

# OPERATING GUIDELINE

## RESTRAINT AND TIME-OUT

Boerne ISD

130901

Legal Framework: [Restraint and Time-Out](#)

Category: Restraint and Time-Out

"No child should be subjected to the abusive or potentially deadly use of seclusion or restraint in a school. Importantly, the Individuals with Disabilities Education Act (IDEA) promotes the use of positive behavioral interventions and supports to address behavior that impedes learning; neither the IDEA nor other federal laws specifically prohibit the use of seclusion and restraint techniques in schools. However, if the use of seclusion and restraint is implemented in a school in a discriminatory manner on the basis of race, color, national origin, sex, or disability, the Department's Office for Civil Rights would have jurisdiction over such use pursuant to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act." [OSERS Letter to Anonymous \(December 16, 2010\)](#).

### **Application Guidance**

- [Texas Behavior Support \(TBS\)](#) (Region 4 ESC)
- [Positive Behavioral Interventions and Supports \(PBIS\)](#) (TBS)
- [Written Summary of Restraint Use Sample Form](#) (TEA)

Through the implementation of the Boerne ISD policies and procedures as outlined in the Legal Framework for the Child-Centered Special Education Process, the Boerne ISD ensures that restraint and time-out are administered in accordance with the IDEA and its accompanying federal regulations, state statutes and regulations.

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### **PERSONS RESPONSIBLE:** Case Managers

The Boerne ISD will follow the Texas Education Code (TEC) §37.0021 regarding confinement, restraint, seclusion, and time-out. It is the policy of the state to treat with dignity and respect all students, including students with disabilities who received special education services. The following are definitions according to the TEC:

- A. Emergency means a situation in which a student's behavior poses a threat of:
  1. imminent, serious physical harm to the student or other; or
  2. imminent, serious property destruction.
- B. "Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body.
- C. "Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:
  1. is designed solely to seclude a person; and
  2. contains less than 50 square feet of space.
- D. "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

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1. that is not locked; and
2. from which the exit is not physically blocked by furniture, a closed door held shut from the outside or another inanimate object.

E. This section does not apply to:

1. a peace officer while performing law enforcement duties;
2. juvenile probation, detention or corrections personnel; or,
3. an educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

### Restraint Techniques

Behavior management techniques, such as, redirection and positive reinforcement shall be used throughout Boerne ISD to change and control inappropriate student behavior. Student restraint procedures may be implemented in extreme situations. It is for these rare occurrences that the following procedures have been developed.

#### A. Physical

1. Physical restraint is the act of preventing a student from free and voluntary movement through the application of physically controlling techniques intended to restrict movement in order to prevent the student from inflicting self-harm, from harming other people, or from damaging property. In Boerne ISD, physical restraint is referred to as Crisis Prevention Intervention (CPI).

All staff members that are assigned to core teams and/or self-contained programs, all bus paraprofessionals, itinerant personnel, teachers of students with the use of non-violent crisis intervention in their Individualized Education Program (IEP), and others as deemed necessary, shall receive training in the use of Crisis Prevention Intervention each year.

2. Any district employee may, within the scope of their duties, use and apply physical restraint to a student when the employee can reasonably assume it is necessary in order to:
  - a. protect a person, from physical harm, including the person using physical restraint;
  - b. obtain possession of a weapon or other dangerous object;
  - c. protect property from serious damage;
  - d. remove a student from a specific location who is refusing a lawful command

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- of a school employee/SRO, including from a classroom or other school property, in order to restore order or impose disciplinary measures;
- e. restrain an irrational student.

### B. Use of Restraint

A school employee, volunteer, or independent contractor may use restraint only in an emergency.

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

### C. Mechanical Restraint

Specific procedures for implementation of student restraint requiring mechanical devices shall be the decision of the ARD/IEP committee and shall be included in the student's IEP prior to implementation of the student restraint application requiring mechanical devices. A mechanical device is defined as the use of a physical device to restrict a student's movement or movement of part of his/her body. The ARD/IEP committee shall develop a specific behavioral objective, identifying the area in which and/or behavior for which the mechanical restraint devices shall be used, specifying procedures for implementation of the mechanical devices and stipulating the date beyond which continued use of the mechanical restraint devices shall require the ARD committee to reconvene for additional review.

### D. Documentation

The effects of the implementation of student restraint procedures, physical and mechanical, on the student should be documented on the Incident Report form and monitored carefully by the student's teacher or a Boerne ISD administrator who participate in the educational process of the student. Restraint shall be discontinued at the point at which the emergency no longer exists.

In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the following documentation requirements.

1. On the day restraint occurs, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint.
2. On the day restraint occurs, a good faith effort shall be made to verbally notify the parent(s) regarding the use of restraint.
3. Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint.

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4. Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the ARD committee when it considers the impact of the student's behavior on the student's learning and/or the creation or revision of a Behavioral Intervention Plan (BIP).
5. Written notification to the parent(s) and documentation to the student's special education eligibility folder shall include the following:
  - (a) name of the student;
  - (b) name of the staff member administering the restraint;
  - (c) date of the restraint and the time the restraint began and ended;
  - (d) location of the restraint;
  - (e) nature of the restraint;
  - (f) a description of the activity in which the student was engaged immediately preceding the use of restraint;
  - (g) the behavior that prompted the restraint;
  - (h) the efforts made to de-escalate the situation and alternatives to restrain that were attempted;
  - (i) information documenting parent contact and notification

#### Time Out

Removal from the student's normal school day's schedule for the purpose of Restrictive Time-Out *shall* be included in the 10-day rule total and must be documented.

#### Seclusion

A student with disabilities in Boerne ISD will not be placed in seclusion or confined in a locked box, locked closet, or any other specially designed locked space.