevention and Intervention

Fairfax County Public Schools has taken a highly proactive approach to create safe, supportive instructional environments in which all students are treated with dignity and respect. To directly support the School Board goals, all schools create a Positive Behavior Approach (PBA) which promotes a paradigm of prevention and intervention through the instruction of skills and behaviors. All schools create a multi-tiered system of support for both general education and special education students.

For students identified as eligible for special education services, additional supports may be provided through their Individualized Education Program (IEP). Specifically, for students with cognitive or developmental disabilities (e.g., Autism) who exhibit challenging behaviors, the principles of Applied Behavior Analysis (ABA) are utilized as the fundamental approach to addressing and preventing these problem behaviors. This instructional approach emphasizes the importance of looking at the antecedents, behaviors, and consequences (ABC's) of challenging behaviors, teaching alternative or replacement skills, and developing instructional plans using task analysis.

Training and Professional Development

Each principal or program administrator will determine a time and method to ensure that appropriate staff members, parents, and students are familiar with the school division's policies and procedures regarding the use of behavior management techniques, physical restraint, and seclusion in dangerous situations.

The school division will ensure that all involved staff members have information on these interventions and will decide who needs to receive specific training. Periodic in-service training will be scheduled to update information and to give staff members an opportunity to practice and enhance skills. Training attendance will be documented and maintained at each school or office by principal or program manager and recorded in MyPLT.

The training should include, but not be limited to:

1. Methods and procedures for de-escalating and assisting students to self-manage using non-physical means, as well as certification in research-based physical management techniques using the least restrictive options to ensure the safety of all involved;
2. Interventions and alternatives that may preclude the need for physical restraint and seclusion (e.g., de-escalation of problematic behavior and the conflict cycle);
3. Procedures to be followed when physical restraint or seclusion is necessary;
4. Related safety and medical considerations, including information regarding the increased risk of injury to the student and/or school personnel when physical restraint is implemented or a student is secluded;
5. Instruction regarding incident documentation and reporting requirements, and the procedures for investigating injuries and complaints;
6. Annual and periodic in-service training scheduled for staff members to update, practice, and enhance skills; and
7. Identification of staff members who have received training and are certified to administer procedures in the use of physical restraint and seclusion.
Procedures for the Appropriate Use of Physical Restraint

The following procedures for the appropriate use of physical restraint must be followed by staff members working with special education students in Fairfax County Public Schools. These procedures apply to all special education students in all school settings, programs and activities subject to the exceptions noted in the definition section of this guidelines document:

1. The use of physical restraint in the management of severe student behavior is prohibited unless there is a dangerous situation and physical restraint is necessary to protect the student or another person or persons;

2. When practicable, other less intrusive interventions should have been attempted if time and circumstances permitted, and failed to manage that particular behavior. Explanation for why other interventions were deemed inadequate or inappropriate will be provided;

3. Physical restraint is not a teaching procedure or behavioral intervention and should NOT be administered as punishment or to address behaviors that are not dangerous or for non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse or destruction of property or disruption;

4. Physical restraint procedures will be performed whenever possible by certified trained staff members with at least two staff members present at all times to monitor the intervention and the student’s safety;

5. The use of physical restraint is used only for the period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to self or others;

6. The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the physical restraint;

7. Staff members will monitor the student for any safety or medical concerns, including risk of injury.

8. Documentation of the incident requiring the use physical restraint is mandatory. Staff member(s) implementing the procedure must use the proper incident reporting form, Emergency Use of Physical Restraint, SS/SE 264 (copy provided in Appendix A.) A copy of the reporting form must be maintained at the school in the student’s folder as part of the student’s scholastic records; a copy sent to the parent(s) of the student involved; and a copy sent to the director of the Office of Special Education Instruction in the Department of Special Services.

9. A school administrator or designee will inform the parents or guardians of the student of the incident requiring the physical restraint following the procedure outlined below;

10. School staff members will comply with all procedures outlined on page 12 involving investigation of complaints and/or corrective measures if warranted.

Procedure for Informing Parents after Each Occurrence of Physical Restraint

The building principal, or designee, will make good faith efforts to contact a parent or guardian of the student who has been physically restrained as soon as is reasonable, but certainly within 24 hours of the time when the restraint occurred. The following procedures apply to parental notification:

1. Subsequent to a student being physically restrained, reasonable efforts will be made and
documented to verbally communicate with the parent;

2. Should efforts to contact the parent via phone be unsuccessful, there will be attempts to contact the parent through other methods, including voice-mail, e-mail, in person, or by letter. These efforts will be documented;

3. The parent will be advised of the circumstance and course of events leading up to, and resulting in, the restraint and how the situation was resolved.

4. School staff members will engage in one or more of the following follow-up actions with the parent(s) or guardian(s) as appropriate: debrief of the incident, co-plan future proactive and/or prevention strategies, conduct a functional behavior analysis (FBA), develop a new or modify current behavior intervention plan (BIP).

Procedures for the Appropriate Use of Seclusion

The following procedures for the appropriate use of seclusion must be followed by all staff members working with special education students in Fairfax County Public Schools. These procedures apply to special education students in all school settings, programs, and activities subject to the exceptions noted in the definition section of this guidelines document:

1. The use of seclusion in the management of severe student behavior is prohibited unless there is a dangerous situation and seclusion is necessary to protect the student or another person;

2. Other less intrusive interventions should have been attempted if time and circumstances permitted, and failed to manage that particular behavior. Substantial explanation for why other interventions were deemed inadequate or inappropriate will be provided;

3. Seclusion is not a teaching procedure or behavioral intervention (e.g., time out) and should NOT be administered as punishment or to address behaviors that are not dangerous or for non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse of property, disruption, threats, etc.;

4. Seclusion procedures will be administered whenever possible by a trained staff member and student will be monitored for safety while in the seclusion area;

5. Seclusion will only be used for the period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to self, others or property;

6. The use of force in the application of seclusion will not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the seclusion;

7. Staff members will monitor student for any safety or medical concerns, including risk of injury;

8. The seclusion area or environment, if used, must meet the following requirements:
   - Be of reasonable size permitting students to sit or lie down
   - Have adequate ventilation and lighting
   - Be free of any potential or predictable safety hazards
   - Permit direct continuous visual and auditory monitoring of the student

9. Staff members must maintain visual and auditory contact with the student for the entire period of the seclusion;
11. Documentation of the incident requiring seclusion is mandatory. Staff member(s) implementing the procedure must use the proper incident reporting form, *Emergency Use of Seclusion*, SS/SE 265 (copy provided in Appendix B.) A copy of the reporting form must be maintained at the school in the student’s folder as part of the student’s scholastic records; a copy sent to the parent(s) of the student involved; and a copy sent to the director of the Office of Special Education Instruction in the Department of Special Services.

12. A school administrator or, designee, will inform the parents or guardians of the student of the incident requiring the seclusion following the procedure outlined below;

13. School staff members will comply with all procedures outlined on page 12 involving investigation of complaints and/or corrective measures, if warranted.

**Procedures for Informing Parents after Each Occurrence of Seclusion:**
The building principal, or designee, will make a good faith effort to contact a parent of the student who has been secluded as soon as is reasonable, but certainly within 24 hours of the time when the seclusion occurred. The following procedures apply to parental notification of the incident:

1. Subsequent to a student being secluded, reasonable efforts will be made and documented to verbally communicate with the parent;

2. Should efforts to contact the parent via phone be unsuccessful, there will be attempts to contact the parent through other methods, including voice-mail, e-mail, in person, by letter, etc. These efforts will be documented;

3. The parent will be advised of the circumstance and course of events leading up to and resulting in seclusion, and how the situation was resolved.

4. School staff members will engage in one or more of the following follow-up actions with the parent(s) or guardian(s) as appropriate: debrief of the incident, co-plan future proactive/prevention strategies, conduct a functional behavior analysis (FBA), develop a new or modify current behavior intervention plan (BIP).

**Review Procedures**

**Procedures for Investigating Complaints Regarding the Use of Restraint and/or Seclusion**
In the event that a parent, student, or legal guardian of the student raises a concern or has a complaint related to the seclusion and/or restraint of a student, the building principal, or their designee, will make arrangements to meet with the complainant to review their concern as soon as possible. It is the building principal’s responsibility to ensure that the complainant is responded to in a timely manner and to investigate the issues raised. All documentation related to the event will be collected and information will be gathered from all persons involved in or who have knowledge of the intervention in question. The principal shall also consider the context and specific circumstances of the physical restraint or seclusion and relevant FCPS guidelines. Upon conclusion of the investigation, the findings shall be documented and the parent will be promptly informed of the findings. It may be appropriate to arrange a debriefing and/or problem-solving meeting with the parent.

The building principal will ensure that any incidents with special reporting requirements, such as allegations of child abuse or neglect, are promptly reported to the proper authorities.

**Procedures for Taking Corrective Measures**
When it has been determined that seclusion or physical restraint was improperly implemented,
corrective measures shall be undertaken by FCPS.

References


Appendices

A. Emergency Use of Physical Restraint Incident Report
B. Emergency Use of Seclusion Incident Report
C. Task Force on Physical Restraint and Seclusion
# Appendix A

## Emergency Use of Physical Restraint
### Incident Documentation

<table>
<thead>
<tr>
<th>Student Name:</th>
<th>School:</th>
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<tbody>
<tr>
<td>Dob:</td>
<td>Grade:</td>
</tr>
<tr>
<td>Disability Status:</td>
<td>Gender:</td>
</tr>
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<td>☐</td>
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<tr>
<td>504</td>
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<table>
<thead>
<tr>
<th>Date of Incident:</th>
<th>Time:</th>
<th>Duration of Incident:</th>
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<table>
<thead>
<tr>
<th>Location:</th>
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<table>
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<tr>
<th>Staff Members Performing Restraint (fully or partially):</th>
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</table>

<table>
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<tr>
<th>Submitted by:</th>
<th>Position:</th>
<th>Date:</th>
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</thead>
</table>

### 1. What behaviors did the student exhibit prior to being physically restrained? 
- ☐ Yelling / Calling Out / Cursing *
- ☐ Kicking
- ☐ Out of seat *
- ☐ Hitting Others
- ☐ Refusal to transition *
- ☐ Self injurious behavior
- ☐ Noncompliance *
- ☐ Biting ☐ Self ☐ Others
- ☐ Property Damage ☐ Using object as a weapon
- ☐ Verbal threats of aggression ☐ Other ______

*These behaviors, when occurring in isolation, do not warrant the use of physical restraint.

### 2. Identify less intrusive interventions used prior to using physical restraint: 
- ☐ Verbal/visual redirection
- ☐ Proximity / body positioning
- ☐ Increased cues / prompting
- ☐ Reminder of reward system
- ☐ Reinforcement of approximate or alternative behaviors
- ☐ Offered choices
- ☐ Planned ignoring
- ☐ Diversion/distraction
- ☐ Other ______

### 3. After less intrusive interventions were deemed inappropriate or inadequate, the decision to use physical restraint is substantiated by the following explanation:

### 4. Provide a detailed description of the incident:

### 5. Notification of Incident: 
- School/Program Administrator Notified: Date: Staff Initials:
- Parent/Guardian Notified: Date: Staff Initials:
- Copy of Incident Documentation sent to Director, OSE: Date: Staff Initials:

### 6. Follow up Actions: 
- Date: Staff Initials:
- Documentation of follow up actions:

**Distribution:** Original – student’s discipline file; Copy – Parent; Copy – Director, Office of Special Education Instruction

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Appendix B

Emergency Use of Seclusion
Incident Documentation

Student Name:       School:
DOB:    Grade:    Enrollment Status: □ Gen Ed □ IEP □ 504
Gender: □ Male □ Female
Date of Incident:       Time:    Duration of Incident:

Location of Seclusion:

Staff Members Present:

Submitted by:      Position:   Date:

1. What behaviors did the student exhibit prior to being physically restrained?
   □ Yelling / Calling Out / Cursing *
   □ Kicking
   □ Out of seat *
   □ Hitting Others
   □ Refusal to transition *
   □ Self injurious behavior
   □ Noncompliance *
   □ Biting □ Self □ Others
   □ Property Damage
   □ Using object as a weapon
   □ Verbal threats of aggression
   □ Other ______
*These behaviors, when occurring in isolation, do not warrant the use of physical restraint.

2. Identify less intrusive interventions used prior to using physical restraint:
   □ Verbal/visual redirection
   □ Re-teach
   □ Proximity / body positioning
   □ Direction or correction
   □ Increased cues / prompting
   □ Warning
   □ Reminder of reward system
   □ Loss of privilege
   □ Reinforcement of approximate or alternative behaviors
   □ Time-out
   □ Offered choices
   □ Other ______
   □ Planned ignoring
   □ Diversion/distraction
   □ Other _____

3. After less intrusive interventions were deemed inappropriate or inadequate, the decision to use seclusion is substantiated by the following explanation:

4. Provide a detailed description of the incident:

5. Notification of Incident:
   School/Program Administrator Notified: Date:    Staff Initials:
   Parent/Guardian Notified: Date:    Staff Initials:
   Copy of Incident Documentation sent to Director, OSE: Date:    Staff Initials:

6. Follow up Actions:
   Date:    Staff Initials:
   Documentation of follow up actions:

Distribution: Original – student’s discipline file; Copy – Parent; Copy – Director, Office of Special Education Instruction
SS/SE – 265 (1/11)
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