

# Restraint and Seclusion Policy

## I. PURPOSE AND SCOPE

The District of Columbia Public Schools (DCPS) believes that social and emotional skills form a foundation for young people’s success not just in school, but also as healthy and caring adults, productive workers, and engaged citizens. DCPS wants all students and staff to learn and work in a safe school environment. Seclusion and restraint are only permitted in emergency situations to protect a student or other person from imminent, serious physical harm and other less intrusive, nonphysical interventions, including de-escalation, have failed or been determined to be inappropriate.

This policy conveys limitations on and requirements for the use of restraint and seclusion in emergency situations, and it is binding on all DCPS staff, contract employees, and volunteers. The purpose of this policy is to ensure that all students and staff are safe in school, students who may have a behavior crisis are free from inappropriate use of physical restraint or seclusion, and the use of these techniques does not violate students’ rights, including students with disabilities.

This policy provides the legal requirements for the use of restraint and seclusion and reaffirms DCPS’ commitment to Positive Behavior Interventions and Supports (PBIS) as a school-wide program which will reduce the incidence of emergency situations in schools. It includes specific information on what emergency situations are, what DCPS staff are required to do when they occur, and what follow-up steps are necessary after restraint or seclusion is used.

This policy rescinds and supersedes all previous policy, memoranda, directives, and guidance promulgated by DCPS on this subject matter.

## II. AUTHORITY AND APPLICABLE LAW<sup>1</sup>

Source	Citation
Federal Law	<ul style="list-style-type: none"> <li>- Americans With Disabilities Act of 1990, 42 U.S.C. § 12101 <i>et seq.</i></li> <li>- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 <i>et seq.</i></li> </ul>
Federal Regulations	<ul style="list-style-type: none"> <li>- 34 C.F.R. § 104.4</li> <li>- 28 C.F.R. § 35.130</li> </ul>
District of Columbia Municipal Regulations	DC Public Schools (DCPS) <ul style="list-style-type: none"> <li>- 5-B DCMR Chapter 25 – Student Discipline</li> </ul> Original Title 5 <ul style="list-style-type: none"> <li>- 5-E DCMR Chapter 30 – Special Education<sup>2</sup></li> </ul>

<sup>1</sup> Nothing in this policy shall supersede federal, state, or local law.

<sup>2</sup> The Office of the State Superintendent of Education has given notice of its intent to revise 5-E DCMR Chapter 30 by adopting a new Chapter 30 (Special Education) in Subtitle A, making conforming amendments to 5-A DCMR Chapter 28 (Nonpublic Special Education Schools and Programs Serving Students with Disabilities Funded by the

### III. KEY TERMS AND DEFINITIONS

**Behavior Intervention Plan (BIP)** means a written plan that describes how an educational setting will be changed to improve the behavioral success of a child; the teaching that will occur to give the child alternative ways of behaving; the consequences that will be provided to encourage positive behavior, limit inadvertent reward of problem behavior, and where appropriate, discourage problem behavior; and procedures for ongoing assessment to determine if the BIP is being implemented correctly and if implementation is resulting in benefits for the child.

**Chemical Restraint** means the use of a drug to control a student's behavior or restrict freedom of movement. A drug ordered by a licensed physician as part of ongoing medical treatment plan or determined by a licensed physician to be medically necessary is not considered a chemical restraint.

**Crisis Intervention Training** means training provided to school personnel who deal with aggressive, violent, or out of control behavioral crises.

**De-Escalation** means causing a situation to become more controlled, calmer, and less dangerous, thus lessening the risk for injury to someone.

**Emergency Situations** means a temporary and unusual circumstance in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm.

**Functional Behavioral Assessment (FBA)** means an assessment process that includes gathering information that can be used to hypothesize about the function of an individual's behavior. The analysis provides the information necessary to develop a behavior intervention plan (BIP).

**Least Restrictive Environment (LRE)** means the right of a student who has a disability to be educated with non-disabled peers to the greatest extent appropriate.

**Mechanical Restraint** means the use of a physical device to restrict the movement of a child or the movement or normal function of a portion of their body. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.

**Physical Restraint** means a personal restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely. The term does not include a physical escort (i.e., the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of assisting a student in moving to a safe location).

**Prone Restraint** means the use of force, use of a physical device, or both, to hold a child face down or stomach down on the floor.

**Seclusion** means the involuntary confinement of a child alone in a room or area from which they are physically prevented from leaving, or from which the child believes they may not leave, whether or not in a locked area.

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District of Columbia and Special Educations Rates), and repealing in its entirety 5-E DCMR Chapter 30 (Special Education). The [second notice of proposed rulemaking](#) was issued on Sept. 3, 2021.

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**SEDS** means the Special Education Data System, also known as Easy IEP, which is a comprehensive data system designed to support children with disabilities. SEDS is used for program development, management, and record keeping.

**Supine Restraint** means when a student is restrained face up on their back on a horizontal surface such as the floor.

### IV. REQUIREMENTS

#### A. General

The use of restraint and seclusion is prohibited except in emergency situations in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm and other, less intrusive interventions have failed or been determined to be inappropriate. See Section IV.B below for an additional explanation of emergency situations. Restraint and seclusion will not be used as a means of coercion, discipline, convenience, or retaliation by staff.

In instances where restraint and/or seclusion is necessary, these techniques are only permitted to be used by staff who have been trained and certified in the appropriate use of specific, evidence-based techniques through DCPS-approved crisis intervention trainings that also address safe de-escalation techniques. For additional information on restraint and seclusion trainings, see Section IV.E below.

As the use of restraint and seclusion are only permitted for emergency situations, the use of these procedures will not be included in a student’s individualized education program (IEP), 504 plan, behavior intervention plan (BIP), or in any other educational planning document.

#### B. Emergency Situations and Risk of Imminent Harm

##### 1. Emergency Situations

Restraint and seclusion are only permitted in emergency situations in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm, and should be stopped as soon as this risk of imminent harm has passed. Restraint and seclusion can never be used in non-emergency situations and are only to be used as a last resort, after other methods of de-escalation have failed to resolve the emergency situation. They can also only be used by staff members who have received specific DCPS-approved crisis intervention training in the use of safe seclusion and restraint procedures as well as safe de-escalation techniques.

Restraint and seclusion cannot be used as punishments for failing to follow school rules or following staff directions. They also cannot be used to “treat” or “correct” a student’s behavior, nor as methods of retaliation, coercion, or convenience.

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### 2. Risk of Imminent, Serious Physical Harm

Property destruction, disruption of school order, or failure of a student to follow the directive of a school official shall not alone constitute imminent, serious physical harm. A verbal threat or verbally aggressive behavior also does not in itself constitute a risk of imminent, serious physical harm.

### C. Restraint

#### 1. Prohibited Restraints

The following methods of restraint are categorically unsafe and are prohibited in all situations (i.e., must never be used):

- Any restraint which restricts a child's breathing, including prone or supine restraints;
- Any restraint on the floor;
- Any mechanical restraint (e.g., tape, ropes, weights, handcuffs); and
- Any chemical or medication to control behavior or restrict movement, unless prescribed and administered by a licensed physician as part of a standard treatment for a student's condition.

#### 2. Physical Restraint

Physical restraints may only be used in emergency situations by staff who are trained and certified in the appropriate use of specific, evidence-based techniques. The use of physical restraint in emergency situations must be limited to the use of the least amount of force necessary and to the shortest period of time necessary to protect the student and other people from imminent, serious physical harm.

In all instances where physical restraint is used, the following requirements apply:

- No physical restraint may be applied in such a way that the student's breathing or speaking is restricted;
- The restraint must end as soon as the student and other people are no longer in imminent danger;
- Staff must provide the student with a developmentally appropriate explanation of the behavior that resulted in the restraint and instructions on the behavior required to be released from the restraint;
- If the student uses sign language or an augmentative mode of primary communication, the student must be permitted to have their hands free of restraint for brief periods, unless the staff member determines that such freedom appears likely to result in harm to self or others;
- During the restraint, a staff member must continuously monitor the physical status of the student, including skin color and respiration, to determine if medical attention is required; and
- Staff must observe the student during the entire duration of the use of the restraint in order to assess the need for continued restraint.

#### 3. Medical/Psychological Conditions or History of Trauma

No physical restraint shall be administered if the student has a medical or psychological condition or a history of trauma that could make the use of restraint inadvisable or harmful.

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### D. Seclusion

Seclusion may only be used in emergency situations in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm by staff who are trained and certified in the appropriate use of specific, evidence-based techniques.

#### 1. Requirements

In all instances where seclusion is used, the following requirements apply:

- Staff must provide the student with a developmentally appropriate explanation of the behavior that resulted in the seclusion and instructions on the behavior required to be released from the seclusion;
- Staff must be able to see a student placed in seclusion at all times and must continuously monitor the student, including speaking with the student every ten (10) minutes at a minimum;
- After thirty (30) minutes, the principal, assistant principal, or a special education LEA representative designee must personally observe the student to assess the need for continued seclusion; and
- No instance of seclusion may continue for longer than one (1) hour.

#### 2. Seclusion Spaces

The use of a locked door in the seclusion room is prohibited. A space used for seclusion must, at a minimum, meet these standards:

- Be free of objects and fixtures with which a student could harm themselves;
- Provide school staff an adequate view of the student from an adjacent area for the full duration of the seclusion;
- Provide adequate lighting, ventilation, and temperature control;
- Be of reasonable size to permit the student to lie or sit down; and
- Meet current fire and safety codes.

### E. Training

Restraint and seclusion techniques may only be applied by staff who have been trained and certified in the appropriate use of specific, evidence-based techniques for restraint and seclusion and safe de-escalation through DCPS-approved crisis intervention trainings. All principals, assistant principals, and teachers in self-contained special education classrooms must receive this training and be certified; other school staff may elect to also receive this training.

Staff will receive a certificate after the initial training to share with their principal and LEA representative designee. DSI's Academic Program Behavior Education Support Team will also maintain certificates of completion in a centralized database.

All required staff must be recertified annually, and they will receive a reminder from the Division of Specialized Instruction (DSI) in advance of their re-certification deadline. Staff will have a 90-day grace period after their certification expires to recertify in the annual refresher training. After this grace period, staff will have to restart the certification process with the more comprehensive initial training.

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For questions regarding restraint and seclusion trainings, please contact DSI's Academic Program Behavior Education Support Team at [DCPS.BES@k12.dc.gov](mailto:DCPS.BES@k12.dc.gov).

### F. Reporting

After each incident of restraint or seclusion, the student's parent/guardian must be notified, a written report must be created and sent to the parent/guardian, and a post-incident meeting must be held to determine whether the use of restraint or seclusion was conducted properly.

#### 1. Parent Notification

After an incident of restraint or seclusion, a school official must verbally notify the student's parent/guardian. This notification must happen on the day of the incident and must include how long the restraint or seclusion lasted, where it occurred, and the name and title of all adults who participated in or observed the restraint or seclusion.

#### 2. Written Report on the Incident

A written report must also be completed, and a copy of the report must be sent to the parent/guardian no later than one (1) school day after the incident. The written report must include:

1. The student's name;
2. The date of the incident;
3. The beginning and ending times of the incident and the beginning and ending times of the restraint or seclusion;
4. The location of the incident;
5. The persons involved in the restraint or seclusion;
6. The date and time the parents were notified;
7. A description of relevant events leading up to the incident, including why the child's behavior caused a risk of imminent, serious physical harm;
8. A description of any prevention, redirection, or pre-correction strategies that were used leading up to and during the incident;
9. A description of the restraint or seclusion techniques that were used;
10. A log of events during the restraint or seclusion, including how the child was monitored;
11. A description of any injuries to the student or any other individuals and any physical damage that occurred during the incident;
12. A list and signatures of staff who participated in the implementation, monitoring, and supervision of the restraint or seclusion event;
13. How the child was monitored after the incident;
14. A description of the short-term planned approach to addressing the student's behavior in the future; and
15. The contact information the parent/guardian should use to request an initial evaluation for special education eligibility or an IEP team meeting, as applicable.

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### 3. Post-Incident Meeting

#### a. All Students

After an incident of restraint or seclusion, all individuals involved in the incident must meet with a member of school leadership, a special educator or a member the school safety committee, and a member of the DCPS Central Services Student Behavior and School Culture Team. This meeting must occur within ten (10) school days of the incident, but schools are encouraged to hold this meeting within five (5) school days when possible. For a student with a disability, this meeting must include all relevant members of the student's IEP team.

The meeting must be documented with sign-in sheets and meeting notes, both of which must be uploaded to the Incident Reporting Tool (IRT). If the student has an IEP, the sign-in sheets and meetings notes must also be uploaded to the Special Education Data System (SEDS/EasyIEP); if the student has a 504 plan, the sign-in sheets and meeting notes must be uploaded to the Section 504 student database of record.

At this meeting, the attendees will review the written report on the incident and determine whether the use of restraint or seclusion was conducted properly in accordance with this Restraint and Seclusion Policy and if they recommend that the incident be investigated as a potential misuse.

The individuals at this meeting will also address and document in the meeting notes all of the following questions:

1. Are there school-wide strategies in place to address the dangerous behavior?
2. Are there student-specific strategies in place to address the dangerous behavior?
3. Are these strategies effective in increasing appropriate behaviors or decreasing inappropriate behaviors?
4. Are new strategies needed or do current strategies need to be revised to prevent recurrences of the dangerous behavior?
5. Should the student be referred for Tier 2 or Tier 3 Multi-Tiered System of Supports (MTSS) interventions? Should the student be referred for a Section 504 or special education eligibility evaluation?<sup>3</sup>

School leadership and others at this meeting should implement changes based on the report to prevent the use of restraint or seclusion in the future. These could include implementing new school-wide intervention strategies or creating/modifying a BIP for the student involved in the incident. They should also periodically review these reports and other data on restraint and seclusion in their school to ensure that the school's PBIS plan is up to date and effective.

If additional incidents of restraint or seclusion occur within five (5) school days of the original incident, the principal or their designee and parent/guardian may agree to consolidate meetings and discuss all incidents at a meeting to be scheduled no later than ten (10) school days after the original incident.

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<sup>3</sup> A referral for evaluation under IDEA can occur at any point in the MTSS process. Participation in the MTSS process cannot be used to delay the initial evaluation of a student who may be a student with a disability in need of special education and related services.

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### b. Students with an IEP

If the student has an IEP, staff at the post-incident meeting must consider all items discussed above in Section IV.F.3.a as well as consider the need for a functional behavior assessment (FBA) and BIP and discuss non-physical and non-restrictive de-escalation strategies. If the child has a BIP in place, the IEP team shall review and revise as appropriate. If the child is unable or unwilling to attend the IEP team meeting, school staff shall meet with the child individually to discuss the incident as developmentally appropriate.

## V. POLICY IMPLEMENTATION REQUIREMENTS

All DCPS employees are required to comply with the requirements set forth in this policy. In order to support its implementation, all principals, assistant principals, and teachers in self-contained special education classrooms must be trained in and certified in restraint and seclusion, de-escalation, and physical management. In order to monitor this training requirement, schools will maintain a copy of their staff's training certificates and DSI's Academic Program Behavior Education Support Team will maintain a centralized database of staff certificates. For additional information on restraint and seclusion trainings and requirements, see Section IV.E.

DCPS is committed to serving every student with equity, excellence, transparency, and accountability. With any questions about this policy, please contact DSI at [dcps.specialed@k12.dc.gov](mailto:dcps.specialed@k12.dc.gov). For any concerns about or violations of this policy, contact the Chief Integrity Officer by completing the Online Referral Form<sup>4</sup> or sending an email to [dcps.cio@dc.gov](mailto:dcps.cio@dc.gov).

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<sup>4</sup> Available at <https://dcps.dc.gov/page/office-integrity>.