

# CURRENT POLICY

## TITLE 28

### EDUCATION

#### Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act

##### §540. Definitions

A. As used in these Sections 541 through 543:

1. *Imminent Risk of Harm*—an immediate and impending threat of a person causing substantial injury to self or others;
2. *Mechanical Restraint*—
  - a. the application of any device or object used to limit a person's movement;
  - b. 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. *Physical Restraint*—
  - a. bodily force used to limit a person's movement;
  - b. does not include:
    - i. consensual, solicited, or unintentional contact;
    - ii. holding of a student, by a school employee, for less than five minutes in any given hour or class period for the protection of the student or others;
    - 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; or
    - v. minimal physical contact for the purpose of assisting the student in completing a task or response;
4. *Positive Behavior Interventions and Support*—a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate;
5. *Seclusion*—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;
6. *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;
7. *School Employee*—a teacher, paraprofessional, administrator, support staff member, or a provider of related services;
8. *Written Guidelines and Procedures*—the written guidelines and procedures adopted by a school's governing authority regarding appropriate responses to student behavior that may require immediate intervention.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1006 (April 2012).

##### §543. Restrictions on the Use of Seclusion or Physical Restraint

- A. 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.
  - B. No student shall be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.
  - C. 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.
  - D. 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 15 minutes and adjustments made accordingly, based upon observations of the student's behavior.
  - E. A student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.
  - F. 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 school shall document all efforts, including conversations, phone calls, electronic communications, and home visits, to notify the parent of a student who has been placed in seclusion or physically restrained.
1. The student's parent or other legal guardian shall also be notified in writing, within 24 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.

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

H. 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.

I. 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 Plan team shall review and revise the student's behavior intervention plan to include any appropriate and necessary behavioral supports.

J. 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.

K. The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

1. reporting requirements and follow-up procedures;
2. notification requirements for school officials and a student's parent or other legal guardian; and
3. an explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

L. The guidelines and procedures shall be provided to all school employees and every parent of a child with a disability.

M. The governing authority of each public elementary and secondary school shall report all instances where seclusion or physical restraint is used to address student behavior to the Department of Education.

N. The Department of Education shall maintain a database of all reported incidents of seclusion and physical restraint of students with disabilities and shall disaggregate the data for analysis by school, student age, race, ethnicity, and gender, student disability, where applicable, and any involved school employees.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1007 (April 2012), repromulgated LR 38:1225 (May 2012), amended LR 38:1404 (June 2012), LR 39:3261 (December 2013).