



### **POLICY 5.181-ER**

**4-A** I recommend that the Board adopt the proposed emergency rule, Policy 5.181-ER, entitled "Policy for the Use of Physical Restraint With Students With Disabilities," and make the findings as to an emergency as set forth in the Board Report.

[Contact: Laura Pincus, PX 48626]

#### **Emergency Adoption      CONSENT ITEM**

- This Emergency Rule must be adopted immediately in order to bring School Board Policy 5.181 into compliance with current State law and guidance governing the use of physical restraint with students with disabilities, in particular Section 1003.573, Florida Statutes, which, effective 2010, established specific documentation, reporting, and monitoring requirements regarding the use of physical restraint on students with disabilities.
- In addition, Policy 5.181-ER will:
  - Prohibit seclusion of any student with a disability.
  - Extend policy applicability to students eligible under Section 504 of the Rehabilitation Act of 1973, in addition to those eligible under the Individuals with Disabilities Education Improvement Act of 2004.
- The Policy must be adopted immediately as an Emergency Rule, in order to comply with the State's 2010 rules and guidance regarding the documentation, reporting, and monitoring requirements for the use of physical restraint on students with disabilities.
- Upon approval by the Board, this emergency rule would take effect March 30, 2011, and remain in effect up to 90 days, or until superseded by adoption of the regular Policy before that date. (Substantially the same content will be developed through the regular rulemaking process, which should be completed within the 90 days). Regular development of this proposed new Policy is anticipated to begin on April 13, 2011.

**POLICY 5.181-ER**

**POLICY FOR THE USE OF PHYSICAL RESTRAINT WITH STUDENT WITH  
DISABILITIES**

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4 1. **Purpose of Policy.** The School Board of Palm Beach County (Board)  
5 acknowledges that students, their families, and personnel of the School District of  
6 Palm Beach County (District) have serious concerns about the use of seclusion  
7 and restraint with students with disabilities. This Policy addresses those serious  
8 concerns and underscores that District personnel must always use the least  
9 intrusive measures possible under the circumstances to ensure the physical safety  
10 and security of students with disabilities, District personnel, and campus visitors.

11 The use of seclusion is prohibited in Palm Beach County Public Schools. Thus,  
12 this Policy defines the limited, emergency circumstances in which staff and school  
13 personnel of the District may use physical restraint on students with disabilities,  
14 who are eligible under the Individuals with Disabilities Education Act (IDEA),  
15 Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with  
16 Disabilities Act of 1990 (ADA), and State law.

17 This Policy seeks to reduce the use of restraint throughout the District while still  
18 helping to instill an educational culture that promotes a positive, safe learning  
19 environment for students with disabilities and District personnel.

20 2. **General Applicability of Policy**

- 21 a. This Policy applies to all District schools, students with disabilities and school-  
22 based District personnel.
- 23 b. This Policy describes the procedures to be followed in the administration of  
24 restraint, required training and certification, notice to parents, and  
25 documentation requirements.
- 26 c. Restraint must only be used as a safety measure, within a comprehensive  
27 approach to a student's behavioral challenges, including accurate and  
28 continuous data related to fidelity of implementation and impact on behavioral  
29 outcomes.
- 30 d. This Policy does not eliminate or restrict the ability of trained and certified  
31 District personnel to use their discretion in the use of restraint to protect  
32 students or others from an imminent risk of serious injury or death as provided  
33 in this Policy.
- 34 e. This Policy does not limit or interfere with the duties and obligations of law  
35 enforcement and emergency medical personnel to respond appropriately to

36 situations where an imminent risk of serious injury or death to a student or  
37 others exists.

38 3. Definitions. The following Policy terms are listed in alphabetical order and shall  
39 have the meanings expressly assigned to them for the purposes of this policy.

40 a. “Emergency” means a significant, probable, imminent threat of serious bodily  
41 injury or death to self or others with the present ability to affect such bodily  
42 injury.

43 b. “FLDOE” means the Department of Education, State of Florida.

44 c. “Functional Behavior Assessment (FBA)” is a team process utilized to gain  
45 information about an individual who is demonstrating extreme or continuous  
46 behaviors that are dangerous to himself/herself or others. The information  
47 gathered during the FBA process is utilized to develop the individual Behavior  
48 Intervention Plan.

49 d. “Individual Education Plan (IEP)” means a written statement for a student  
50 with a disability that is developed, reviewed and revised in accordance with  
51 State Board of Education Rules 6A-6.03011 through 6A-6.0361, F.A.C.

52 e. “Imminent risk of serious injury or death” means an immediate, high  
53 probability of significant injury to a student or others, such as a laceration,  
54 bone fracture, hematoma, bruise, injury to internal organs, or similar serious  
55 bodily injury.

56 f. “Parent” or “Parents” means one or both parents of a student, any legal  
57 guardian of a student, any person in a parental relationship to a student, or  
58 any person exercising supervisory authority over a student in place of the  
59 parent. Section 1000.21(5), Florida Statutes.

60 g. “Physical escort” means a temporary touching or holding of the hand, wrist,  
61 arm, shoulder, or back for the purpose of inducing a student who is non-  
62 compliant to walk to a safe location. The term physical restraint does not  
63 include physical escort.

64 h. “Physical restraint procedures” means that in order to promote and maintain  
65 a safe learning environment, the School Board, as an emergency intervention  
66 measure and as a last resort, has authorized the implementation of specific  
67 restraint procedures for its population of students with disabilities. Examples of  
68 physical restraint procedures include, but are not limited to: professionally  
69 sanctioned holding and escape techniques which, when implemented in  
70 accordance with approved, evidence- and research-based practices, are  
71 specifically designed to prevent injury to students and staff and/or prevent  
72 serious damage to school and personal property.

- 73 i. “Positional asphyxia” means a person’s inability to intake a sufficient amount  
74 of oxygen as a result of body position that interferes with the person’s ability to  
75 breathe and maintain normal brain function.
- 76 j. “Positive behavioral interventions and supports” (PBIS) is decision making  
77 framework that guides selection, integration, and implementation of the best  
78 evidence-based academic and behavioral practices for improving important  
79 academic and behavior outcomes for students.
- 80 k. “Restraint” means any method used to involuntarily limit a student’s freedom  
81 of movement, including, but not limited to, bodily physical force in the least  
82 amount necessary to prevent a student from harming self or others. Restraint  
83 may be used only by District staff trained in the appropriate use of restraint.
- 84 i. “Chemical restraint” means the use of drugs to restrict a student’s  
85 movement or restrict the normal function of a student’s body. The use of  
86 chemical restraint is prohibited without exception. Chemical restraint  
87 does not include: Prescription medicine that is regularly administered to  
88 the student for medical reasons rather than to restrain the student’s  
89 freedom of movement (e.g. medications to treat mood disorders, ADHD,  
90 etc.); or The administration of medication pursuant to applicable law, or  
91 administration of medication for voluntary or life-saving medical  
92 procedures (e.g. EpiPens or Diastat.)
- 93 ii. “Mechanical restraint” means the use of any device, material or  
94 equipment to restrict a student’s freedom of movement. The use of  
95 mechanical restraints in the District is prohibited. Examples of prohibited  
96 mechanical restraints include, but are not limited to: belts, vests, helmets,  
97 padded mittens, tie-downs, wraps and chairs with straps, seatbelts,  
98 blanket wrapping, harnesses, tape and trays.
- 99 A. Exceptions: The prohibition against mechanical restraint does not  
100 include devices implemented by trained school personnel or devices  
101 used by a student that have been prescribed by an appropriate  
102 medical or related service professionals and are used for the  
103 specific, approved purposes for which such devices were designed,  
104 such as:
- 105 I. Adaptive devices or mechanical supports used to achieve  
106 proper body position, balance, or alignment to allow greater  
107 freedom of mobility than would be possible without the use of  
108 such devices or mechanical supports, except that these  
109 exceptions to the definition of mechanical restraint do not apply  
110 to any device when it is used for any purpose other than  
111 supporting a body position or proper balance, such as when

112 used as coercion, discipline, convenience, or retaliation, to  
113 prevent imminent risk of serious injury or death of the student or  
114 others, or for any other behavior management reason;

115 II. Vehicle safety restraints when used as intended during the  
116 transport of a student in a moving vehicle, such as seatbelts or  
117 wheelchair tie-downs;

118 III. Restraints for medical immobilization;

119 IV. Orthopedically prescribed devices that permit a student to  
120 participate in activities without risk of harm;

121 V. Medical protective equipment; and

122 VI. Physical equipment or orthopedic appliances, surgical dressings  
123 or bandages, or supportive body bands or other restraints  
124 necessary for medical treatment that is ongoing in the  
125 educational setting.

126 iii. Physical restraint refers to the use of physical intervention techniques by  
127 District personnel designed to restrict the movement of a student in an  
128 effort to de-escalate aggressive behavior. In order to promote a safe  
129 learning environment, the School Board has authorized the  
130 implementation of specific restraint procedures for **this population of**  
131 students. These procedures include, but are not limited to, holding and  
132 escape techniques which, when implemented in accordance with  
133 approved practices, are designed to prevent injury to students and staff or  
134 prevent serious damage to property. Physical restraint does not include  
135 any form of mechanical restraint, such as blanket wrapping, tie-downs,  
136 harnesses, or use of tape.

137 I. “Seclusion” means the involuntary confinement of a student alone in a room  
138 or area from which the student is physically prevented from leaving.  
139 Seclusion may not be used under any circumstances in Palm Beach County  
140 Schools.

141 m. “Temporary holding” means the act of assisting a student without the use of  
142 force to aid the student in participating in educational or daily living activities.  
143 Examples of temporary holding include: briefly holding an ESE student in  
144 order to calm and comfort the student; holding a student's hand or arm to  
145 escort the student safely from one area to another; holding a child for a brief  
146 time in order to prevent an impulsive behavior that threatens the child's  
147 immediate safety (e. g., elopement; running in front of a car); moving a student  
148 who is disruptive in a specified area and unwilling to leave that area  
149 voluntarily; breaking up a fight in a school building, on school grounds, or at a

150 school function. Temporary holding is not considered a physical restraint  
151 under this Policy.

152 4. **Statement of Policy.** The School Board recognizes its responsibility to ensure  
153 that all students are treated with respect and dignity in an environment that  
154 provides for the physical safety and security of all students, District personnel and  
155 campus visitors. In accordance with state law, the School Board seeks to ensure  
156 that physical restraint is administered on students with disabilities consistent with  
157 this Policy. Thus, District personnel are authorized to physically restrain students  
158 with disabilities only in the limited situations as provided in this Policy.

159 a. Administered By Trained District Personnel. Without exception, restraint  
160 decisions must be made by trained and certified District personnel, who will  
161 ensure that each restraint event is performed safely, for the least amount of  
162 time necessary, with an emphasis on de-escalation of potentially dangerous  
163 incidents, and affording the minimum risk to the student, classmates, teachers,  
164 and staff.

165 b. Prohibitions. As more specifically described in Section 6 of this Policy, the  
166 School Board hereby prohibits:

167 i. District personnel from communicating or implying any form or threat of  
168 restraint, seclusion, behavioral intervention, or other interaction with any  
169 student that employs humiliation, embarrassment, withholding of basic  
170 needs, or the intentional creation of punishment, pain or discomfort, in  
171 any form.

172 ii. The use of restraint for the purposes of discipline, punishment, or  
173 convenience.

174 iii. The use of restraint that restricts a student's ability to breathe, or that  
175 causes positional asphyxia by impacting the student's ability to take in a  
176 sufficient amount of oxygen.

177 iv. The use of mechanical restraints on any student.

178 v. The use of chemical restraints on any student.

179 vi. The seclusion of a student.

180 c. Behavioral Assessment or Intervention. Students who exhibit continuous  
181 aggression or self-injurious behavior shall be provided with a Functional  
182 Behavior Assessment (FBA) and an individualized Behavioral Intervention  
183 Program (BIP), as set forth in State Board of Education Rule 6A-6.03312.  
184 PBSD Form 1549 is incorporated herein by reference  
185 ([www.palmbeachschools.org/forms](http://www.palmbeachschools.org/forms)). A FBA or BIP may be initiated at the

186 request of the 504 or IEP team.

187 5. **Use of Restraint.**

188 a. District personnel trained in District-approved restraint methods must  
189 determine, by evaluating each individual circumstance, whether restraint is  
190 appropriate, based on assessment of whether an emergency, where an  
191 imminent risk of serious injury or death to the student or others, exists.

192 b. In each restraint event,

193 i. Restraint shall be used only for the minimum time required to reduce the  
194 imminent risk of serious injury or death to the student or others.

195 ii. Personnel must limit the degree of physical force used so that a student  
196 receives the least amount necessary to reduce the imminent risk of  
197 serious injury or death to the student or others.

198 iii. Each student shall be vigilantly monitored for the duration of the  
199 intervention.

200 iv. To the maximum extent practicable, students should be evaluated during  
201 and as soon as possible after the intervention.

202 c. Restraint should be performed in a private location, to the maximum extent  
203 practicable under the circumstances.

204 d. If restraint cannot be implemented in a private location, District personnel  
205 should, to the maximum extent practicable, remove other students from the  
206 incident area, in order to protect them and to provide the maximum amount of  
207 privacy for the student.

208 e. District personnel who have received training in restraint not associated with  
209 their District employment shall first be trained and certified in the District's  
210 approved restraint methods before implementing any form of restraint.

211 f. Schools designated as ESE cluster sites should maintain a team with a  
212 minimum of four (4) persons trained and certified in restraint.

213 6. **Prohibited Actions.**

214 a. District personnel are prohibited from using restraint procedures acquired  
215 outside of their District training.

216 b. Restraint must never be used:

217 i. In situations where a student cannot be safely restrained

- 218 ii. As punishment, for the convenience of staff, or as a substitute for a  
219 Functional Behavior Assessment (FBA) and an individualized Behavioral  
220 Intervention Program (BIP).
- 221 iii. If the intervention would be contraindicated due to a student's psychiatric,  
222 medical, or physical condition, as documented in the student's records.
- 223 iv. After the student is no longer an immediate danger to self or others.
- 224 v. If a student is reasonably observed to be in physical or mental distress.
- 225 vi. For more time than the absolute minimum time necessary.
- 226 c. School personnel shall never use:
- 227 i. Pain inducement to obtain a student's compliance.
- 228 ii. Bone locks.
- 229 iii. Any technique resulting in hyperextension of joints.
- 230 iv. Peer restraint.
- 231 v. Pressure or weight on the chest, lungs, sternum, diaphragm, back, or  
232 abdomen, causing chest compression.
- 233 vi. Any restraint that restricts, or has the potential to restrict, a student's  
234 breathing, which can cause asphyxia and death, including covering a  
235 student's mouth, nose, or body with anything, including soft objects such  
236 as pillows or washcloths.
- 237 vii. Any type of choke hold, including hand chokes, and any type of neck or  
238 head-hold.
- 239 viii. Any technique that involves pushing on or into the student's mouth, nose,  
240 eyes, or any part of the face that is not part of an approved crisis  
241 intervention technique.
- 242 ix. Any restraint that involves punching, hitting, poking, pinching, or shoving.
- 243 x. Aversive sprays or liquids, or acting in a threatening manner toward a  
244 student as if an aversive will be used.
- 245 xi. Prone or supine restraint on a student known to be diagnosed with  
246 breathing or circulation problems, such as asthma; epilepsy; heart  
247 condition; gastro-esophageal reflux disease; chronic heartburn reflux; or  
248 esophagitis.

249           xii. Techniques that involve any form of straddling or sitting on any part of the  
250 body or implementing any maneuver that places pressure, weight, or  
251 leverage on the neck or throat, on any artery, or on the back of the  
252 student's head or neck, or that otherwise obstructs or restricts the  
253 circulation of blood or obstructs an airway.

254       d. Specific prohibited actions include, but are not limited to:

255           i. Restraining a student in such any way that it places excess pressure on  
256 the student's chest, back, or could reasonably be anticipated to cause,  
257 positional asphyxia.

258           ii. Restraining or secluding a student in a way that inhibits or impedes the  
259 student's ability to speak with others.

260           iii. Use of any mechanical restraint, such as belts, vests, helmets, padded  
261 mittens, tie-downs, wraps and chairs with straps, seatbelts, blanket  
262 wrapping, harnesses, tape and trays, unless:

263           A. The mechanical restraint is has been prescribed by an appropriate  
264 medical or related service professional and is used for the specific,  
265 approved purposes for which such devices were designed.

266           B. It is a vehicle safety restraint, when used as intended during the  
267 transport of a student in a moving vehicle, such as seatbelts or  
268 wheelchair tie-downs.

269           C. The purpose is for medical immobilization.

270           D. The restraint is orthopedically prescribed devices that permit a  
271 student to participate in activities without risk of harm.

272           E. It is medical protective equipment.

273           F. It is physical equipment or orthopedic appliances, surgical dressings  
274 or bandages, or supportive body bands or other restraints necessary  
275 for medical treatment, which is ongoing in the educational setting.

276       7. **Notification, Documentation and Reporting.**

277           a. Initial Notification to and Acknowledgement of Parent.     The principal or  
278 designee shall notify parents or legal guardians each time physical restraint is  
279 used. Such notification must be in writing and provided before the end of the  
280 school day on which the restraint occurred. (District's notification letter to  
281 parents is incorporated herein by this reference and attached as Exhibit A to  
282 this Policy). Reasonable efforts must also be taken to notify the parents or

283 guardians by telephone or computer e-mail (or both) and those efforts must be  
284 documented. The principal or designee shall obtain, and keep in school  
285 records parents' or guardians' signed acknowledgment that they were notified  
286 of their child's restraint.

287 b. *Incident Report of Used Restraint.* In compliance with Section 1003.573,  
288 Florida Statutes, the principal or designee shall prepare an incident report  
289 within twenty-four (24) hours after a student is released from restraint. If the  
290 student's release occurs on a day before the school closes for the weekend, a  
291 holiday, or another reason, the incident report must be completed by the end  
292 of the school day on the day the school reopens. The incident report shall be  
293 completed on the FLDOE web-based reporting and a copy to the  
294 parent/guardian as required by subparagraph (c) herein. Each incident report  
295 must include the following information:

296 i. The name of the student restrained;

297 ii. The date and time of the event and the duration of the restraint;

298 iii. The location at which the restraint occurred;

299 iv. The type of restraint used;

300 v. The name of the person using or assisting in the restraint of the student;

301 vi. The name of any non-student who witnessed the restraint;

302 vii. A description of the incident, including:

303 A. The context in which the restraint occurred.

304 B. The student's behavior leading up to and precipitating the decision to  
305 use manual physical restraint, including an indication as to why there  
306 was an imminent risk of serious injury or death to the student or  
307 others.

308 C. The specific positive behavioral strategies used to prevent and  
309 deescalate the behavior.

310 D. What occurred with the student immediately after the restraint  
311 terminated.

312 E. Any injuries, visible marks, or possible medical emergencies that  
313 may have occurred during the restraint, documented according to  
314 District policies.

- 315 F. Evidence of steps taken to notify the student's parent or guardian.
- 316 c. Incident Report to Parent. The principal or designee shall provide parents  
317 with the completed incident report by mail within three (3) school days after a  
318 student was physically restrained. Schools shall obtain, and maintain in a  
319 secure location, parents' signed acknowledgment that they received a copy of  
320 the incident report. Schools will mail the completed incident report to parents,  
321 including a self-addressed stamped envelope for parents to return the  
322 signature page to school.

323 8. Training and Certification of District Staff.

- 324 a. Responsibilities for Training and Certification. The Superintendent or  
325 designee shall ensure the District has instituted a training and certification  
326 program, including refresher certification, designed to address the use of  
327 restraint with students with disabilities, consistent with standards provided by  
328 FLDOE. The District's Department of ESE will coordinate the designation,  
329 training, and related recordkeeping for District employees working with  
330 students with disabilities trained in restraint methodology, as well as  
331 coordinate and comply with all required reporting requirements to FLDOE. In  
332 the event that a person or entity not employed by the District maintains the  
333 District's certification and training records, that information must be made  
334 readily available to the District upon request.

- 335 b. Training and Certification Program Consistent with guidelines of FLDOE, the  
336 District-approved restraint training methodology shall include, but not be  
337 limited to:

- 338 i. Procedures for deescalating problem behaviors before they increase to a  
339 level or intensity necessitating physical intervention.

- 340 ii. Information regarding the risks associated with physical restraint, as well  
341 as procedures for assessing individual situations and students, in order to  
342 determine if the use of restraint is appropriate and sufficiently safe.

- 343 iii. The actual use of specific techniques that ranges from the least to most  
344 restrictive, with ample opportunity for trainees to demonstrate hands-on  
345 proficiency in their use.

- 346 iv. Techniques for implementing physical restraint, with multiple staff  
347 members working as a team.

- 348 v. Techniques for assisting a student to reenter the instructional  
349 environment and again engage in learning.

- 350 vi. Instruction in the District's documentation and reporting requirements.

- 351           vii. Procedures to identify and effectively respond to potential medical  
352               emergencies arising during the use of restraint.
- 353           c. Maintenance and Reporting of Training and Certification. The District must  
354               maintain records identifying the name and position of each person trained and  
355               certified; the date of the most recent certification or training; an indication of  
356               whether it was an initial certification or training or a refresher certification or  
357               training; and whether the individual successfully completed the certification or  
358               training and achieved proficiency. In the event that a person or entity not  
359               employed by the District maintains the District's certification and training  
360               records, that information must be made readily available to the District upon  
361               request.
- 362           d. Maintenance of Certification by Staff. Current certifications must be maintained  
363               by all District staff who have successfully completed the initial restraint training  
364               program. Therefore, prior to restraining a child District personnel shall receive  
365               annual certification.
- 366    9.    **Monitoring.**
- 367           a. In compliance with Section 1003.573, Florida Statutes:
- 368               i. The District must undertake comprehensive monitoring of the use of  
369                restraint on students at the school classroom, building, District, and State  
370                levels.
- 371               ii. Each month that the District's schools are in session, all required restraint  
372                documentation will be made accessible via a web-based reporting system  
373                to school principals, the District's Director of ESE, and the Bureau Chief  
374                of the Bureau of Exceptional Education and Student Services.
- 375           b. District-level administrators` are responsible for regular oversight and data  
376               analysis of all restraint events. The ESE Director or designee will monitor the  
377                restraints that have been reported by District, school and classroom level.
- 378           c. If there are more than three (3) restraints occurring on one student within a  
379                one (1)-month period, an IEP or 504 Team must convene to consider  
380                development or review of a Functional Behavior Assessment (FBA) and an  
381                individual Behavior Intervention Plan (BIP). Where there are more than three  
382                (3) restraints occurring during a school year, the IEP or 504 Team must  
383                address the frequency and duration of the restraints.
- 384           d. If there are more than five (5) restraints occurring during a one (1)-month  
385                period at an individual school, the ESE Director or designee will contact the  
386                school principal and monitor whether there are any particular teachers and/or  
387                staff members in need of additional behavioral intervention and/or support.

- 388 e. If there are more than ten (10) restraints occurring at an individual school in  
389 the course of a school year, the Program Planner for Autism and E/BD  
390 programs or designee will visit the school and provide technical assistance. At  
391 any time, a principal may request support from the ESE Department's  
392 behavior team.
- 393 f. All documentation regarding a restraint is maintained in the student's  
394 confidential file.
- 395 g. Any revisions to this Policy must be filed with the State's Bureau Chief of the  
396 Bureau of Exceptional Education and Student Services.

397 10. Plans and Programs.

- 398 a. This Policy does not modify, interfere with, or substitute for the District's non-  
399 delegable responsibility under Federal and State law to identify, evaluate, and  
400 address the specific, individualized behavioral needs of children with  
401 disabilities.
- 402 b. Where appropriate, this Policy permits a student's educational and behavioral  
403 plans to include the use of restraint in specified emergency situations.

404 11. Policy Interpretation.

- 405 a. This Policy shall be interpreted to comply with all Federal and State laws,  
406 regulations, rules and guidance, with particular attention to Section 1003.573,  
407 Florida Statutes, and the Technical Assistance Paper issued by the Florida  
408 Department of Education, Division of Public Schools, Bureau of Exceptional  
409 Education and Student Services ("Guidelines for the Use, Documentation,  
410 Reporting, and Monitoring of Seclusion and Restraint with Students with  
411 Disabilities").
- 412 b. This Policy shall not be construed to restrict the ability of law enforcement  
413 officers, as defined by Section 943.10, Florida Statutes, to perform any of their  
414 lawful duties under State law.
- 415 c. This Policy shall be timely revised as necessary to ensure compliance with all  
416 Federal and State laws, regulations, rules and guidance.

417 **Purpose**

418 This Policy is intended to identify the circumstances under which school personnel may use  
419 permissive physical restraint for students with disabilities ~~eligible for Exceptional Student~~  
420 ~~Education (ESE) services. The term "student" or "students" in this Policy refers only to~~  
421 ~~students eligible for ESE services. This Policy does not apply to students with a physical or~~  
422 ~~mental impairment eligible only under Section 504.~~

423 On the continuum of behavioral interventions, positive and preventative behavioral techniques shall  
424 be the primary and foremost approach in all schools. This Policy also underscores (in Paragraph  
425 No. 3) that a student may only be physically restrained in two very serious situations: (1) to prevent  
426 imminent danger of physical injury to self or others; or (2) to curtail a student's continuous, high-  
427 magnitude disruption that severely impedes the educational environment and inhibits the education  
428 of other students.

429 This Policy does not modify a student's individualized behavior goals, objectives, plans, and/or  
430 programs. Nor does this Policy interfere with or substitute for an *IEP* Team's continual responsibility  
431 to identify and address the specific behavioral needs of an individual child, which may include  
432 provisions for specific physical restraints.

433 Students who exhibit behaviors that interfere with their learning and/or the learning of others shall  
434 be provided with an appropriate Functional Behavior Assessment and an individualized Behavioral  
435 Intervention Plan, as set forth in SBER 6A-6.03312. See PBCSD Form 1549, which is incorporated  
436 herein by reference (located on the School District's website at:  
437 [www.palmbeach.k12.fl.us/Records/FormSearch.asp](http://www.palmbeach.k12.fl.us/Records/FormSearch.asp)).

438 Any behavioral intervention or physical restraint which consists of social humiliation, the withholding  
439 of a child's basic needs, or the *intentional* creation of pain or discomfort is always inappropriate  
440 and strictly prohibited. Students shall never be physically restrained as punishment.

#### 441 **Definitions**

442 Physical restraint refers to the use of physical intervention techniques by school staff designed to  
443 restrict the movement of a student in an effort to de-escalate aggressive behavior. In order to  
444 promote a safe learning environment, the School Board has authorized the implementation of  
445 specific restraint procedures for *this population of* students. These procedures include, but are not  
446 limited to, holding and escape techniques which, when implemented in accordance with approved  
447 practices, are designed to prevent injury to students and staff or prevent serious damage to  
448 property. Physical restraint does not include any form of mechanical restraint, such as blanket  
449 wrapping, tie-downs, harnesses, or use of tape.

450 Temporary holding refers to school staff assisting a student without the use of force to aid the  
451 student in participating in educational or daily living activities. Temporary holding is not considered a  
452 permissive physical restraint under this Policy. Examples of temporary holding include: briefly  
453 holding a student in order to calm or comfort the student; holding a student's hand or arm to escort  
454 the student safely from one area to another; holding a child for a brief time in order to prevent an  
455 impulsive behavior that threatens the child's immediate safety (e. g., running in front of a car);  
456 moving a student who is disruptive and unwilling to leave an area; breaking up a fight in a school  
457 building, on school grounds, or at a school function.

#### 458 **Use of Physical Restraint**

459 The only two circumstances when physical restraint by school staff would be considered appropriate  
460 are:

461           Imminent danger of physical injury to self or others:

462           Demonstrated evidence of a behavior likely to cause injury to self or others.

463           Examples of imminent danger include acts of continuous aggression, such as  
464 continuous hitting, kicking, head butting, head banging, face slapping, biting, or use of  
465 any other part of the body or an object to injure another person. Non-examples of  
466 imminent danger include, but are not limited to: head banging only once, throwing a

467 single punch towards another individual by a student who then sits down, or annoying a  
468 fellow student by poking in the arm.

469 High-magnitude disruption may occur in the classroom, hallway, assemblies or at other  
470 school functions. It is contemplated that there are rare circumstances when disruption, in  
471 and of itself, will require a physical removal from a student's present educational  
472 environment. Other less severe interventions to alleviate the disruption should always be  
473 attempted first. It is noted that physical removal could lead to escalation of the disruption  
474 in a specific situation. Physical removal should therefore be avoided whenever possible.

475 Any student physically restrained under this Policy shall be constantly monitored by school staff for  
476 the duration of the intervention.

477 Whenever possible, physical intervention should not be done in front of other students. It is more  
478 respectful of the student to try to escort the student to a private area. If the **staff** is unable to get the  
479 student to a private area, then it is preferable to clear the room of other students in order to protect  
480 them and to provide privacy for the student being restrained.

#### 481 **Mandatory Procedures Whenever Physical Restraint is Used**

482 ***Following any use of physical restraint as defined under this Policy, the school will make all***  
483 ***reasonable efforts to provide the parents of the student with a verbal report by the end of the***  
484 ***school day on which the incident occurred, through the principal/designee.***

485 ***The school staff is required to prepare a Student Restraint Report (Report) for each incident***  
486 ***of physical restraint. The Report will contain the following information:***

487 Name and school of student

488 Date of the physical restraint

489 Behavior that resulted in physical restraint

490 Antecedent behavior/situation which occurred prior to the behavior requiring physical restraint

491 Type of physical restraint procedure

492 Location of the physical restraint

493 Beginning and ending time of the physical restraint

494 Where the student went after the physical restraint

495 Identification of the parent(s) contacted and method used

496 Names of the certified practioners who initiated the physical restraint

497 Witnesses to the event incident

498 ***Any observations of physical injury to the student, or complaints by the student of***  
499 ***physical injury, arising from the use of physical restraint***

500 ***The Report will be prepared and transmitted electronically to the school principal by the end***  
501 ***of the school day on which the incident occurred, containing all of the information then***  
502 ***available. The school will make all reasonable efforts to provide the completed Report to***  
503 ***both the principal and the parents of the student by the end of the next school day.***

504 ~~The Report requirement does not preclude the school from submitting any other form~~  
505 ~~reporting student injury, if necessary.~~

506 ~~The school must maintain a hard copy of the Report and any other documents relating to~~  
507 ~~each incident of physical restraint.~~

#### 508 **Training**

509 ~~When physical restraint must take place, it is imperative that school staff utilize appropriate~~  
510 ~~and safe methodology. Accordingly, regular training, certification, and recertification of staff,~~  
511 ~~as appropriate, in safe physical restraint procedures must take place. The ESE Department~~  
512 ~~and/or the School Police Department will coordinate all trainings for staff working with~~  
513 ~~students. It is highly recommended that schools referred to as ESE cluster sites have a team~~  
514 ~~with a minimum of four staff members trained in physical restraint.~~

515 ~~Except in the case of an emergency, only staff current in the required training will implement~~  
516 ~~physical restraint with a student.~~

#### 517 **Oversight and Analysis**

518 ~~Regular oversight and data analysis of physical restraints must take place by the ESE~~  
519 ~~Department and/or School Police Department. Such reviews must include an analysis of the~~  
520 ~~frequency of physical restraint on individual students, use by individual teachers, duration of~~  
521 ~~the physical restraint, and frequency by individual schools, to ensure that physical restraints~~  
522 ~~are utilized only in appropriate circumstances.~~

523 ~~Additionally, when an individual student has been restrained three (3) times in a one (1) month~~  
524 ~~period, a team of relevant persons must convene to address or readdress the student's~~  
525 ~~Functional Behavioral Assessment and/or the Behavioral Intervention Plan. If a student has~~  
526 ~~been restrained six (6) times in a one-month period, a designee from the ESE Department will~~  
527 ~~review the circumstances, observe the student, and make appropriate recommendation(s) to a~~  
528 ~~school team of relevant persons.~~

#### 529 **Law Enforcement Exemption**

530 ~~This Policy does not apply to any law enforcement officer, as defined in Fla. Stat. § 943.10. It~~  
531 ~~requires school staff, or those acting as agents of the School District, to utilize appropriate~~  
532 ~~and safe methodology in physically restraining students.~~

533 ~~The School Board anticipates that physical restraint issues related to law enforcement action~~  
534 ~~will generally be limited to situations where the underlying incident may be punishable as a~~  
535 ~~crime (e.g., acts identified in School Board Policy Ch. 6Gx50-5.80 – General Disciplinary~~  
536 ~~Policy for Criminal Acts), or in discharging duties required in *The Florida Mental Health*~~  
537 ~~*Act, Fla. Stat. § 394 (The Baker Act), or other lawful purpose.*~~

#### 538 **Policy Interpretation**

539 ~~This Policy shall be interpreted consistently with Federal and State law, including State Board~~  
540 ~~of Education Rules.~~

541  
542 STATUTORY AUTHORITY: Fla. Stat. §§ 394; 1001.41(2); 1001.42(22); 1001.43(1);  
543 1003.573; 1006.07; 1006.11; 1003.32; 34 CFR 300.504; State Board Rule 6A-6.0311

544 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43(1); 1003.31(1), (3); 1003.32; 1003.573;  
545 1006.07; 1006.09; 1006.11; 1006.13(4)  
546 RULES SUPPLEMENTED: SBER 6A-6.03312 & 6A-6.03311; 34 CFR 300.504  
547 HISTORY: 8/17/94; 11/5/08; tbd/2011

Legal Signoff:

The Legal Department has reviewed proposed emergency rule, Policy 5.181-ER, and finds it legally sufficient for emergency adoption by the Board.

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Attorney

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Date