

COMPARISON DOCUMENT

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

Chapter 3. Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Subchapter A. Parental Consent

§301. Parental Consent

A. – A.3.b.

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4. Within a reasonable amount of time, and not longer than 10 ~~45~~ business days, from receipt of a written parental request for a special education evaluation, an LEA shall either request parental consent for evaluation or provide prior written notice of refusal.

B. – D.4.

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AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2058 (October 2008), amended LR 36:1502 (July 2010), LR 50:1151 (August 2024), LR 51:

Chapter 5. Procedural Safeguards

Subchapter C. Seclusion and Physical Restraint

§540. Definitions as Used in this Subchapter

A. – A.8.

Repealed.

Crisis Intervention—the implementation of an action plan for school personnel to use when a student exhibits disruptive behaviors that prevent the student from participating in classroom or daily activities. Information about a school’s use of crisis intervention, including the proper use of seclusion and physical restraint, shall be included in the school’s student handbook and made available to the parent and legal guardian of each student with an IEP or Behavioral Intervention Plan (BIP). Crisis intervention may include the following:

1. the use of positive behavioral supports and sensory rooms or other calming spaces intentionally designed to help comfort and stabilize a student in order that the student may return to the classroom or daily activities;

2. in extraordinary cases, the use of seclusion and physical restraint as a means to safely de-escalate a situation in which a student poses a risk of imminent harm to self or others.

Imminent Risk of Harm—an immediate and impending threat of a person causing substantial injury to self or others.

Mechanical Restraint—the application of any device or object used to limit a person’s movement, but does not include:

1. 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; or

2. any device used by a duly licensed law enforcement officer in the execution of his official duties.

Physical Restraint—the use of manual restraint techniques that involve physical force applied to restrict the movement of all or part of a person’s body, but does not include:

1. consensual, solicited, or unintentional contact;

2. momentary blocking of a student’s action if said action is likely to result in harm to the student or any other person;

3. a school employee holding a student for less than three consecutive minutes within any given hour for the protection of the student or others;

4. 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; or

5. minimal physical contact for the purpose of safely escorting a student from one area to another; or

6. minimal physical contact for the purpose of assisting the student in completing a task or response.

Positive Behavioral 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.

Seclusion—a procedure that isolates and confines a student in a designated separate room or area until the student is no longer an imminent risk of harm to self or others.

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 safe, secure, and supervised setting and from which the student is involuntarily prevented from leaving, until the student is no longer at risk of imminent harm to self or others. A seclusion room shall:

1. be free of any object that poses a danger to the student placed in the room;

2. have an observation window and be of a size that is appropriate for the student’s size, behavior, and chronological and developmental age; and

3. have heating, cooling, ventilation, and lighting systems and a ceiling height comparable to operating classrooms in the school.

School Employee—a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

School Health Designee—a school employee designated to assess the use of seclusion and physical restraint in the event that a school nurse is not present on a school campus at the time such measure is used.

Sensory Room—a room or space that is used for the monitored or timeout space. The appropriate use of sensory rooms shall not be considered seclusion, which shall only be used for the limited purpose of responding to a student posing an imminent risk of harm to self or others.

Written Guidelines and Procedures—the written guidelines and procedures adopted by a public school 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), amended LR 42:2177 (December 2016), LR 51:

§541. Use of Seclusion

A. Seclusion shall be used only:

1. for student behaviors that involve an imminent risk of harm to self or others;
2. as a last resort when de-escalation and other positive behavioral interventions and support attempts have failed and the student continues to pose an imminent risk of harm ~~threat~~ to self or others.

B. Seclusion shall not be used as a routine school safety, discipline, or intervention measure or to address behaviors such as general noncompliance, self-stimulation, ~~and~~ academic refusal, and other behaviors that, while disruptive to a classroom setting or other daily school activities, do not present an imminent risk of harm to self or others. ~~Such School employees shall response to such behaviors shall be responded to~~ with less stringent and less restrictive techniques, such as those included in a school or student crisis intervention plan or a student's IEP or BIP.

C. A seclusion room shall be used only as a last resort and when less restrictive crisis intervention 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 to self or others.

D. 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 the student ~~he or she~~ is in the seclusion room.

E. ...

F. – F.3. Repealed.

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), LR 51:

§542. Physical Restraint

A. – A.1. ...

2. to the degree necessary to stop dangerous behavior; ~~and~~
3. 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; and
4. by trained personnel, except in emergency situations in which there is not sufficient time to have trained personnel respond. Minimum training requirements shall be in accordance with §549 of this Subchapter.

B. – D. ...

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), LR 51:

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

A. ...

B. ~~No student shall be subjected~~ No school employee shall subject a student 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~~ No school employee shall seclude or physically restrain a student who is known to have any medical or psychological condition that precludes such action, as certified by a licensed pediatrician, neurologist, or mental health-care provider in a written statement provided to the school in which the student is enrolled.

D. ~~A school employee shall continuously monitor a student who is secluded or has been placed in seclusion or has been physically restrained for the duration of such seclusion or restraint. 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 school employee shall release a student from seclusion and student shall be removed from seclusion or released from physical restraint as soon as the reasons for justifying such action have subsided.

F. Each principal or such designee shall notify each parent or legal guardian of a student enrolled at the school with an IEP of the prohibition of the use of seclusion and physical restraint if the student has a condition as provided in this Section. Such notification shall be made annually and be incorporated into the student's IEP. 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.

F.1. – O. Repealed.

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), LR 42:2177 (December 2016).

§545. Seclusion and Restraint Post-Incident Requirements

A. Upon a student's release from seclusion or physical restraint, the following shall occur:

1. A school employee who secluded or physically restrained the student shall notify the school principal, and the principal or designee shall electronically notify the director or supervisor of special education as soon as is practicable but no later than one hour following the release of the student, or the end of the same school day, whichever occurs first.
2. A school employee who secluded or physically restrained the student or a school administrator shall notify the student's parent or legal guardian via a phone call as soon as is practicable, but no later than the end of the same school day.
3. A school nurse or school health designee shall visit the student as soon as possible, but no later than the end of the same school day, to look for and document any signs of injury or distress.

4. A school employee shall immediately notify the school principal and the director or supervisor of special education any time a student is secluded or physically restrained.

5. A school principal or his designee and the director or supervisor of special education shall review video and audio footage, if available, to ensure policies and proper techniques were followed during the incident.

B. A school employee who secluded or physically restrained a student shall document and report the incident in accordance with the policies adopted by the public school governing authority. The employee shall submit such report to the school principal by the end of the next school day. The principal or designee shall submit the report to the parent by the end of the next school day following receipt of the report. At a minimum, the incident report shall include the following:

1. the name, age, grade, gender, race, and disability of the student secluded or restrained;

2. the date, time, location, and duration of the seclusion or physical restraint;

3. the name and title of each school employee involved or any witness;

4. a description of the events requiring the use of seclusion or physical restraint, including a description of the procedures and types of restraint used, any actions taken in an attempt to de-escalate the situation, and the student's behavior that suggest the student posed an imminent risk of harm to self or others.

5. a description of any student injuries, visible marks, or medical emergencies that occurred during or after the seclusion or physical restraint;

6. a description of the actions taken immediately following the student's release from seclusion or physical restraint, including actions to notify the student's parent or legal guardian; and

7. a description of the student's actions immediately following the student's release from seclusion or restraint.

C. If a student is involved in three incidents in a school year involving the use of seclusion or physical restraint as a result of posing an imminent risk of harm to self or others, the special education teacher shall send prior written notice of the intention to call an IEP team meeting to the student's parent or legal guardian. At such meeting, the IEP team shall review and revise the student's BIP, including any crisis intervention plans, 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, the director or supervisor of special education or designee shall review the student's plans at least once every three weeks.

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 51:

§547. Policy and Reporting Requirements

A. Each public school governing authority shall adopt written guidelines and procedures regarding the following:

1. proper use of crisis intervention plans, including the use of positive behavioral interventions and support, sensory rooms, seclusion, and physical restraint, and how these strategies differ;

2. all seclusion and physical restraint safety, reporting, and notification requirements, including any follow-up procedures;

3. an explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint; and

4. an explanation of how school employees may utilize and be trained in a crisis intervention training program.

B. LEA guidelines and procedures shall be annually provided to all school employees, all parents and legal guardians of students with an exceptionality, and the LDOE by May 31, 2026, and prior to the start of each school year thereafter.

C. The guidelines and procedures shall also be annually submitted to the local special education advisory council, prior to the beginning of each school year.

D. At the beginning of each school year, each public school governing authority shall post on its website the guidelines and procedures adopted in accordance with this Subsection.

E. The LDOE shall maintain on its website, and annually distribute to public school governing authorities, updated guidance for recommended best practices relative to the use of seclusion and physical restraint for students with exceptionalities.

F. The LDOE shall provide guidance to public school systems for establishing local guidelines and procedures. LEAs shall follow the incidents of seclusion and physical restraint reporting requirements in accordance with this Subsection, including specific data elements to be included in such reporting.

G. Each public school governing authority shall report all instances where seclusion or physical restraint is used to address student behavior to the LDOE.

H. The LDOE 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, gender, and disability, where applicable, and any involved school employee(s).

1. Based upon the data collected, the LDOE shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities. The report shall include the following:

a. the number of incidents of physical restraint disaggregated by school system, student age, race, ethnicity, gender, and student disability classification;

b. the number of incidents of seclusion disaggregated by school system, student age, race, ethnicity, gender, and student disability classification; and

c. a list of the school systems and charter schools that have complied with the reporting requirements in accordance with this Subsection.

2. The annual report shall be posted on the LDOE website and submitted to the House and Senate Committees on Education and the Special Education Advisory Panel.

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 51:

§549. Training Requirements

A. Crisis intervention training programs used by LEAs shall include, at a minimum, the following:

1. Teach evidence-based techniques that are shown to be effective in the prevention and safe use of seclusion and physical restraint.
2. Provide evidence-based, competency-based skills training relating to positive support, conflict prevention, de-escalation, and crisis response techniques including but not limited to:
 - a. guidelines on understanding when there is an imminent danger of serious physical harm to a student or others and when to intervene in such a scenario;
 - b. an emphasis on safety and respect for the right and dignity of each person involved in an incident that involves the use of seclusion or physical restraint on a student;
 - c. an emphasis on using the least restrictive form of intervention and taking incremental steps in an intervention;
 - d. alternatives to the use of seclusion and restraint;
 - e. strategies for the safe implementation of restrictive interventions;
 - f. the use of emergency safety interventions that include continuous assessment and monitoring of the physical well-being of a student and the safe use of seclusion and physical restraint throughout the duration of a restrictive intervention;
 - g. prohibited actions relative to seclusion and physical restraint;
 - h. debriefing strategies and the importance and purpose of debriefing;
 - i. best practices for documentation of instances of the use of seclusion and physical restraint on a student;
 - j. measurable learning objectives for participants in the training;
 - k. an overview of seclusion rooms, sensory rooms, the differences between each, and authorizations and prohibitions relative to the use of such rooms in accordance with LEA guidelines and procedures and this Subsection.

3. Educators not trained to implement seclusion and restraint may receive professional learning in effective strategies for behavior management of students with disabilities and crisis intervention procedures.

B. The school principal shall designate such employees that are required to complete a training program when the local policy includes implementation procedures for seclusion and restraint.

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 51: