

Guidelines for the Use of Seclusion Rooms and Restraint on Children with Disabilities

Guideline 1. Definitions. As used in these guidelines, the following terms shall have the meanings specified herein: (a) "Children with disabilities" has the meaning specified in K.S.A. 72-962 and amendments thereto.

(b) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others. Violent action that is destructive of property may involve a substantial risk of injury to a person.

(c) "Individualized education plan" and "IEP" have the meaning specified in K.S.A. 72-962 and amendments thereto.

(d) "Mechanical restraint" means any device or object used to limit a person's movement, except that a protective or stabilizing device either ordered by a person appropriately licensed to issue the order for the device or required by law shall not be considered to be a mechanical restraint. This term does not include any device used by a law enforcement officer, campus police officer, or school security officer in carrying out law enforcement duties.

(e) "Physical restraint" means bodily force used to substantially limit a person's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.

(f) "School employees" means teachers, paraprofessionals, providers of related services, administrators, and support staff.

(g) "Seclusion room" means a room or other confined area in which a child with a disability is placed in isolation from other persons for a limited time as a behavior intervention strategy and from which the student is prevented from having egress.

Guideline 2. Seclusion rooms; use and restrictions. (a) No child with a disability should be subjected to unreasonable, unsafe, or unwarranted use of seclusion rooms. Therefore, a child should be placed in a seclusion room only as a behavior intervention strategy and not for purposes of discipline or punishment, or for the convenience of staff.

(b) Any child with a disability should be placed in a seclusion room only if this action is specified in the student's IEP or behavior intervention plan (BIP) or if the behavior of the student presents an imminent risk of harm.

(c) Unless the behavior of a child with a disability presents an imminent risk of harm, the child should not be placed in a seclusion room unless other less-restrictive, positive behavior intervention strategies specified in the child's IEP or BIP, as appropriate to the behavior exhibited by the child, have been implemented but were ineffective.

(d)(1) If the IEP team of a child with a disability determines, based upon the results of a functional assessment of behavior and other relevant information, that an appropriate behavior intervention plan for the child should include the use of a seclusion room, the IEP team should include this information in the child's IEP or BIP and specify the location of each seclusion room to be used, the maximum length of any period of seclusion, the number of times during a single school day that the child is to be placed in a seclusion room, and any other relevant matter agreed to by the IEP team.

(2) The IEP team also should specify the data to be collected to determine whether placement of the child in a seclusion room is effective with the

child, including the number of times that the use of a seclusion room within a fixed period of time could signify the need for an IEP team meeting, and a date by which a review of the effectiveness of this intervention should shall be made and the name of each reviewer. A parent must be given the opportunity to participate in this review. The initial review date should be scheduled for a date not exceeding 45 school days after the IEP team meeting. Of course, an IEP team meeting may be requested at any time to review and consider making changes in the use of this behavior intervention strategy.

(e) A child with a disability should not be placed in a seclusion room if the child is known to have any medical condition that a licensed health care provider has indicated, in a written statement that is provided to the school and that is on file with the school, precludes this action.

(f) A child with a disability should not be placed in a seclusion room except by a school employee who has had training in the appropriate use of seclusion rooms, including getting a child to a seclusion room, placing a child in a seclusion room, and supervising a child while the child is in the room. The training shall be consistent with nationally-recognized training programs, such as Mandt or Nonviolent Crisis Intervention, to ensure the safe use of this behavior intervention strategy.

(g) While a child with a disability is in a seclusion room, the school employee who is supervising the student should have the ability to see and hear the student at all times.

(h) Not more than one child with a disability should be placed in the same seclusion room at the same time.

Guideline 3. Seclusion rooms; size and characteristics. Each seclusion room to be used for any particular child should be of a size that is appropriate to the child's chronological and developmental age, size, and behavior.

(b) Each seclusion room should have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located and should be equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located.

(c) Each seclusion room should be free of any object that poses a danger to the child with a disability who is being placed in the room.

(d) Any seclusion room should be equipped with a door that locks only if the lock is equipped with a device that automatically disengages the lock in case of an emergency, such as a fire or tornadic weather.

Guideline 4. Physical restraint and mechanical restraint; use and restrictions. (a) No child with a disability should be subjected to unreasonable, unsafe, or unwarranted use of physical restraint as provided in this guideline. A child with a disability should not be subjected to any form of mechanical restraint.

(b) Except as provided in paragraph (c), no school employee should use physical restraint on any child with a disability. Physical restraint should not be used for discipline, punishment, or the convenience of staff.

(c)(1) A school employee should use physical restraint on a child with a disability only if the child's behavior presents an imminent risk of harm or the child is involved in an altercation. Except to intercede in an altercation, each school employee applying physical restraint should use a method of physical restraint in which the employee has received training and should apply the physical restraint in a manner that is proportionate to the circumstances and to the child's size and age and the severity of the child's behavior.

(2) School employees should be provided training in using an appropriate method of physical restraint and in determining the circumstances in which the use of physical restraint is appropriate. The training should be consistent with nationally-recognized training programs, such as Mandt or Nonviolent Crisis Intervention, to ensure that school employees are trained in the proper use of physical restraint to prevent harm to students or others.

Guideline 5. Seclusion rooms and physical restraint; reports and notification.

(a)(1) When any child with a disability is placed in a seclusion room or is subjected to physical restraint, the procedures specified in this guideline, or others providing for parental notification, should be implemented.

(2) As soon as possible after use of the seclusion room or physical restraint, the school employee who used the seclusion room or physical restraint, or an employee who witnessed its use, should document the use of the seclusion room or the physical restraint. This documentation should be completed not later than the school day following the day on which the seclusion room or physical restraint is used, and a copy of the documentation provided to the parent of the child when the documentation is completed.

(b)(1) Each school that uses a seclusion room as defined in guideline 1 must submit annually to the state director of special education the following information:

(A) The name of the school and the grades offered at the school; and

(B) The length, width and height of each of the seclusion rooms located in the school.

(2) Each school that uses a seclusion room must submit a quarterly report to the state director of special education that includes the following information:

(A) The number of students placed in seclusion during the reporting period;

(B) the maximum amount of time any child was in seclusion on a single occasion; and

(C) the maximum number of times during a single day that a student was placed in a seclusion room.

(c) The state director of special education will compile the reports from the schools and provide the results to the State Special Education Advisory Council, which is to consider the information and make any recommendations it believes appropriate to the State Board of Education.