

**Use of Physical Restraint and
Seclusion Techniques for
Pupils with Disabilities**

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**5561 – USE OF PHYSICAL RESTRAINT AND
SECLUSION TECHNIQUES FOR PUPILS WITH DISABILITIES**

The Board of Education strives to provide a safe, caring atmosphere that supports all pupils in the least restrictive environment. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain or seclude a pupil with a disability in accordance with N.J.S.A. 18A:46-13.4 through 13.7.

A school district, an educational services commission, or an approved private school for pupils with disabilities (APSSD) that utilizes physical restraint on pupils with disabilities shall ensure that:

1. Physical restraint is used only in an emergency in which the pupil is exhibiting behavior that places the pupil or others in immediate physical danger;
2. A pupil is not restrained in the prone position, unless the pupil's primary care physician authorizes, in writing, the use of this restraint technique;
3. Staff members who are involved in the restraint of a pupil receive training in safe techniques for physical restraint from an entity determined by the Board of Education to be qualified to provide such training, and that the training is updated at least annually;
4. The parent of a pupil is immediately notified when physical restraint is used on the pupil. This notification may be by telephone or electronic communication. A post-incident written notification report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident;
5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Pupils with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

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6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan (IEP) meeting.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the pupil's behavior intervention plans developed by the IEP team.

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on pupils with disabilities shall ensure that:

1. A seclusion technique is used on a pupil with disabilities only in an emergency in which the pupil is exhibiting behavior that places the pupil or others in immediate physical danger;
2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Pupils with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and
3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next IEP meeting.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the pupil's behavior intervention plans developed by the IEP team.

The New Jersey Department of Education shall establish guidelines for school districts, educational services commissions, and APSSDs to ensure a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review

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process shall include educational, clinical, and administrative personnel. Pursuant to the review process the pupil's IEP team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or APSSD may determine to revise a staff member's professional development plan pursuant to N.J.S.A. 18A:46-13.7.

The Superintendent or designee may gather input from school staff members and parents of pupils with disabilities on this Policy and Regulation. All pupils with disabilities and their parents shall be afforded the procedural safeguards provided by the Individuals with Disabilities Education Act (IDEA).

The Superintendent or designee shall annually inform parents of pupils with disabilities about the Board's Policy regarding restraint and seclusion

N.J.S.A. 18A:46-13.4; 18A:46-13.5; 18A:46-13.6; 18A:46-13.7
New Jersey Department of Education Restraint and Seclusion Guidance for
Students with Disabilities – July 10, 2018

Adopted: August 28, 2018
Revised: October 30, 2018

R 5561 – USE OF PHYSICAL RESTRAINT AND
SECLUSION TECHNIQUES FOR PUPILS WITH DISABILITIES

A. Definitions

“Mechanical Restraint” means the use of any device or equipment to restrict a pupil’s freedom of movement, but does not include devices implemented by trained school personnel, or utilized by a pupil that has been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a pupil in a moving vehicle;
- Restraints for medical mobilization; or
- Orthopedically prescribed devices that permit a pupil to participate in activities without risk of harm.

“Physical restraint” means the use of a personal restriction that immobilizes or reduces the ability of a pupil to move all or a portion of his or her body.

“Seclusion technique” means the involuntary confinement of a pupil alone in a room or area from which the pupil is physically prevented from leaving, but does not include a timeout.

“Timeout” means a behavior management technique that involves the monitored separation of a pupil in a non-locked setting, and is implemented for the purpose of calming.

B. Physical Restraint

A school district, an educational services commission, or an approved private school for pupils with disabilities (APSSD) that utilizes physical restraint on pupils with disabilities shall ensure that:

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1. Physical restraint is used only in an emergency in which the pupil is exhibiting behavior that places the pupil or others in immediate physical danger;
2. A pupil is not restrained in the prone position, unless the pupil's primary care physician authorizes, in writing, the use of this restraint technique;
3. Staff members who are involved in the restraint of a pupil receive training in safe techniques for physical restraint from an entity determined by the Board of Education to be qualified to provide such training, and that the training is updated at least annually;
4. The parent of a pupil shall be notified when physical restraint is used on the pupil. This notification may be by telephone or electronic communication. In addition, a post-incident written notification report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident.
 - a. The post-incident written notification report shall include, but not be limited to, details regarding the nature of the behavior that precipitated the use of the restraint; the staff involved; and recommendations for follow-up activities including, if appropriate, revisions to the pupil's individualized education plan (IEP) or administration of a functional assessment.
 - b. The post-incident written notification report shall be maintained in a manner consistent with State and Federal regulations regarding the confidentiality of pupil records, while also serving as a mechanism for gathering data which allows the IEP team to make informed decisions regarding the pupil's needs.
5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Pupils with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

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6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan (BIP) at the next IEP meeting.
 - a. Each incident that requires the use of restraint shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.
 - b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.
 - c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual pupil's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the pupil's BIPs developed by the IEP team.

C. Seclusion

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on pupils with disabilities shall ensure that:

1. A seclusion technique is used on a pupil with disabilities only in an emergency in which the pupil is exhibiting behavior that places the pupil or others in immediate physical danger;
2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Pupils with Disabilities; and

3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the BIP at the next IEP meeting.
 - a. Each incident that requires the use of a seclusion technique shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.
 - b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.
 - c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual pupil's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the pupil's BIP developed by the IEP team.

D. Interventions

1. Classroom interventions may include, but not be limited to, the following strategies:
 - a. The staff member may ignore the behavior;
 - b. The staff member may redirect the pupil to a task with verbal or non-verbal prompts or gestures. Proximity and the use of gentle humor may help, when appropriate;
 - c. The staff member shall be clear, polite, and respectful when redirecting the pupil's behavior. The staff member should make eye contact and tell the pupil what to do such as "I can't teach when you are talking, throwing things, ..." or "Please stop and listen, read, write, ..." The staff member should remind the pupil of consequences for non-compliance and rewards if they comply with the staff member's request;

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- d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and quietly give the pupil adequate wait time. If the staff member moves on, the pupil may comply after the initial confrontation if attention goes back to the lesson;
 - e. The staff member may advise the pupil to proceed to a time out area in the classroom for a limited time (elementary and middle school); and
 - f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.
 2. Security interventions may include, but are not limited to, the staff member:
 - a. Standing quietly in the doorway and asking the pupil to accompany the staff member; and
 - b. Informing the pupil of the violation of the school discipline code and procedure and assure the pupil they have the choice to leave the classroom quietly.
- E. Use of Physical Restraint
 1. If necessary, the staff member shall restrain the pupil until the emergency no longer exists (i.e. the pupil stops punching, kicking, spitting, damaging property, etc.).
 2. The school staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.
 3. The Principal's or designee's or any school staff member's report regarding the incident shall be documented in writing in sufficient detail to enable staff to use this information to develop or improve the BIP at the next IEP meeting. The documentation of physical restraint shall be placed in the pupil's school file.

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4. The use of physical restraint is subject to the following additional requirements:
 - a. Physical restraint techniques shall consider the pupil's medical conditions and shall be modified as necessary;
 - b. Pupils shall not be subjected to physical restraint for using profanity, other verbal displays or disrespect, or for non-compliance. A verbal threat will not be considered as constituting a physical danger unless a pupil also demonstrates a means of or intent to carry out the threat;
 - c. In determining whether a pupil who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff should consider the potential for injury to the pupil, the pupil's need for privacy, and the educational and emotional well-being of the other pupils in the vicinity;
 - d. A pupil shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the pupil is no longer in imminent danger of causing harm to himself/herself, others, or imminent property destruction; and
 - e. The pupil shall be examined by the school nurse after any restraint.

F. Restraint and Seclusion Training Requirements

1. All staff members working directly with pupils with disabilities shall receive training on Policy and Regulation 5561 and in safe techniques for physical restraint and seclusion from an entity determined by the Board of Education to be qualified to provide such training.
 - a. The Principal or designee shall determine the school staff members that shall receive restraint and seclusion training.
 - b. The training shall be identified in the school district's professional development plan and should be considered as a topic for ongoing professional learning communities (PLCs).

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- c. The training shall emphasize the use of appropriate de-escalation techniques and the use of Positive Behavior Supports (PBS) as mechanisms to avoid the need for the use of physical restraint and seclusion.
 - d. Training may include current professionally accepted practices and standards regarding behavior management.
 - e. The training program shall be updated at least annually.
 2. In addition to district-wide training and PLCs, the Board may also consider additional training for all staff members who will be responsible for implementing the IEPs which include BIPs for pupils with disabilities.
 - a. This additional training should include a framework that emphasizes de-escalation techniques, identifying PBSs, and behavior strategies which support appropriate behavior in all school settings.
 - b. Staff members responsible for implementing BIPs for pupil IEPs should be trained on the use of continuous monitoring techniques and the collection of data which can be used to inform decision making regarding the continued use of restraint and seclusion.
 3. Training for school administrators shall include information on the effectiveness of school-wide positive behavior programs, a tool for evaluating the effectiveness of the Policy and Regulation 5561, and a tool for evaluating the effectiveness of the school district's trainings.

In Effect: August 28, 2018