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Restraint and Seclusion in Schools: 21 Questions and Answers

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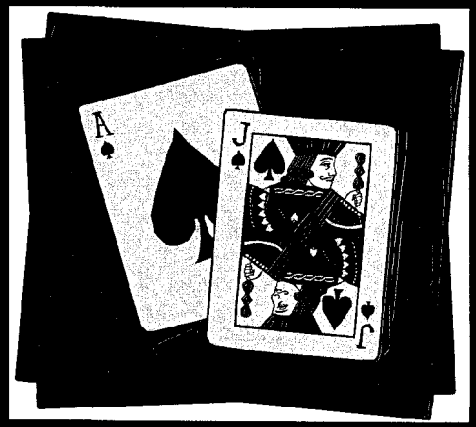

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Editor's Note: This booklet is the third in a series of monographs published by the Council of Administrators of Special Education, Inc, a division of the Council for Exceptional Children. The previous two monographs were actually reprints of a series of articles written for the CASE bimonthly newsletter, In CASE. *However, in the spring of 2009 several incidents occurred which precipitated the publication of this monograph without it first being seen as articles in the CASE newsletter. The Council for Children with Behavior Disorders (CCBD), a sister division of CASE, published extensive positions on both Restraint and Seclusion. There was also a GAO report released:* Seclusions and Restraint: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers, *GAO-09-719T, May 19, 2009. The White House and Congress both weighed in on the topic and at the printing date of this monograph there are still discussions going on between providers, parents, legislators, and government entities on this subject. CASE believed there was an urgent need for a basic document to help all those involved in the discussion to have a common language and understanding of the terms within this discussion. While CASE leadership believes the CCBD document is outstanding in both depth and clarity, it was decided the length was a deterrent to getting the important messages to a broad audience so decisions at the local, national, and global levels could be made with appropriate content knowledge. This monograph is intended to provide a basic level of understanding of the issues revolving around the use of Restraint and Seclusion in the school setting.*

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Restraint and Seclusion in Schools
21 Questions and Answers

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Reece L. Peterson, Ph.D. is a Professor of Special Education at the University of Nebraska-Lincoln specializing in the education of students with emotional or behavioral disorders. He received his doctorate from the University of Minnesota, Masters degree from Brown University, and Bachelor's degree from the University of Chicago, and has taken courses in legal studies. He teaches undergraduate and graduate courses related to student behavior as well as special education policy. His interests include identification of and interventions for students with emotional and behavioral disorders, student discipline in school, and school violence prevention. He has recently conducted research and policy analysis on the use of restraint and seclusion procedures in schools. He has co-directed a national project on violence prevention and improving student behavior in school, the Safe and Responsive Schools Project. He is also interested in legal and policy issues related to special education and children and families. He has published articles in these areas, is co-author of a book on multicultural issues in behavioral disorders, and has served as an editor and reviewer for many journals. He has served as President, and as Governmental Relations Chair for the International Council for Children with Behavioral Disorders, and is an affiliated faculty member of the UNL Center for Research on Children, Youth, Families and Schools. He is also a founding director of the Consortium to Prevent School Violence.

1. What is physical restraint?

"Physical restraint" also sometimes called "manual restraint" entails one or more persons using their bodies to restrict the movement of another person. In the remainder of this document, this will be simply called "restraint".

2. Are there other types of restraint?

Other types of restraint include "mechanical restraint" when objects are used to restrict a person's movement, and "chemical restraint" when medications are used to restrict a person's behavior. Mechanical restraints should not be used in schools to control student behavior, but should be distinguished from the devices which might be used by students with physical disabilities for support, and also from restraints in transportation of students (seat belts) – both of those may be used where appropriate. The use of medications is a decision of parents and physicians, not the school. In accord with IDEA 2004, school personnel can not require students to be on medications in order to participate or receive special education services.

3. What is the difference between a physical restraint, physical intervention and physical interaction with a student?

Physical restraint and physical intervention or what is sometimes referred to as therapeutic holding refer to the same thing—there is not a difference. "Physical intervention" is most often used in training programs which teach these techniques and might include removing an object from a student, stopping a student from self-injury or the injury of another person, escorting a student from one location to another. etc., but all entail one or more persons using physical force with a student, and should be viewed the same as physical restraint. "Physical interaction" in this context is probably also a euphemism for physical restraint. No matter what terminology is used, the same standards apply.

4. Are there situations when restraint is appropriate and if so, under what circumstances? What are the criteria for when it is appropriate?

Physical restraint is viewed as an appropriate "last resort" option and should only be used when a student poses a danger of seriously hurting someone, including themselves. Assessing the risks of injury when a student is out of control is a judgment call based on knowledge of the student and the student's history. Restraint is not appropriate for a student when only property is at risk for damage, or when a student is non-compliant, confrontational, or verbally aggressive without substantial risk of immediate injury to someone. It should not be used as a consequence for inappropriate behavior.

5. What is seclusion?

Seclusion occurs when someone is placed in a room or location where they are alone and prevented from leaving that location. Seclusion should be distinguished from variations of "time out" which continue to be acceptable as long as the student is not isolated and not prevented from leaving. As with restraint, seclusion may have a variety of names. No matter what the procedure is called, isolation where the student is prevented from leaving is seclusion and should comply with current standards for use.

6. Are there situations when exclusion is appropriate and if so, under what circumstances? What are the criteria?

As with physical restraint, seclusion is now viewed as a last resort intervention for students who are out of control and posing a danger to themselves or others. Historically seclusion has been used as a consequence or "punishment" for other types of misbehavior in school- particularly in special education programs. This use of seclusion is no longer appropriate and should not be

used in this way. Other types of time out from reinforcement, safety seats, or other procedures which do not entail seclusion may still be used as a consequence for behavior. Seclusion is not appropriate for a student when only property is at risk for damage, or when a student is non-compliant, confrontational, or verbally aggressive without substantial risk of immediate injury to someone.

7. What are the issues regarding the locations where seclusion of students occurs?

Many schools may have seclusion or "time out' rooms. If a school chooses to use these rooms for seclusion in accord with appropriate procedures, the location must be one which is safe and humane. This means the location has been examined carefully for any potential safety issues (electrical shock, breakage of glass, etc.), and precautions to fix or avoid all of these issues have been made. In addition, the location must have adequate ventilation, lighting, and temperature. If locks are used, they must release automatically in the case of fire alarm. Observation of a student in seclusion is required, and the adult must be able to both see and hear the student continuously, with safety of the student as top priority. Even if the room is used as a "cool-down" or problem solving location without students being prevented from leaving, these same safety concerns would apply.

8. What is the difference between "time-out," "cool down" and seclusion procedures?

Time out from positive reinforcement involves trying to remove the student's access to the reinforcement being provided in that environment, and to those things which may be supporting inappropriate behavior. Sometimes this involves moving a student's location within the classroom or to a location outside the classroom, "Cool down" and "safe seats" may remove the student from their normal location in the classroom to a location where they may regain composure, or simply be away from normal classroom activities. Most of these procedures allow students themselves to decide when they need to regain composure, and when they are ready to return to normal activities. Any of these interventions are acceptable so long as they do not place a student in a location where they are alone, or where they are prevented from leaving.

9. Why are restraint and seclusion important now? Why are they addressed together?

While these are very different procedures, they are often addressed together for several reasons. One is they have both continued to result in injuries or deaths of students and injuries to staff members- these have created much concern in our communities. Another is that restraint has often been used in school settings in order to move a student to a seclusion environment. A third reason is they both involve restriction of a person's rights and thus require special precautions. Finally, both are viewed as safety procedures for emergencies rather than procedures used routinely to change student behavior. There is virtually no evidence that restraint or seclusion will result in improved student behavior.

10. Is this just an issue for special education programs and students?

No. Restraint or seclusion may be employed with any student and may be used by general education teachers and administrators more frequently than used by special education staff. Although these procedures are often used with students with disabilities, they may also be used with other students. This is not only an issue for special education programs. As a result, policies and training on these topics need to involve a wider array of educators than solely those in special education.

11. How should parents and students be informed about the use of seclusion and restraints?

Since restraints or seclusion might be used with any student, all parents should be informed in advance that these procedures could be used with their child in emergency situations. This could be done via the "Student Handbook" or other appropriate communication with parents. When a student has a history of dangerous behavior, a special "safety plan" might be created in cooperation with parents, which would explain procedures to be employed when potentially dangerous behaviors occur.

12. What is a "safety" or "emergency plan"?

If a student has a history of aggression which might lead to concern for injury to that student or someone else, or whose behavior would cause other safety concerns (such as running into a busy street) a "safety plan" might be created which indicates specific procedures staff would use with that particular student. The plans could include a wide variety of actions which are tailored to the age, developmental level, history and circumstances of that particular student as well as the particular risks involved. Parents should be involved in the development of these plans, and informed whenever their child's plan needs to be activated. When these plans are created, all educators involved with the student should be informed, and must follow that plan.

13. What is the appropriate course of action if restraint or seclusion procedures are used with a student?

Before restraint or seclusion is employed, maximum effort should be made to avoid or circumvent potential conflicts, which could escalate to the point where a student's behavior becomes a danger to someone. Staff should be trained to recognize when conflict is escalating and should have specific strategies to de-escalate conflict. Only if de-escalation efforts fail and all other options (such as having others leave the classroom) are exhausted should restraint or seclusion be considered. If possible, restraint should never be attempted with less than two staff members. A restraint or seclusion should usually be short- only long enough that the danger of injury has passed- then the student should be returned to the normal routine as soon as ready. As soon as possible after the incident the parent or guardian should be notified, a report should be created, and a debriefing should occur to determine why the procedures were required and how the program could be changed to avoid the need for these procedures with this student in the future.

14. How should records of restraint and seclusion be created and maintained?

For every incident in which restraint or seclusion are employed, an incident report should be created. This report should include complete information about the incident including the student behavior which precipitated the restraint or seclusion, the antecedent events and actions of adults, a description of the procedures used, the staff members involved, and the outcomes. Parents should be informed as soon as possible and should be sent a copy of the incident report after each incident. These incident reports should be used when a debriefing occurs, kept in the student's file, and copies sent to the person assigned oversight of these incidents.

15. How should the number, type and frequency of occurrences be monitored and further addressed?

One administrator should be designated as having oversight of restraint and seclusion procedures, and should receive copies of all incident reports. These reports might include all types of emergency situations, not just those involving restraint or seclusion. Multiple reports of restraint or seclusion for any one student should indicate that the student's educational

program may not be working and that changes in the student's program should be made. It might trigger a review of placement, educational goals, and behavior support interventions for students with disabilities. If many different students are restrained or secluded, that may also indicate a programmatic problem involving the overuse of these procedures.

16. Who can have access to these incident reports or other records related to restraint or seclusion?

Parents should have access to any records including incident reports for their child. Since a misuse of restraint or seclusion could constitute child abuse, if a complaint is filed with a state/ provincial protection and advocacy agency, multiple courts have ruled that schools must provide these agencies with all pertinent records including all incident reports for restraint or seclusion for all students, not just for the student in the complaint. They also may contact any parent to seek further information. Should this happen, having accurate and complete documentation related to restraint and seclusion is essential.

17. What types of training, resources and supports are available for school-based staff to implement the appropriate safety procedures for physical restraint or seclusion in schools?

There are a variety of commercial vendors which provide training related to preventing problem behavior, conflict de-escalation, and which include a component on restraint procedures. Some of these may also include in their training programs, procedures for seclusion as well. Many of these provide training for many different types of human service agencies (medical, mental health, police, correctional, etc.) including schools. The training programs vary in length and intensity, and some have a trainer of trainers program permitting a school system or agency to develop a set of in-house trainers capable of delivering the training to a wider group and at a lower cost. Some of these programs offer a type of "certification" for trainees with at least annual retraining to maintain certification.

18. Who should be trained to implement safe practices for restraint and seclusion in a school?

This is a difficult question, and may depend on many factors in a school setting such as the size of the building, the number of staff and the nature of the population of students served. If these procedures are used at all, at least several staff members in that environment should be trained in their use with regular recurrent continuing training. Schools with specialized programs for students with emotional or behavioral disorders may require a larger number of staff to be trained than other schools.

19. What should I look for in choosing an effective training program on de-escalation and restraint for staff members?

Since the content of these commercial training programs are proprietary, it is difficult to compare their content. Nevertheless, questions about the emphasis of the program's content, and the types of procedures the training addresses (e.g., de-escalation training), would be appropriate. The vendor should be able to describe how the training they provide for schools is different from that provided to other agencies, and in particular the program should distinguish between procedures appropriate for children from those for adults. Look for a vendor with a track record providing training in schools, and ask for references from schools where they have provided training. Be sure that specific training related to seclusion as well as restraint is provided. Ask if the training offers some form of certification, and how recurrent training would be provided.

20. What components should be included in the development of school policies or procedures regarding the safe and appropriate use of these procedures?

A district or school policy on the use of restraint and seclusion should include:

- An emphasis on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught, thus minimizing the need for these or other emergency procedures.
- A statement that schools will use prevention, positive behavior supports and conflict de-escalation to preclude the need for use of these procedures.
- Definitions of restraint and seclusion.
- Acknowledgement that these are "last resort" safety procedures employed only after other procedures have been implemented without success, and that they are to be used only in situations where there is risk of injury to someone.
- Indication that restraint or seclusion should be very short in duration (a matter of minutes) or only until the danger of injury has passed.
- Indication of how incidents will be documented, debriefed, data recorded, and responsibilities assigned for evaluation and oversight.
- Appropriate notification of parents/guardians when incidents occur.
- Staff training requirements including recurrent training and certification.

21. What are the resources I might go to for more information?

Detailed recommendations regarding schools' use of restraint and seclusion procedures are available from the Council for Children with Behavior Disorders, a Division of the Council for Exceptional Children:

- *CCBD's Position Summary on the Use of Physical Restraint Procedures in School Settings.* (2009). www.ccbd.net then "advocacy" or the document is available at.; http://www.ccbd.net/documents/CCBD%20Position%20on%20Use%20of%20Restraint%207-8-09.pdf
- *CCBD's Position Summary on the Use of Seclusion in School Settings.* (2009). www.ccbd.net then "advocacy" or the document is available at: http://www.ccbd.net/advocacy/positionpapers.cfm?categoryID=D399524C-C09F-1D6F-F9ABEED1B7D76FDD
- *CEC's Position on Physical Restraint and Seclusion.* www.cec.sped.org or the specific policy can be found at: http://www.cec.sped.org/AM/Template.cfm?Section=Home&Template=/CM/ContentDisplay.cfm&ContentID=13030

These are recent reports of advocacy organizations on this topic which include many instances where these procedures have resulted in deaths or injuries and these reports have provoked recent efforts to improve policy and practice in this area:

- *School is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools.* (2009). A report of the National Disability Rights Network. http://www.napas.org/ or http://www.napas.org/sr/SR-Report.pdf
- Seclusions and Restraints. (2009). Report of the U.S. Government Accounting Office. http://www.gao.gov/
- *Unsafe in the Schoolhouse: Abuse of Children with Disabilities.* A report of the Council of Parents and Advocates. http://www.copaa.net/ or http://www.copaa.org/news/unsafe.html

[Note: The opinions expressed in the previous articles represent the opinions of the organizations that developed them and do not necessarily represent the position of CASE. They are included because readers need to know the opinions of these organizations and the information contained in these articles.]

Selected additional references on the research and background of this topic:

- Ryan, J. B. & Peterson, R. L. (2004). Physical restraints in school. *Behavioral Disorders, 29(2), 155-169.*
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- Ryan, J.B., Sanders, S., Katsiyannis, A. & Yell, M. L. (2007). Using timeout effectively in the classroom. *Teaching Exceptional Children, 39(4), 60-67.*
- Ryan, J.B., Robbins, K., Peterson, R.L. & Rozalski, M. (2009). Review of State Policies Concerning the Use of Physical Restraint Procedures in Schools. *Education and Treatment of Children, 32(3),* 487-504.
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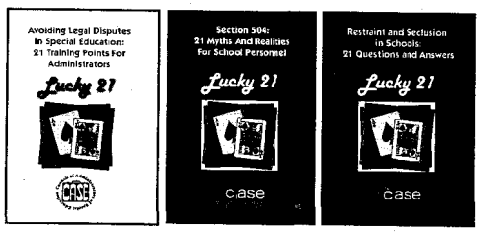

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