

# Seclusion & Restraint Planned v. Emergency

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WDE Leadership Symposium 2011

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share-the-work  
fair  
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# U.S. Department of Education

## Guiding Principles

- Any behavioral intervention must be consistent with the child's right to be treated with dignity and to be free from abuse, regardless of the child's educational needs or behavioral challenges.
- Physical restraint and seclusion should never be used as punishment or discipline, nor in a manner that restricts a child's breathing.
- Letter to Dodd, 55 IDELR 20 (OSEP 2009).

# The Wyoming Statute W.S. §21-3-110(xxxi)

- The statute was enacted February 24, 2011 as Emergency Legislation.
- Emergency Legislation is IMMEDIATELY effective!
- The statute requires each school district to develop policies consistent with the statute and rules to be promulgated by WDE.

# Interesting Points

- The policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student.
- The policy shall prohibit the use of locked seclusion.
- The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student.

# Restraint Definition

• "Restraint" means the use of physical force, with or without the use of any physical device or material, to restrict the free movement of all or a portion of a student's body. "Restraint" **does not** include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

# Seclusion Definition

- "Seclusion" means removing a student from a classroom or other school activity and isolating the student in a separate area. "Seclusion" **does not** include a student requested break or in-school suspension, detention or other appropriate disciplinary measure.

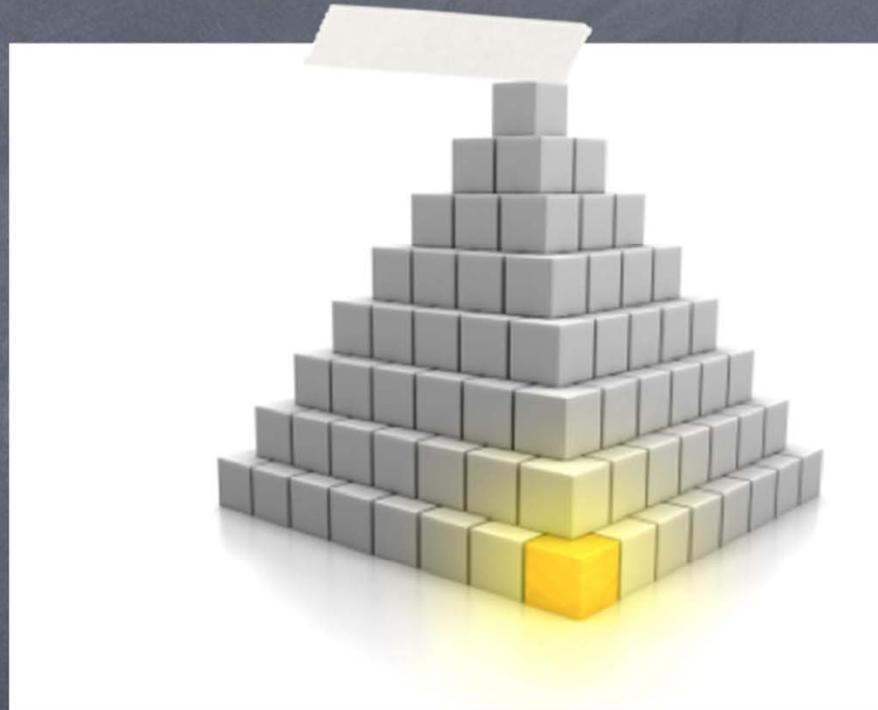
# Regulation v. Prohibition

- Nothing in the statute PROHIBITS the use of seclusion and restraint, as long as it is not LOCKED seclusion.

Wyoming Department of  
Education Rules  
Chapter 42

# WDE Rules

- WDE was given the statutory authority to draft rules to REGULATE the use of seclusion and restraint consistent with the statute.
- Therefore, WDE is not free to prohibit the use of seclusion and restraint.
- Enacted as Emergency Rules, in effect immediately upon receiving the Governor's signature.



# The Foundation

- Schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff.
- Each student has a right to be free from seclusion or restraint used as a means of coercion, punishment, convenience, or retaliation.
- Seclusion and restraint are not instructional tools for the development of prosocial behavior. Proactive and preventative behavioral interventions should be initiated and ongoing to diffuse disruptive and volatile situations.

# Restraint Definition

- “Restraint” means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student’s body. Restraint **does not** include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team. The term does not encompass any of the prohibited practices described in this rule.

# Restraint

- (A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to utilize restraint as part of a planned behavior intervention unless a bona fide emergency situation constituting an imminent risk to health or safety exists.
- (B) Schools shall not utilize aversive interventions, mechanical restraints, or prone restraints at any time.
- (C) Restraint shall be utilized for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.
- (D) Schools must develop restraint duration guidelines including a release strategy based on the student's ability to regain control and staff's ability to reestablish safety.

# Restraint

- (E) Restraints exceeding the durational limits set forth in the school's guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.
- (F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.
- (G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

# Seclusion: 2 Types

- “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. There are two distinct categories: i) Seclusion from the Learning Environment, and ii) Isolation Room. The term does not include a student requested break or in-school-suspension, detention or other appropriate disciplinary measure.

# Seclusion, Regardless of the Category

- There are two distinct seclusion categories: Seclusion from the Learning Environment and Isolation Room.
- (A) School staff must be able to see and hear the student in seclusion at all times.
- (B) Students placed in seclusion must be permitted access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.
- (C) Schools must document each instance of seclusion consistent with the Mandatory Documentation requirements specified in paragraph (c) below.
- (D) The use of timeout without seclusion is not regulated by these rules.

# Seclusion from the Learning Environment

- “Seclusion from the Learning Environment” means visually or auditorally isolating the student from the classroom or other school activity, away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities. The student is prevented from rejoining the learning environment or school activity until directed by staff.

# Seclusion from the Learning Environment

- Seclusion from the Learning Environment:
- (1.) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.
- (2.) Schools must develop Seclusion from the Learning Environment duration guidelines.
- (3.) Completion of an incident report is not required for use of Seclusion from the Learning Environment.

# Isolation Room

- “Isolation Room” means purposefully placing the student in an enclosed room built in compliance with all relevant health and safety codes. The student is not released from the Isolation Room and permitted to rejoin the learning environment or school activity until directed by staff. An Isolation Room is not the same as locked seclusion, which is a prohibited practice.

# Isolation Room

- Isolation Room:
  - (1.) An Isolation Room may be used in a bona fide emergency.
  - (2.) Schools must develop Isolation Room duration guidelines, including a reentry strategy based on the student's ability to regain control and staff's ability to reestablish safety.
  - (3.) Isolation Room seclusion exceeding the durational limits set forth in the school's guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.
  - (4.) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

# Isolation Room

- Physical Space Requirements for Isolation Rooms:
  - a. The room must provide a means of continuous visual and auditory monitoring of the student.
  - b. The room must be adequately lighted, with switches to control lighting located outside the room.
  - c. The room must be adequately ventilated, with switches to control fans or other ventilation devices located outside the room.
  - d. The room must maintain a temperature within the normal comfort range and consistent with the rest of the building, with temperature controls located outside of the room.
  - e. The room must be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.
  - f. The room must be constructed of materials safe for the intended use, including wall and floor coverings designed to prevent injury to the student.
  - g. The room must be able to be opened from the inside immediately upon the release of the security mechanism held in place by constant human contact.
  - h. The dimensions of the room must be of adequate width, length and height to allow the student to move about and recline comfortably.

# Not to be Confused with Time-out

- “Time-out” means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment, and the student is not physically prevented from leaving the time-out area. **The use of time-out without seclusion is not regulated by these rules.**

# What Does “Planned” Mean?

- Discipline plans
- Individual learning plans
- Behavioral contracts
- Behavior intervention plans (BIPs)
- IEPs

# Planned . . .

(from the Free Dictionary)

- plan (noun)
- 1. A scheme, program, or method worked out beforehand for the accomplishment of an objective: a plan of attack.
- 2. A proposed or tentative project or course of action: had no plans for the evening.
- 3. A systematic arrangement of elements or important parts; a configuration or outline: a seating plan; the plan of a story.

# Planned . . .

- variations: planned, plan·ning, plans
- 1. To formulate a scheme or program for the accomplishment, enactment, or attainment of: plan a campaign.
- 2. To have as a specific aim or purpose; intend: They plan to buy a house.

# What is an Emergency?

- “Emergency” means a situation constituting an imminent risk to health or safety.
- “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

# Emergency

(from the Free Dictionary)

- emergency (noun)
- a. an unforeseen or sudden occurrence, especially of a danger demanding immediate remedy or action
- b. (as modifier) an emergency exit

# Planned Use of Seclusion or Restraint

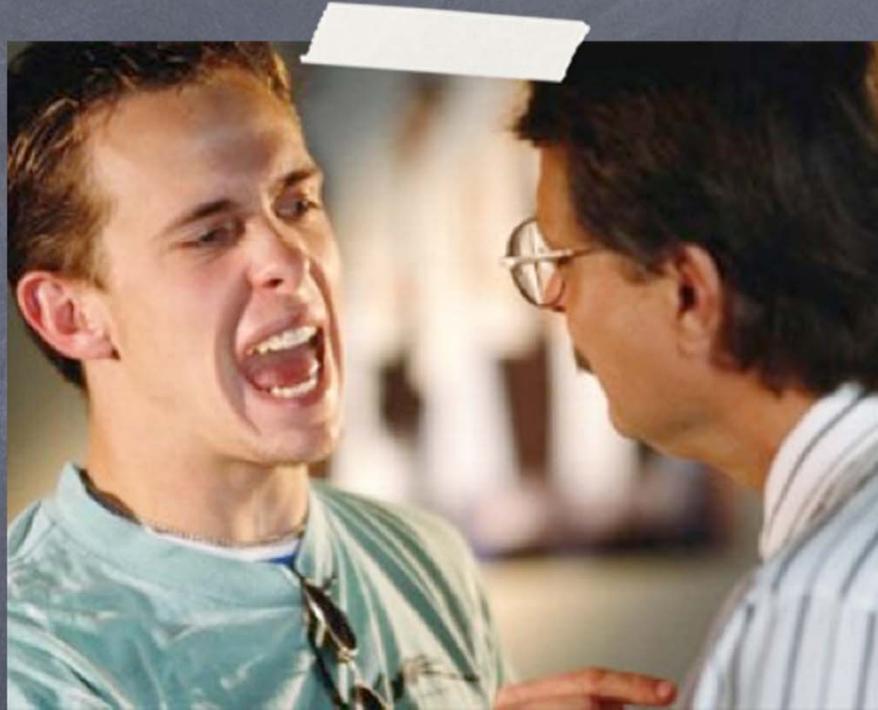
- Are there times when it is warranted?
- Are there times when it is the best alternative to a bad situation?

# What is Permissible to Plan?

- Quiet room?
- Reflection room?
- Other designated place?
- Physical intervention?

# What is NOT Permissible to Plan

- Use of an isolation room
- Use of a locked room
- Use of restraint by UNTRAINED staff



What ifs. . . .

# Emergency Non-Compliance?

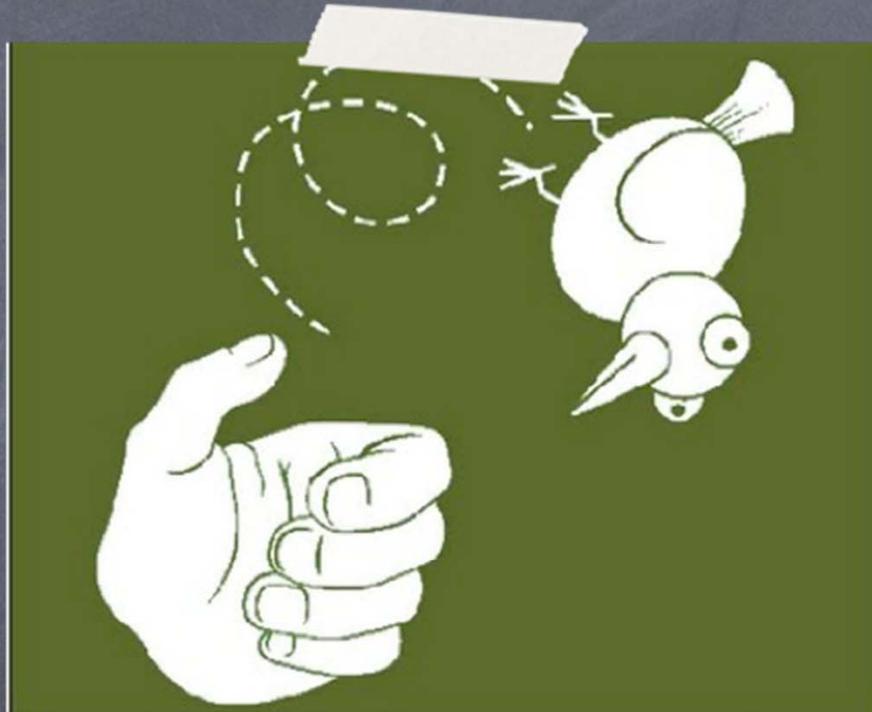
- If a student defies an instruction, is that an emergency?
- What if a student curses or swears at staff?

# Emergency Property Destruction

- If a student sweeps papers off a desk, tears up papers, or destroys property?

# Threats, Spitting, etc.

- Is it an emergency when a student threatens harm to another student or staff?
- Is it an emergency when a student spits?



What about this?

# Things to Think About

- Will the student be cut off visually or auditorally from learning?
- Does the student need permission to rejoin the class or activity?
- Is the student cooperating with an escort? What do I do if they refuse?
- Am I restricting or forcing the movement of a student?
- Is this really an emergency, or am I angry/frustrated/irritated?
- Is this punishment?

# Things to Do

- Receive training in non-violent crisis intervention.
- Refine building and classroom discipline plans to be explicit.
- Utilize a team approach to planning all interventions, especially regulated interventions.
- Develop guidelines for safe and appropriate use of seclusion and restraint.
- Utilize a team approach to implementing regulated interventions.
- Document, document, document.

# Things to Remember

- Positive behavioral interventions and supports are **CRITICAL** to reducing the behavior associated with the need for regulated interventions.
- Deescalation techniques are **SOME OF THE BEST** tools to use to minimize the need for regulated interventions.
- Keep in mind that the legislation and rules are intended to protect students, not vex teachers!



BALANCE,  
sometimes it is delicate.