



Great Hearts Louisiana, Inc.

SECLUSION & PHYSICAL RESTRAINT OF STUDENTS WITH EXCEPTIONALITIES POLICY AND PROCEDURES/GUIDANCE

Adopted: June 27, 2023

Pursuant to Louisiana Revised Statute §17:416.21(M)(2)1, our Governing Board of Directors for Great Hearts Louisiana, Inc. has developed and adopted the following policies and procedures regarding the appropriate responses to the behavior of students with disabilities that may require immediate intervention in the form of seclusion and restraint.

This policy will be reviewed and revised annually as necessary.

Great Hearts Louisiana adheres to La.RS §17:416.21 (*Attachment A*) with the following policy on restraint and seclusion:

Definitions

Imminent Risk of harm: Means an immediate and impending threat of a person causing substantial physical injury to self or others.

Mechanical Restraint: A Mechanical Restraint is the use of any device or object used to limit a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have 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 student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

It also does not include any device used by a duly licensed law enforcement officer in the execution of their official duties.

Physical Restraint: Physical Restraint is using bodily force to limit the movement of a student's torso, arms, legs, or head. This term does not include:

- Consensual, solicited, or unintentional contact;

- Momentary blocking of a student’s action if the student’s action is likely to result in harm to the student or any other person;
- Holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student’s freedom of movement or normal access to his or her body is not restricted;
- Minimal physical contact for the purpose of safely escorting a student from one area to another; or
- Minimal physical contact for the purpose of assisting the student in completing a task or response.

Seclusion: Seclusion is an involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This procedure isolates and confines a student until he or she is no longer an immediate danger to self or others. It may be used on an individual basis for a limited time to allow the student the opportunity to regain control in a private setting.

This method must not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors must be responded to with less stringent and less restrictive techniques.

Seclusion Room: a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving;

This term does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Using Seclusion and Restraint

Pursuant to La. R.S. §17:416.21:

B.(1) Seclusion shall be used only:

- a) For behaviors that involve an imminent risk of harm.
- b) As a last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.

C.(1) Physical restraint shall be used only:

- (a) When a student's behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others.
- (b) To the degree necessary to stop dangerous behavior.
- (c) In a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student's breathing or ability to communicate with others.

During Incident:

- Before the use of seclusion or physical restraint, the academy must make the following determinations:
 - That the student’s behavior poses an imminent danger of bodily harm to themselves, or others, and;
 - Less restrictive interventions appear insufficient to lessen this danger.
- Once this determination is made, appropriate restraint techniques can only be deployed by personnel specifically trained in the use of safe restraint and seclusion techniques. The only

exception to this is an emergency that makes it impossible to have trained staff deploy the technique.

- Academy staff must continually monitor the student during the use of the technique and must end the restraint or seclusion as soon as the imminent danger ends.

After the Incident (see *Attachment B – Follow-up to restraint/seclusion incident* for details and timelines):

- Immediately after, the academy must conduct a “wellness check” of the student and any staff member involved in deploying the technique. If the student is unable or unwilling to consent to the wellness check, document this on the Restraint Incident Documentation Form (*Attachment C*).
- The academy must document the incident using the Restraint Incident Documentation Form.
 - The completed Restraint Incident Documentation Form will be submitted to the Head of School or their designee no later than the one school day following the day the student was placed in seclusion or physically restrained.
- The academy must make verbal and written communication with a student’s parent/guardian on the same day that the restraint or seclusion technique is used unless something prohibits the communication, but no more than 24 hours following the incident in any case. The written communication (*Attachment D*) will include the following:
 - Reason for such seclusion and/or physical restraint;
 - Description of procedures used;
 - Length of time of the student’s seclusion and/or physical restraint, and;
 - Names and titles of all academy staff involved.
 - A copy of the completed Restraint Incident Documentation Form

The Lead SPED Coordinator will be notified any time a student is placed in seclusion or is physically restrained.

Other Considerations:

If a student is involved in five incidents in a given school year involving the use of physical restraint or seclusion, the student’s Individualized Education Plan (IEP) team will be required to review and revise the student’s behavior intervention plan to include any appropriate and necessary behavior supports.

The documentation compiled for a student who has been placed in seclusion or has been physically restrained and whose challenging behavior continues or escalates shall be reviewed at least once every three weeks.

Restraint and Seclusion: Academy Considerations

1. Each academy’s leadership team must review the supplemental documents attached to this policy to ensure understanding of the statute and the academy procedures in response to an incident, including:
 - a. The text of La.RS §17:416.21
 - b. Academy Guide - Follow-up to restraint and seclusion incident
 - c. Restraint Incident Documentation Form
 - d. Cover Letter - Restraint Incident Documentation Form
2. Each academy must identify and provide training for a team of at least two or three individuals in verbal de-escalation and safe restraint and seclusion techniques, since some restraint techniques specifically require more than one people to perform safely.

3. Each academy must provide training and guidance to all staff with regards to the academy restraint and seclusion policy, including:
 - a. The definition of restraint, and clarification for what constitutes restraint;
 - b. Identifying those members of staff who are trained to deploy the techniques;
 - c. Under what circumstances the techniques are to be deployed;
 - d. What constitutes an emergency that would require intervention by a non-trained staff member.

Attachment A

La. RS 17:416.21

Behavior of students with exceptionalities; use of seclusion and physical restraint

A. As used in this Section:

- 1) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others.
- 2) (a) "Mechanical restraint" means the application of any device or object used to limit a person's movement.
(b) Mechanical restraint does not include:
 - i. A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider.
 - ii. Any device used by a duly licensed law enforcement officer in the execution of his official duties.
- 3) (a) "Physical restraint" means bodily force used to limit a person's movement.
(b) Physical restraint does not include:
 - i. Consensual, solicited, or unintentional contact.
 - ii. Momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person.
 - iii. Holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted.
 - iv. Minimal physical contact for the purpose of safely escorting a student from one area to another.
 - v. Minimal physical contact for the purpose of assisting the student in completing a task or response.
- 4) "Positive behavior interventions and support" means a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.
- 5) "School employee" means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.
- 6) "Seclusion" means a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others.
- 7) "Seclusion room" means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.
- 8) "Written guidelines and procedures" means the written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to student behavior that may require immediate intervention.

B. (1) Seclusion shall be used only:

- a) For behaviors that involve an imminent risk of harm.
- b) As a last resort when de-escalation attempts have failed and the student continues to pose an imminent threat to self or others.

(2) Seclusion shall not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors shall be responded to with less stringent and less restrictive

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techniques.

(3)(a) A seclusion room shall be used only as a last resort if and when less restrictive measures, such as positive behavioral supports, constructive and non-physical de-escalation, and restructuring of a student's environment, have failed to stop a student's actions that pose an imminent risk of harm.

b) A student shall be placed in a seclusion room only by a school employee who uses accepted methods of escorting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while he or she is in the seclusion room.

c) Only one student may be placed in a seclusion room at any given time, and the school employee supervising the student must be able to see and hear the student the entire time the student is placed in the seclusion room.

(4) A seclusion room shall:

a) Be free of any object that poses a danger to the student placed in the room.

b) Have an observation window and be of a size that is appropriate for the student's size, behavior, and chronological and developmental age.

c) Have a ceiling height and heating, cooling, ventilation, and lighting systems comparable to operating classrooms in the school.

C. (1) Physical restraint shall be used only:

a) When a student's behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others.

b) To the degree necessary to stop dangerous behavior.

c) In a manner that causes no physical injury to the student, results in the least possible discomfort, and does not interfere in any way with a student's breathing or ability to communicate with others.

(2) No student shall be subjected to any form of mechanical restraint.

(3) No student shall be physically restrained in a manner that places excessive pressure on the student's chest or back or that causes asphyxia.

(4) A student shall be physically restrained only in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

D. Seclusion and physical restraint shall not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel.

E. No student shall be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.

F. A student shall not be placed in seclusion or physically restrained if he or she is known to have any medical or psychological condition that precludes such action, as certified by a licensed health care provider in a written statement provided to the school in which the student is enrolled.

G. A student who has been placed in seclusion or has been physically restrained shall be monitored continuously. Such monitoring shall be documented at least every fifteen minutes and adjustments made accordingly, based upon observations of the student's behavior.

H. A student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.

I. (1) The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be

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notified in writing, within twenty-four hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the student's seclusion or physical restraint, and the names and titles of any school employee involved.

(2) The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

- J. A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident in accordance with the policies adopted by the school's governing authority. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.
- K. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Program team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student's plans at least once every three weeks.
- L. Repealed by Acts 2016, No.522, §2, eff. June 13, 2016.
- M. (1) The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:
 - a) Reporting requirements and follow-up procedures.
 - b) Notification requirements for school officials and a student's parent or other legal guardian.
 - c) An explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.(2)(a) These guidelines and procedures shall be provided to the state Department of Education, all school employees and every parent of a student with an exceptionality. The guidelines and procedures shall also be posted at each school and on each school system's website.
(b) The provisions of Subparagraph (a) of this Paragraph shall not be applicable to the parent of a student who has been deemed to be gifted or talented unless the student has been identified as also having a disability.
- N. (1) The State Board of Elementary and Secondary Education shall adopt rules establishing guidelines and procedures for public school systems to follow regarding the reporting of incidents of seclusion and physical restraint, including specific data elements to be included in such reporting.
(2) The governing authority of each public elementary and secondary school, in accordance with state board policy, shall report all instances where seclusion or physical restraint is used to address student behavior to the state Department of Education.
(3)(a) The state Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis by school; student age, race, ethnicity, and gender; student disability, where applicable; and any involved school employees.
 - b) (i) Based upon the data collected, the state Department of Education shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities, which shall at a minimum include the following:
 - (aa) The number of incidents of physical restraint disaggregated by school system;

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- student age, race, ethnicity, gender, and student disability classification.
 - (bb) The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.
 - (cc) A list of the school systems and charter schools that have complied with the reporting requirements pursuant to Paragraph (2) of this Subsection.
- (ii) The state Department of Education shall post the annual report on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:253.

Attachment B
Follow-Up to Restraint and Seclusion: Academy Guide

This guide serves as step-by-step instructions for the activities that must occur following an incident involving the use of restraint or seclusion techniques on a student in a Great Hearts Academy. These activities should only be initiated once the situation has de-escalated and all involved are calm and recovering.

Timeline	Action	Person Completing
Immediately following incident	Conduct a “wellness check” of the student and any staff involved.	School Nurse or Health Assistant
As soon as possible following the wellness check and on the same day of the incident, unless something prohibits this communication	Inform the student’s parent(s)/guardian of the incident, preferably in person	Head of School/Assistant HM/Dean of Discipline or equivalent
As soon as possible following the wellness check, but no more than 24 hours following the incident ¹	Complete the <i>Restraint Incident Documentation Form</i> (Attachment C) provide to academy administration.	Faculty member(s) involved in the incident
Within 72 hours following the incident	Provide parents with copy of <i>Restraint Incident Documentation Form</i> and cover letter. ² (Attachments C and D)	Head of School/Assistant HM/Dean of Discipline or equivalent
Within 72 hours following the incident (if possible/necessary ³)	Convene a parent-teacher conference to discuss the incident and analyze how future incidents may be avoided and consider whether the student needs a behavioral support plan or functional behavioral assessment.	Head of School/Assistant HM/Dean of Discipline or equivalent

¹ Consider completing the form prior to notifying the parents/guardians, as the information may help prepare for the meeting/call. However, do not delay in notifying the parents/guardians because the form is not completed.

² Consider providing in person, or via email. This should only happen after initial contact about the incident has occurred.

³ By parent/guardian request, or after reviewing behavioral profile/patterns and discipline records, the academy admin determines if this is necessary.

Insert School Crest Here

Use of Physical Restraint Incident Documentation Form

Student Name _____

Date, time, location of incident: _____

Staff present at the incident: _____

Interventions implemented prior to restraint: _____

Behavior leading to the restraint: _____

Persons, locations, or activities that may have triggered the behavior: _____

Length of time of restraint(s): _____

Staff conducting the restraint: _____

Staff trained in safe restraint technique? (Circle) Yes No

If no, explain the emergency requiring use of restraint by staff not trained in proper technique:

Restraint Procedures Used:

Non Physical Restraint

Utilization of verbal de-escalation and or blocking techniques

2 Person Physical Restraint

Implemented only AFTER employment of verbal de-escalation techniques have failed and student poses imminent danger of bodily harm to self or others

Following the incident, staff and student must go to the office for a wellness check.

Insert School Crest Here

This section is to be completed by the health office staff or academy representative:

Date: _____ Time: _____

Result of the wellness check: _____

Health office staff/Academy Representative signature: _____

Following a wellness check, parent must be contacted within 24 hours to discuss the incident and the need for restraint.

Date, time and method of contacting the parent: _____

Signature of the staff member completing the form: _____

[Insert Academy Crest Here]

Date

Name

Street Address

City, AZ Zip

RE: [Insert Name of Child]

Dear [Insert Name of Parent(s)],

This letter serves as an introduction to and explanation of the attached *Restraint Incident Documentation Form*, which was completed by one of our faculty members after an incident involving the physical restraint or seclusion of your child, [Insert name of child]. The attached form outlines the information about any persons, locations or activities that may have triggered your child's behavior that led to the restraint, if known, specific information about the behavior and its precursors, and the type of restraint or seclusion technique used and the duration of its use. Although knowledge of this incident should not be news to you, this documentation should provide you with some additional details.

Please review the attached documentation, and do not hesitate to contact me with any questions or concerns that you may have.

Sincerely,

[Insert Name, Title, Contact Information (i.e. your e-mail signature) here]