

**ORANGE TEXT REFLECTS FEEDBACK SINCE THE 2/10/21 SCHOOL BOARD  
WORK SESSION.**

**MANAGEMENT OF STUDENT BEHAVIORS IN EMERGENCY SITUATIONS**

~~The~~ Alexandria City Public Schools (ACPS) believes that every child is valued as a contributor in the education process, and school staff must ensure that children are treated with dignity, respect, and special care. When there is a need to manage aggressive and violent student behaviors in emergency situations in the school setting, there must be a balance between ensuring practices that maintain an effective learning environment and those procedures that safeguard the rights and protections of students and staff. This policy shall ensure that when behaviors need special intervention, students are free from the unreasonable use of physical restraint, seclusion, and any other intervention methods that may not be the least restrictive intervention. ~~The use of abusive interventions are not authorized, permitted, or condoned in the public schools of Virginia and the Alexandria City Public Schools. Corporal punishment is expressly prohibited by law.~~

ACPS encourages the use of Positive Behavioral Interventions and Supports (PBIS) to reduce and prevent the need for the use of physical restraint and seclusion. To ensure the safety of all students and staff, ~~p~~Physical and mechanical restraint and seclusion may only be used:

- By trained and authorized ACPS staff for the purpose of behavioral intervention; ~~con-~~sistent with this policy and only by persons trained and authorized.
- In the rare cases where there is imminent risk of serious physical harm to self or others; and
- In accordance with this policy and the Virginia Board of Education (VBOE) *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.

The use of mechanical or pharmacological restraint or abusive interventions, including the use of any method of restraint or seclusion that poses a significant danger to the student, are not authorized, permitted, or condoned in ACPS or any public school in Virginia. Corporal punishment is expressly prohibited by law.

## **I. DEFINITIONS**

“Aversive stimuli” means interventions that are intended to induce pain or discomfort to a student for the purposes of punishing the student or eliminating or reducing maladaptive behaviors, such as:

1. Noxious odors and tastes;
2. Water and other mists or sprays;
3. Blasts of air;
4. Corporal punishment as defined in § 22.1-279.1 of the Code of Virginia;
5. Verbal and mental abuse;
6. Forced exercise when:
  - a. The student’s behavior is related to the student’s disability;
  - b. The exercise would have a harmful effect on the student’s health; or
  - c. The student’s disability prevents participation in such activities;

7. Deprivation of necessities, including:
  - a. Food and liquid at a time it is customarily served;
  - b. Medication; or
  - c. Use of a restroom.

“Behavioral Intervention Plan” (BIP) means a plan that utilizes positive behavioral interventions and supports to address: (i) behaviors that interfere with a student’s learning or that of others; or (ii) behaviors that require disciplinary action.

“Citywide Program” means full-day, self-contained, special education programs for students with disabilities.

“Corporal punishment” means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

“Day” means calendar day unless otherwise designated business day or school day.

“Evaluation” means procedures used in accordance with 8 VAC 20-81 to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

“Functional Behavioral Assessment” (FBA) means a process to determine the underlying cause or functions of a student’s behavior that impede the learning of the student or the learning of the student’s peers. A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined as set forth in 8 VAC 20-750-70.

“Individualized Education Program” (IEP) means a written statement for a student with a disability that is developed, reviewed and revised at least annually in a team meeting in accordance with the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8 VAC 20-81). The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the child’s educational needs.

“Multi-Tiered Systems of Support” (MTSS) is a problem-solving model for schools to provide academic and behavioral strategies, services and interventions for students with varied levels of needs. The MTSS process is designed to identify students who need interventions and supports beyond what is provided universally for all students and provide intentional strategies to accelerate their performance to achieve or surpass required levels of proficiency. The different tiers indicate the level of intensity or individuality required for a given student based on data collected in a specific area of need. Examples of interventions in the MTSS system could include: reading or math groups, reinforcement systems, Check-In-Check-Out meetings, individual or small group counseling, or outside agency support. MTSS teams may select PBIS interventions to meet a student’s needs when developing a comprehensive plan.

**“Positive Behavioral Interventions and Supports” (PBIS)** is a structured approach to teach and support positive behavior for all students. Schools design and implement a school-wide system for teaching and recognizing positive student behaviors across the variety of environments in a school (e.g., classrooms, hallways, cafeteria and bathrooms). Customized visual reminders are placed throughout the building and positive rewards are provided to students who meet the expectations. When problem behavior arises, PBIS systems use evidence-based interventions to address each student’s needs. Some examples of PBIS include: school-wide expectations, class lessons on topics of citizenship and friendship, mentoring, restorative justice, and conflict resolution.

**“Restraint”** means mechanical restraint, physical restraint or pharmacological restraint.

1. **“Mechanical restraint”** means the use of any material, device or equipment to restrict a student’s freedom of movement. **The term “mechanical restraint” does not include the devices implemented by trained school personnel or used by a student that have been prescribed by an appropriate medical or related service professional and are used with parent/guardian consent and for the specific and approved purposes for which such devices were designed,** such as:
  - a. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  - b. Vehicle restraints, including seat belts, when used as intended during the transport of a student in a moving vehicle;
  - c. Restraints for medical immobilization;
  - d. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm; or
  - e. High chairs and feeding stations used as age and/or developmentally appropriate for students.
2. **“Pharmacological restraint”** means a drug or medication used on a student to control behavior or restrict freedom of movement that is not: (i) prescribed by a licensed physician or other qualified health professional under the scope of the professional’s authority for the standard treatment of a student’s medical or psychiatric condition and (ii) administered as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional’s authority.
3. **“Physical restraint”** means a personal restriction that immobilizes or reduces the ability of a student to move freely. The term **“physical restraint” does not include:**
  - a. Briefly holding a student in order to calm or comfort the student;
  - b. Holding a student’s hand or arm to escort the student safely from one area to another; or
  - c. The use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control.
4. **“Prone restraint”** means a restraint that places the individual's body in a prone (face down) position.
5. **“Supine restraint”** means a restraint that places the individual's body in a supine (face up) position.

“Seclusion” means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Provided that no such room or space is locked, the term “seclusion” **does not** include:

1. Time out, as defined in this chapter;
2. In-school suspension;
3. Detention;
4. Student-requested breaks in a different location in the room or in a separate room;
5. Removal of a student for a short period of time from the room or a separate area of the room to provide the student with an opportunity to regain self-control, so long as the student is in a setting from which the student is not physically prevented from leaving;
6. The removal of a student for disruptive behavior from a classroom by the teacher, as provided in § 22.1-276.2 of the Code of Virginia; and
7. Confinement of a student alone in a room or area from which the student is physically prevented from leaving during the investigation and questioning of the student by school employees regarding the student’s knowledge of or participation in events constituting a violation of the Student Code of Conduct, such as a physical altercation, or an incident involving drugs or weapons.

“School personnel” means individual(s) employed by ACPS on a full-time or part-time basis or as independent contractors or subcontractors as instructional, administrative and support personnel, and includes individuals serving as a student teacher or intern under the supervision of appropriate school personnel.

“Section 504 Plan” means a written plan of modifications and accommodations under Section 504 of the *Rehabilitation Act of 1974* (29 USC § 794).

“Time-out” means a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.

As used in this policy,

~~“Physical restraint” means the use of physical force to restrict the free movement of all or a part of a student’s body. Excluded from this definition is the use of procedures the use of which is documented in the student’s Individualized Education Program (IEP), Section 504 plan, or Behavior Intervention Plan;~~

~~“Mechanical restraint” means the use of any device or material (such as bus harnesses, lap belts, chairs with lap belts for safety purposes, and similar devices) attached to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove. Excluded from this definition is the use of devices or materials the use of which is documented in the student’s IEP, Section 504 plan, or behavior intervention plan;~~

~~“Seclusion” means the confinement of a student alone in a separate enclosed space, in a manner that prevents the student from leaving. Seclusion is permitted in accordance with a student’s IEP, Section 504, or behavior intervention plan, or to prevent injury to the student or others. When a student is placed in seclusion, he or she will be monitored by at least two (2) trained staff members in close proximity with visual and/or physical contact to the student. A student placed in seclusion will be released from seclusion upon cessation of the behaviors that led to the seclusion; after a reasonable period of time in the seclusion setting during which it is determined that the seclusion will not be effective; or in accordance with the student’s IEP, Section 504 plan, or Behavior Intervention Plan. The space used for seclusion must be appropriately lighted, ventilated, and heated or cooled, and free from objects that unreasonably expose the student or others to harm.~~

## II. PROHIBITED ACTIONS

The following actions are prohibited in Alexandria City Public Schools:

- A. Use of mechanical restraints;
- B. Use of pharmacological restraints;
- C. Use of aversive stimuli;
- D. Use of restraint or seclusion in any manner that restricts a student’s breathing or harms the student, including prone and supine restraints;
- E. Use of physical restraint as:
  - 1. punishment or discipline;
  - 2. a means of coercion or retaliation;
  - 3. a convenience;
  - 4. to prevent property damage; or
  - 5. in any manner other than as outlined in Sections III and IV of this policy;
- F. Use of corporal punishment;
- G. Use of seclusion rooms or freestanding units not meeting the standards set forth in this policy;
- H. Use of restraint or seclusion when medically or psychologically contraindicated as stated in documentation provided to ACPS by the IEP team, 504 team, school professionals, or by a licensed physician, psychologist, or other qualified health professional under the scope of the professional’s authority; or
- I. Use of seclusion for any student who is not in the full-day, self-contained special education program for students with emotional and behavioral challenges (Citywide Social Emotional Learning program).

Nothing in this section shall be construed to prohibit physical restraint or seclusion under the conditions permitted in the *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*.

## III. USE OF PHYSICAL RESTRAINT

- A. School personnel may only implement physical restraint when other interventions (e.g., offering the student’s preferred mode of communication, verbal redirection, en-

vironmental modifications, directive statements, calming gestures, etc.) are or would be ineffective, in the reasonable judgment of staff the particular school personnel implementing physical restraint in an emergency situation, ineffective and may only be used to:

1. Prevent a student from inflicting serious physical harm or injury to self or others;
  2. Quell a disturbance or remove a student from the scene of a disturbance in which such student's behavior or damage to property threatens serious physical harm or injury to persons;
  3. Defend self or others from serious physical harm or injury;
  4. Obtain possession of controlled substances or paraphernalia which are upon the person of the student or within the student's control; or
  5. Obtain possession of weapons or other dangerous objects that are upon the person of the student or within the student's control.
- B. Physical restraint shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency situation has dissipated. If imminent risk of serious physical harm continues, school personnel implementing physical restraints will adhere to the maximum duration outlined in the advanced, evidence-based training program.
- C. School personnel are not required to attempt to implement a less restrictive intervention prior to using physical restraint when, in the reasonable judgment of the school personnel in an emergency situation, a less restrictive intervention would be ineffective.
- D. Unless a student's damage to property creates an imminent risk of serious physical harm or injury to the student or others, the damage of property does not itself indicate an imminent risk of serious physical harm or injury and shall not be the justification for the restraint of a student.
- E. To ensure the student's safety at all times, continuous visual monitoring of the use of any physical restraint shall be maintained to ensure the appropriateness of such use and the safety of the student being physically restrained, other students, school personnel, and others, (except in emergency situations in which securing visual monitoring before implementing the physical restraint would, in the reasonable judgment of the school employee implementing the physical restraint, result in serious physical harm or injury to persons).
- F. Role of School Resource Officers: Schools must be safe for all children and school personnel must be equipped to address emergencies and disruptions effectively, while protecting the dignity of all students, the integrity of the classroom, and the safety of all persons in ACPS facilities. Therefore, in accordance with the Memorandum of Understanding (MOU) between ACPS and the Alexandria Police Department (APD), School Resource Officers (SROs) shall not be involved in the physical restraint of a

student initiated by school staff unless there is imminent danger of serious physical harm to self or others.

G. Any incident involving physical restraint in any of the circumstances described above shall be subject to the requirements of 8 VAC 20-750-40 and as otherwise outlined in Section III of this policy.

## **Restraint**

~~The use of physical or mechanical restraint in managing severe student behavior is prohibited for all personnel employed by the school division or program or any other person working in the school division or program unless:~~

- ~~1. There is an emergency situation and physical restraint is necessary to protect the student or another person, after other less intrusive interventions have been attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate;~~
- ~~2. The student's parents have provided informed and voluntary consent in writing for the use of physical restraint;~~
- ~~3. The physical restraint is used only for a period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to himself;~~
- ~~4. The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the physical restraint.~~
- ~~5. As needed to protect an individual from his or her own actions;~~
- ~~6. As needed to quell a disturbance;~~
- ~~7. As needed to gain possession of weapons or other dangerous objects on the person or within the control of a student;~~
- ~~8. As needed to escort a student safely from one area to another;~~
- ~~9. As reasonably needed to prevent imminent destruction to school or another person's property; and~~
- ~~10. As authorized by a student's IEP, Section 504 plan, or Behavior Intervention Plan.~~

## **Seclusion**

~~The use of seclusion in managing severe student behavior is prohibited for all personnel employed by the school division or program or any other person working in the school division or program unless:~~

- ~~1. There is an emergency situation and seclusion is necessary to protect a student or another person, after other less intrusive interventions have been attempted and failed to manage that particular behavior, and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate;~~
- ~~2. Members of the school staff are trained in behavior management programming;~~
- ~~3. As authorized by a student's IEP, Section 504 plan or Behavior Intervention Plan;~~
- ~~4. The seclusion is used only for a period of time that is necessary to contain the behavior of the student so that the student no longer poses an immediate threat of causing physical injury to himself or others;~~
- ~~5. The seclusion is monitored at all times; and~~
- ~~6. The use of force in the application of seclusion does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the seclusion.~~

### **Corporal Punishment**

~~Nothing in this policy is intended to limit the application of Va. Code § 22.1-279.1, which provides generally that no teacher, principal or other person employed by the School Board shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent~~

- ~~• the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;~~
- ~~• the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property;~~
- ~~• the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself or herself;~~
- ~~• the use of reasonable and necessary force for self defense or the defense of others;~~
- ~~• the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control;~~
- ~~• physical pain, injury, or discomfort caused by participation in practice or competition in an interscholastic sport; or~~
- ~~• participation in physical education or an extracurricular activity.~~



#### IV. USE OF SECLUSION

- A. School personnel may only implement seclusion in the full-day, self-contained special education program for students with emotional and behavioral challenges (Citywide Social Emotional Learning program). Seclusion may only be considered when other interventions (e.g., offering the student's preferred mode of communication, verbal redirection, environmental modifications, directive statements, calming gestures, etc.) are, or would be ineffective, in the reasonable judgment of staff the particular school personnel implementing seclusion in an emergency situation, ineffective and may only be used to:
1. Prevent a student from inflicting serious physical harm or injury to self or others;
  2. Quell a disturbance or remove a student from the scene of a disturbance in which such student's behavior or damage to property threatens serious physical harm or injury to persons;
  3. Defend self or others from serious physical harm or injury;
  4. Obtain possession of controlled substances or paraphernalia which are upon the person of the student or within the student's control; or
  5. Obtain possession of weapons or other dangerous objects that are upon the person of the student or within the student's control.
- B. Seclusion shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency situation has dissipated. If imminent risk of serious physical harm continues, school personnel implementing seclusion will adhere to the maximum duration outlined in subsection V.C. of this policy.
- C. School personnel are not required to attempt to implement a less restrictive intervention prior to using seclusion when, in the reasonable judgment of the school personnel in an emergency situation, a less restrictive intervention would be ineffective.
- D. Unless a student's damage to property creates an imminent risk of serious physical harm or injury to the student or others, the damage of property does not itself indicate an imminent risk of serious physical harm or injury and shall not be the justification for the seclusion of a student.
- E. To ensure the student's safety at all times, continuous visual monitoring of the use of any seclusion shall be maintained to ensure the appropriateness of such use and the safety of the student being secluded, other students, school personnel, and others, (except in emergency situations in which securing visual monitoring before implementing the seclusion would, in the reasonable judgment of the school employee implementing the seclusion, result in serious physical harm or injury to persons).
- F. Role of School Resource Officers (SROs): SROs shall not be involved in the seclusion of a student initiated by school staff.

G. Any incident involving seclusion in any of the circumstances described above shall be subject to the requirements of 8 VAC 20-750-40, 8 VAC 20-750-50 and as otherwise outlined in Sections IV and V of this policy.

## V. STANDARDS FOR USE OF SECLUSION

A. To ensure the student's safety at all times, any use of seclusion in in the full-day, self-contained special education program for students with emotional and behavioral challenges (Citywide Social Emotional Learning program) in accordance with 8 VAC 20-750-50 will meet the following structural and physical standards for rooms or areas designated by the school to be used for that purpose:

1. Any seclusion room or area shall be free of any objects or physical features that may cause injury to the student;
2. Any seclusion room or area shall be of sufficient dimensions, and shall have sufficient lighting, heating, cooling, and ventilation to comport with the dignity and safety of the student at all times, including during a fire or other emergency. Sufficient dimensions are defined as allowing the student to stand, walk, sit or lay down comfortably with adequate space to allow for at least two other individuals to enter the room if needed to prevent self-injurious behavior;
3. Windows and/or viewing panels in the seclusion room shall be constructed to minimize breakage and otherwise prevent injury to the student; and
4. All space in the seclusion room shall be visible through the door, either directly or by mirrors.

B. Continuous visual monitoring of any instance of seclusion shall occur either by the presence of school personnel in the seclusion room or area or through observation by school personnel through a window, viewing panel, or half-door, except in emergency situations in which securing visual monitoring before implementing the seclusion would, in the reasonable judgment of the school personnel implementing the seclusion, result in serious physical harm or injury to persons.

C. Seclusion shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency situation has dissipated. The special needs of the student shall be considered when determining whether use of a seclusion room is appropriate. In determining whether or not the use of a seclusion room is reasonable and necessary, consideration should be given to factors such as the student's developmental age, disability, health concerns and background factors as well as the imminent risks to student, staff, and others. If, after consideration of less restrictive interventions, staff determines that the use of a seclusion room is a reasonable and necessary intervention to the emergency situation, the student may be placed in the seclusion room with the door secured in a closed position.

The seclusion room door should not remain in the closed position beyond 10 minutes without opening the door to obtain a further assessment of the status of the student. Ten-minute time intervals should be adjusted accordingly to take into consideration the factors outlined above, such as developmental age. If the student does not demonstrate behavior that indicates he/she/they are calm and non-threatening, the door shall be secured, and the process begun again following consultation with the principal or designee and agreement that the student is continuing to demonstrate behavior that indicates an imminent risk to others. The seclusion room door should be opened as soon as these risks are no longer imminent. If a student is demonstrating behaviors which indicate harm to self while in a seclusion room, staff may need to consider the use of physical intervention to prevent self-injury to the student. These assessments should be clearly documented on the appropriate form (available on the ACPS website as Regulation JM-R). If the student continues to demonstrate destructive behavior for a period of time beyond 30 minutes, staff and the principal or designee should consider an alternative course of action, (e.g., parent/guardian involvement or emergency services assistance).

Once the student demonstrates a return to calm, non-threatening behavior, the seclusion room door shall be moved to the open position, and staff shall direct the student to remain in the seclusion room. Staff will facilitate further de-escalation and assess the student's ability to reintegrate into the learning environment. Upon completion of a short interval of time determined by staff (not to exceed 10 minutes), the student shall then be given a directive to exit the seclusion room and assisted to reintegrate into the learning environment.

## VI. NOTIFICATION, DOCUMENTATION AND REPORTING TO PARENTS/ GUARDIANS

### Documentation and Notice to Parents

- A. When any student has been physically restrained or secluded during the school day:
1. The school personnel involved shall report the incident and the use of any related first aid to the school principal or designee as soon as possible and no later than by the end of the school day in which the incident occurred; and
  2. The school principal or designee shall ensure that direct contact is made with the parent/guardian, either in person or through telephone conversation, or other means of communication authorized by the parent/guardian, such as text or e-mail, to notify the parent/guardian of the incident and any related first aid on the day the incident occurred. Multiple efforts to reach the parent are required. The staff member(s) responsible for contacting the parent will maintain documentation of efforts to contact the parent/guardian on the day of the incident.
- B. When any student has been physically restrained or secluded before or after the regular school day, the notifications required by subsection A above shall be made as soon as practicable in compliance with the ACPS School Crisis, Emergency Management, and Medical Emergency Response Plan required by § 22.1-279.8 of the Code of Virginia.

- C. As soon as practicable, but no later than two school days after the incident in which physical restraint or seclusion has been implemented, the school personnel involved in the incident or other school personnel, as may be designated by the principal, shall complete and provide to the principal or designee a written incident report. The principal or designee shall provide the parent/guardian with a copy of the incident report within four school days of the incident.
- D. The principal or designee shall provide the Office of Specialized Instruction with a copy of the incident report within four school days of the incident

The written incident report shall contain the following information:

1. Student's name, age, gender, grade, ethnicity, and special education status with disability category, if applicable;
  2. Location of the incident;
  3. Date, time, and total duration of the incident, including documentation of the beginning and ending time of each application of physical restraint or seclusion;
  4. Date of the report;
  5. Name of the person completing the report;
  6. The school personnel involved in the incident, their roles in the use of physical restraint or seclusion, and their completion of the Division's training program;
  7. Description of the incident, including the antecedent, resolution, and process of return of the student to his/her/their educational setting, if appropriate;
  8. A detailed description of the physical restraint or seclusion method used;
  9. The student's behavior that necessitated the use of physical restraint or seclusion;
  10. A description of the events and circumstances immediately preceding the student's behavior, to the extent known;
  11. Less restrictive interventions attempted prior to the use of physical restraint or seclusion and an explanation if no such interventions were employed;
  12. Whether the student has an IEP, a Section 504 plan, a Behavior Intervention Plan (BIP), or other plan;
  13. If the student involved in the restraint or seclusion sustained bodily injury, the date and time of school nurse notification and the treatment administered, if any, will be documented by the school nurse;
  14. If any other individual sustained bodily injury, the date and time of school nurse notification and the treatment administered, if any, will be documented by the school nurse;
  15. Date, time, and method of parent/guardian notification of the incident, as required by this section; and
  16. Date, time, and method of school personnel debriefing.
- E. Following an incident of physical restraint or seclusion the school will ensure that, within two (2) school days, the principal or designee reviews the incident with all school personnel who implemented the use of physical restraint or seclusion to discuss:

1. Whether the use of restraint or seclusion was implemented in compliance with 8 VAC 20-750-40, 8 VAC 20-750-50 and School Board policies;
  2. How to prevent or reduce the future need for physical restraint or seclusion; and
  3. For each instance of physical restraint or seclusion of a student beyond the second use within a school year, a behavior support staff member from the Office of Specialized Instruction or the Department of Student Services will be included in the review.
- F. As appropriate depending on the student's age and developmental level, following each incident of physical restraint or seclusion, the school division will ensure that, as soon as practicable, but no later than two (2) school days or upon the student's return to school, a School Support Team (SST) member will meet with the student to review the incident for the purposes of identifying a pattern of behaviors, triggers, or antecedents and discuss:
1. Alternative positive behaviors or coping skills the student may utilize to prevent or reduce behaviors in the future that may result in the use of physical restraint or seclusion;
  2. The impact of restraint or seclusion on the student to provide support and/or identify the need for and facilitate the provision of additional social-emotional supports (e.g., meeting with the school counselor, social worker, or case manager if applicable) as appropriate;
  3. If the student declines to engage in this meeting, the student's request will be honored;
  4. The SST member will document the date, time, and method of the student debriefing. If a student declines to participate, this should be documented as well; and
  5. The SST member who meets with the student may consult with ACPS Specialized Instruction staff and/or Directors of SST staff to explore further resources as needed.
- G. Following an incident of restraint or seclusion, an SST member will provide the student's parent or guardian with contact information for the ACPS Parent Resource Center to identify family supports and resources.
- H. Following an incident of restraint or seclusion, staff may access support from the Employee Assistance Program (EAP).
- I. ACPS school-based staff may consult with their assigned behavior specialist regarding the continuum of interventions and supports that may be utilized to develop enhanced behavior plans for students. The Office of Specialized Instruction staff are available to provide targeted training and ongoing coaching, thereby enabling all students to be successful participants in the school community.

J. The principal or designee shall regularly, at least quarterly, review the use of physical restraint or seclusion to ensure compliance with school division policy and procedures, and when there are multiple incidents within the same classroom or by the same individual, the principal or designee shall take appropriate steps to address the frequency of use.

K. On a quarterly basis, the principal or designee, in conjunction with the Office of Specialized Instruction, shall review incident reports submitted by schools to analyze the use of physical restraint or seclusion and ensure compliance with school division policy and procedures. When there are multiple incidents within the same classroom or by the same individual, the principal or designee and the Office of Specialized Instruction shall take appropriate steps to address the frequency of use. During the quarterly meeting, the school's incident reports will be reviewed, including data regarding student primary disability categories, age, gender, race/ethnicity, and any parent/guardian concerns.

~~A parent/guardian or responsible family member shall be notified in writing by close of business on the day of the incident after any use of:~~

- ~~• physical restraint; or~~
- ~~• seclusion resulting in observed physical injury to the student.~~

~~Attempts to contact the parent or guardian must occur within one hour of the incident by phone if physical injury occurs or no later than close of business on the day of the incident if no physical injury occurs. The staff member who utilizes restraint or seclusion will be responsible for making a record of information using the Seclusion or Emergency Restraint Report Form. The Restraint or Seclusion Reporting Form must be sent to the Office of Special Education Services and to the parent/guardian or responsible family member. A copy of the reporting form shall be placed in the student's file. Documentation is not required when using mechanical devices that are authorized and utilized for the student's safety or physical support such as bus harnesses, lap belts, chairs with lap belts for safety purposes, and similar devices. However, use of such devices shall be documented in the student's IEP. This policy does not permit the use of a restraining device to limit a student's mobility when that device is not ordinarily used with the student.~~

## VII. PREVENTION

A. In the initial development and subsequent review and revision of a student's IEP or Section 504 plan, the student's IEP or Section 504 team shall consider whether the student displays behaviors that are likely to result in the use of physical restraint or seclusion. If the IEP or Section 504 team determines that a future use is likely, the team shall consider, among other things, the need for:

1. A Functional Behavioral Assessment (FBA);
2. A new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions;
3. Any new or revised behavioral goals; and

4. Any additional evaluations or re-evaluations.

B. Within ten (10) school days following the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, the student's IEP or 504 team shall meet to discuss the incident and to consider, among other things, the need for:

1. An FBA;
2. A new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions;
3. Any new or revised behavioral goals; and
4. Any additional evaluations or reevaluations.

C. For students not described in Subsection A, within ten (10) school days of the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, a team consisting of the parent/guardian, the principal or designee, one of the student's teachers, school personnel involved in the incident (if not the teacher or administrator already invited), and other appropriate school personnel, such as a school psychologist, school counselor or other Central Office support staff as determined by the school division, shall meet to discuss the incident and to consider, among other things, the need for:

1. An FBA;
2. A new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; and
3. A referral for evaluation.

D. Nothing in this section shall be construed to:

1. Excuse the team or its individual members from the obligation to refer the student for evaluation if the team or members have reason to suspect that the student may be a student with a disability; or
2. Prohibit the completion of an FBA or BIP for any student, with or without a disability, who might benefit from these measures but whose behavior has resulted in fewer than two incidents of physical restraint or seclusion in a single school year.

## **VIII. ANNUAL REPORTING**

A. At least annually, each principal (or designee) submits to the Superintendent, through the Executive Director of Specialized Instruction, a report on the use of physical restraint and seclusion in the school based on the individual incident reports completed and submitted to the principal or designee by school personnel in accordance with 8 VAC 20-750-60. The report will include the following information for each school: frequency of use and student primary disability category, age, gender, and race/ethnicity. Data for full-day, self-contained special education programs for stu-

dents with disabilities (Citywide Programs) will be reported separately within each base school report.

B. The Superintendent annually reports the frequency of such incidents to the Superintendent of Public Instruction on forms provided by the Virginia Department of Education (VDOE). Prior to ACPS' annual submission, the Superintendent reports to the School Board on the Division's frequency of physical restraint and seclusion.

## IX. TRAINING

A. ACPS will ensure that ALL school personnel and School Resource Officers (SROs) receive initial, evidenced-based training that focuses on the:

1. Skills related to positive behavior support, conflict prevention, de-escalation, and crisis response including follow-up support and social-emotional strategy support for students, staff, and families;
2. Regulations, policies, and procedures governing the use of physical restraint and seclusion; and
3. Appropriate use of effective alternatives to physical restraint and seclusion.

The principal or designee or department director will monitor and track completion of the initial training for all staff within the building or department. The data regarding staff completion of the initial training will be reported annually to the Superintendent, prior to the School Board presentation discussed in subsection VIII.B. above. The Office of Specialized Instruction will send out annual notification of this requirement to all principals and directors.

B. ACPS will provide evidenced-based, advanced training in the use of physical restraint and seclusion. Advanced training will focus on (i) appropriate use of effective alternatives to physical restraint and seclusion and (ii) the proper use of restraint and seclusion. The following ACPS staff will receive advanced training:

1. At least one administrator in every school building;
2. Citywide program staff including teachers and instructional assistants;
3. At least two SST members as designated by a school-based administrator;
4. Personnel designated by the principal who work with any student whose IEP or Section 504 team determines that the student is likely to be physically restrained or secluded ; and
5. School Resource Officers (SROs).

C. ACPS will conduct periodic reviews of its training programs to ensure they reflect changes in state policy.

### ~~Training on the Use of Seclusion and Restraint~~

~~The school division will provide training on the use of seclusion and restraint to all personnel who are likely to be in situations where such measures may be required.~~

## X. POLICY REVIEW AND PUBLICATION



A. Consistent with § 22.1-253.13:7.D, this policy is posted on the ACPS website and is available to employees and the public. Printed copies are available at the School Board Office as needed for those who do not have online access. Notice of this policy is also included in the ACPS Family Handbook.

B. The School Board will review this policy at least annually and update it as needed considering:

- 1. The distinctions in emotional and physical development between elementary and secondary students, and between students with and without disabilities; and
- 2. Practices that encourage parent/guardian involvement and collaboration with regard to these matters.

**Regulations**

~~The Superintendent is authorized to implement regulations related to this policy.~~

Adopted: June 11, 2015

Amended:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-279.1, 22.1-279.1:1.

8 VAC 20-750-40.

8 VAC 20-750-50.

8 VAC 20-750-70.

Virginia Board of Education (VBOE) *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (2019).

Cross Refs.:	<u>BF</u>	<u>Board Policy Manual</u>
	<u>CH</u>	<u>Policy Implementation</u>
	<u>EB</u>	<u>School Crisis, Emergency Management, and Medical Emergency Response Plan</u>
	IGBA	Programs for Students with Disabilities
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JGA	Corporal Punishment
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
	<u>JM-R</u>	<u>Management of Student Behaviors in Emergency Situations Regulations</u>
	<u>KNAJ</u>	<u>Relations with Law Enforcement Authorities</u>