

# FLORIDA DEPARTMENT OF EDUCATION



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## Technical Assistance Paper

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## Guidelines for the Use of Manual Physical Restraint in Special Education Programs

### Summary:

This document provides guidance for the use of manual physical restraint in school districts, including (a) when manual physical restraint is used, (b) who should use it, (c) the type of training needed for its correct usage, (d) considerations when selecting a training program, (e) what should be documented, (f) parent notification and reporting, and (g) monitoring its use.

### Note:

The Department is currently involved in the rulemaking process regarding the use of reasonable force by school personnel which may result in changes to this document.

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# Table of Contents

## Introduction and Background

- 1. What is the purpose of this technical assistance paper (TAP)? .....1
- 2. What are the statutory provisions that relate to the use of manual physical restraint in public schools?.....1

### A. Manual Physical Restraint

- A-1. What is manual physical restraint? .....3
- A-2. What are the circumstances when manual physical restraint might be used with students in special education programs? .....3
- A-3. Who should implement manual physical restraint procedures? .....3

### B. Training

- B-1. What training should personnel receive? .....4
- B-2. Are there guidelines for selecting a training program? .....4
- B-3. Are there reference documents available that provide information related to this topic?...6

### C. Documentation and Reporting

- C-1. How should parents be informed of a district’s policies regarding use of manual physical restraint?.....6
- C-2. What documentation procedures are recommended? .....6
- C-3. What notification and reporting procedures are recommended? .....7

### D. Monitoring

- D-1. Who should monitor the use of manual physical restraint with students in special education programs and how should this information be used? .....8

### E. Summary

- E-1. What should districts consider to ensure appropriate manual physical restraint for students in special education programs? .....9

# **Technical Assistance Paper**

## **Guidelines for the Use of Manual Physical Restraint In Special Education Programs**

### **Introduction and Background**

#### **1. What is the purpose of this technical assistance paper (TAP)?**

In June 2007, the Bureau of Exceptional Education and Student Services (BEESS) convened a workgroup composed of school officials, agency representatives, parents, advocates, and other interested parties to provide information and make recommendations to the Bureau to address the use of physical restraint with students in special education programs. The discussion included the definition of manual physical restraint, procedures for documentation and communication, training, and local and state monitoring protocols. The information gathered during the meeting and other related resources were used to develop this TAP. By developing and disseminating this document, it is the intent of the Bureau to provide guidelines for implementing and/or reviewing local policies and practices in a manner that will lead to a reduction in the frequency and use of manual physical restraint.

There are concerns among students, educators, and parents about the use of manual physical restraint with students in special education programs. These concerns include: the use of manual physical restraint when less intrusive measures are preferable; lack of adequate training for staff; inadequate documentation of restraint procedures; failure to notify parents when restraint is applied; and failure to use data to further analyze/address the function of the precipitating behavior.

Florida schools have a responsibility to ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. There are instances in which students pose a threat to the safety of themselves or others. The purpose of physical restraint is to prevent injury to self and/or others; it is not to be used to punish a student or “teach a student a lesson.” It is important to recognize that the use of manual physical restraint may have an emotional impact on the student being restrained. Therefore, it is important that such an intervention be used only in emergency situations when immediate and significant threat to the physical safety of the student and/or others exists, and in a manner that conveys respect for the dignity of the student.

#### **2. What are the statutory provisions that relate to the use of manual physical restraint in public schools?**

Although Florida School Laws do not expressly reference the term “manual physical restraint,” the Florida Legislature has created statutes that address the use of “reasonable force.” Though these laws do not specifically reference students with disabilities, they provide historical perspective and context for this issue. These statutes include the following:

- **1003.32, F.S., Authority of teacher; responsibility for control of students; district school board and principal duties.**

Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) In accordance with this section and within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom.

... (j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

- **1006.11, F.S., Standards for use of reasonable force.**

(1) The State Board of Education shall adopt standards for the use of reasonable force by district school board personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to district school board personnel in receiving the limitations on liability specified in subsection (2).

(2) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a school bus driver shall not be civilly or criminally liable for any action carried out in conformity with the State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under S. 1003.32 or S. 1006.09.

- **1012.75, F.S., Liability of teacher or principal; excessive force.**

(1) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under S. 1003.32 or S. 1006.09.

(2) The State Board of Education shall adopt rules that outline administrative standards for the use of reasonable force by school personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to school personnel in receiving the limitations on liability specified in this section. **History.**--S. 753, ch. 2002-387.

**Note:** The Department is currently involved in the rulemaking process regarding the use of reasonable force by school personnel, which may result in changes to this document.

## **A. Manual Physical Restraint**

### **A-1. What is manual physical restraint?**

For the purposes of this TAP, the term “manual physical restraint” is used to describe the use of physical restraint techniques that involve physical force applied by a teacher or other staff member to restrict the movement of all or part of a student’s body.

For the purposes of this TAP, manual physical restraint does not include the use of mechanical restraint devices (e.g., straps, belts, tie-downs, calming blankets) or chemical restraint (medication). It also does not include the use of physical contact for the purposes of instruction (e.g., hand-over-hand positioning, guided practice); guiding the physical movement of students to ensure safety, such as holding a student’s hand or arm to cross a street; or hugging a student to calm or provide comfort in a manner that does not restrict any movement.

### **A-2. What are the circumstances when manual physical restraint might be used with students in special education programs?**

Manual physical restraint is not an instructional tool for the development of pro-social behavior in the classroom or school. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an immediate and significant threat to the physical safety of the student and/or others exists. Furthermore, manual physical restraint should be used only for the period of time needed to contain the behavior of concern and eliminate the immediate threat of harm to self and/or others, in settings where positive behavioral supports are in place and in which staff consistently use accepted practices for the functional analysis of behavior. Such settings should clearly demonstrate the use of positive strategies designed to increase and maintain appropriate behavior while reducing inappropriate behavior.

Manual physical restraint procedures might be used to intervene with students in special education programs in the following situations:

1. Aggression: Demonstration of behaviors that pose a clear threat to the physical safety of others. Examples include repeated hitting, kicking, head butting, or use of any other part of the body or an object that may injure another person.
2. Self injury: Demonstration of behaviors that pose a clear threat to the physical safety of the student. Examples include repeated head-banging, face-slapping, and eye-poking.

### **A-3. Who should implement manual physical restraint procedures?**

Manual physical restraint should be used only by school personnel who have mastered or are qualified/credentialed in school district-approved training in the appropriate application of specific techniques and in the procedures associated with the use of this level of intervention. School personnel who have received training not associated with their employment with the school district (e.g., former law enforcement officers who are now teachers) should be trained in the specific district-approved techniques and should not apply techniques or procedures acquired elsewhere.

School districts need to consider whether it is appropriate for employees working in specific settings to be trained in manual physical restraint techniques (e.g., school bus drivers, bus aides, job coaches, employment specialists, cafeteria workers). There may be situations in which staff members who have not received training are confronted with an emergency situation that poses an immediate and significant threat to the physical safety of a student or others. In those situations, staff should be guided by existing district policies—Section 1003.32 and 1006.11, Florida Statutes, and Rule 6A-1.0404(8)(m), Florida Administrative Code, regarding the use of reasonable force to maintain a safe learning environment.

In the case of school resource officers, or others who may be employed by other agencies when working in a school, administrators should review each agency’s specific policies to be aware of techniques that might be used.

## **B. Training**

### **B-1. What training should personnel receive?**

It is recommended that training in the use of manual physical restraint include:

- Procedures for de-escalating problematic behaviors before they increase to a level or intensity necessitating physical intervention
- Information regarding the risks associated with manual physical restraint and procedures for assessing individual situations and students to determine if its use is appropriate and sufficiently safe
- The actual use of specific techniques that range from the least to most restrictive with ample opportunity for trainees to demonstrate proficiency in their use
- Techniques for implementing manual physical restraint with multiple staff members working as a team
- Techniques for assisting the student to re-enter the instructional environment and re-engage in learning
- Instruction in the district’s documentation and reporting requirements
- Procedures to identify and deal with possible medical emergencies resulting from the use of manual physical restraint

It is recommended that districts provide refresher training on physical restraint techniques **at least annually** to all staff members who have successfully completed the initial training component (see “Characteristics of Effective Training Models” below). The district should identify those personnel to be trained and maintain a record that includes the name and position of the person trained; the date of the most recent training; an indication of whether it was initial training or “refresher” training; and whether the individual successfully completed the training and achieved proficiency.

### **B-2. Are there guidelines for selecting a training program?**

There are many training programs/models available from vendors around the country. The Florida Department of Education has not reviewed these programs and does not endorse

any particular training model. Project REST<sup>1</sup> has identified characteristics of effective training models. Districts may find this list useful when selecting a training model for manual physical restraint.

An effective training model:

- Is externally developed and has a record of successful implementation in a variety of settings (i.e., developed by a program or individual independent of the school).
- Includes a curriculum that is available for review.
- Emphasizes prevention of the type of events that require physical intervention, including relationship building, positive approaches to prevention of escalation, and an emphasis on de-escalation skills.
- Promotes safety as the only acceptable reason to use physical intervention.
- Includes instruction in the physiological effects of restraint and the monitoring of physical distress signs, including positional asphyxia.
- Includes instruction in personal safety and evasion techniques.
- Includes instruction in safe holding techniques. This instruction must include discussion and modeling, an opportunity to physically practice the techniques, and a requirement that the staff member demonstrate competency in the model.
- Includes techniques on how to help the student process or debrief the event.
- Includes information on how staff members are to debrief the event, including reviewing the event to understand how it evolved and to uncover areas of improvement for future situations; assisting staff members in managing the stress of the event; documentation of the event; and communication about the event to appropriate parties, including parents, the school administration, and, as needed, other students and staff members.
- Requires that staff successfully complete post-training assessments of knowledge and skill.
- Specifies a minimum training/refresher training schedule. Training must be conducted on at least an annual basis. The needs of the students and staff may dictate more frequent training/refresher training.

The Child Welfare League of America (CWLA) identified practices that should be prohibited from use in any program.<sup>2</sup> These are:

- Pain inducement to obtain compliance
- Bone locks
- Hyperextension of joints
- Peer restraint
- Use of seclusion rooms that do not meet agency, licensing, or accreditation standards<sup>3</sup>
- Use of restraint when the child would be medically compromised

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<sup>1</sup> “Manual of Recommended Practice. Project REST. Restraint: Efficacy, Safety and Training” (Charleston, SC.: Family Resource Center for Disabilities and Special Needs, 2004).

<sup>2</sup> Lloyd Bullard, et al. State Regulations for Behavior Support and Intervention: A Promising Model (Washington, D.C.: Child Welfare League of America, 2004.) 15

<sup>3</sup> The use of seclusion rooms is not addressed in this document. It is included here only as a part of CWLA’s list.

- Mechanical restraint
- Restraint and seclusion used simultaneously with mechanical restraint devices
- Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression
- Straddling or sitting on any part of the body, or any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the child's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway
- Any type of choking, hand chokes, and any type of neck or head hold
- Any technique that involves pushing on or into the child's mouth, nose, eyes, or any part of the face, or covering the face or body with anything, including soft objects such as pillows or washcloths
- Any maneuver that involves punching, hitting, poking, pinching, or shoving

**B-3. Are there reference documents available that provide information related to this topic?**

While developing this TAP, BEESS found one document to be particularly helpful: *Project REST – Manual of Recommended Practices*. Project REST (Restraint: Efficacy, Safety and Training) has been examining the practice of using restraint on children with developmental disabilities in the public school systems of Charleston, Berkeley, and Dorchester counties, South Carolina, and developed a manual of recommended practices as a result of its findings. The manual is a resource for parents, educators, and advocates and can be used as a guide in developing protocols and procedures. In addition to providing comprehensive information on definitions, use of positive behavior interventions, documentation and reporting recommendations, and training models, the manual includes sample report forms and multiple resources for further study. The manual was developed through a grant from the South Carolina Developmental Disabilities Council, Office of the Governor, and can be accessed on-line at [www.frcdsn.org](http://www.frcdsn.org).

**C. Documentation and Reporting**

**C-1. How should parents be informed of a district's policies regarding the use of manual physical restraint?**

The district's policy regarding the use of manual physical restraint with students in emergency situations should be discussed with parents when developing an individual educational plan (IEP) and/or behavior intervention plan. This may include providing parents with a copy of the district's policies on all emergency procedures, including the use of manual physical restraint.

**C-2. What documentation procedures are recommended?**

Each use of manual physical restraint by school district personnel should be documented as soon as possible after the event occurred. The following should be included in the reports of each incident:

- The name of the student restrained
- The date and time of the event and the duration of the restraint
- The location in which the restraint occurred
- The name(s) of person(s) executing or assisting physically with the restraint
- The names of non-students present witnessing the restraint
- The specific manual physical restraint technique(s) used
- A description including
  - The context in which the restraint occurred (e.g., during group math instruction)
  - The behavior(s) leading up to and precipitating the decision to use manual physical restraint, including an indication as to why there was an immediate threat to the physical safety of the student and/or others
  - The specific positive behavior strategy(s) used to prevent and/or de-escalate
  - What occurred with the student immediately after the termination of the restraint
- Any injuries, visible marks, or possible medical emergencies that may have occurred as a result of the restraint, documented according to district guidelines
- Evidence that steps were taken to notify parents/guardians

### **C-3. What notification and reporting procedures are recommended?**

Parents or legal guardians of the student should be notified each time manual physical restraint is used. Such notification should be provided before the end of the school day in which the restraint occurred. Notification should be both by telephone and in writing. It is understood that phone contact may not always be feasible due to lack of availability of contact information and inability to reach parents. Nonetheless, reasonable efforts to reach the parent or legal guardian by telephone should be made and documented.

Documentation of notification (preferably a copy of a written notification signed by the parent) should be maintained at the school. Written notification should include:

- The date and time of the event and the duration of the restraint
- The name of the person making the report
- The location in which the restraint occurred
- A description including
  - The context in which the restraint occurred (e.g., during group math instruction)
  - The behavior(s) leading up to and precipitating the decision to use manual physical restraint, including an indication as to why there was an immediate threat to the physical safety of the student or others
  - The specific positive behavior strategy(s) used to prevent and/or de-escalate
  - What occurred with the student immediately after the termination of the restraint
- An indication that the student was checked for injuries, visible marks, or possible medical emergencies that may have occurred as a result of the restraint
- Information for the parent so that he/she may contact appropriate school personnel to discuss the event or any other related issues

Procedures and methods should be in place for instances of the use of manual physical restraint to be reported to the administration at the school level (i.e., the principal or other

administrator) and to the district Exceptional Student Education (ESE) office. Building administrators should receive a complete copy of the documentation specified previously. Emergency interventions that result in injury must also be documented and reported in accordance with existing district policies and procedures.

## **D. Monitoring**

### **D-1. Who should monitor the use of manual physical restraint with students in special education programs and how should this information be used?**

Monitoring the use of manual physical restraint with students should occur at multiple levels. This includes the classroom, the school building, and the district. At each level, monitoring serves as a valuable tool that provides behavioral data to inform decision-making within a systematic problem-solving process conducted by the appropriate team of professionals and the parent(s).

At the classroom level, monitoring the use of manual physical restraint allows the teacher, paraprofessionals, and any other staff (counselors, therapists, psychologists, behavior specialists, behavior analysts) to revise the instructional, behavioral, or other aspect of the student's program. Analyzing the events leading to the use of manual physical restraint and the events following the intervention, through a problem-solving, team-based approach, may provide valuable information for planning how to avoid the use of manual physical restraint in the future. The recurrent use of manual physical restraint for an individual student indicates the need for a functional behavioral assessment (FBA) and should trigger a review and possible revision of that student's IEP and behavior intervention plan (BIP). For example, students with limited communication skills may exhibit aggressive behaviors in an effort to communicate. The FBA should be used to identify such situations and a BIP developed to address the issue through appropriate instructional techniques.

The recurrent use of manual physical restraint with more than one student in a particular setting indicates a need to review the structure of the setting and its various components, including curriculum, instructional techniques, behavior management system, and physical layout. The use of manual physical restraint in an emergency should be reviewed after the fact by the school-based problem-solving team to examine the circumstances of the event and determine what strategies may be employed to avoid the use of manual physical restraint in the future. Such a review may also lead to a parent-teacher conference or to convening the IEP team.

At the building level, the principal and administrative staff need to be aware of all instances of the use of manual physical restraint occurring in the school and should review all documentation of such events. Monitoring at the building level should include an analysis of the following:

- The frequency, duration, and location of manual physical restraint procedures
- Staff involved in the use of manual physical restraint procedures
- Appropriate use of manual physical restraint procedures
- Proper documentation of the use of manual physical restraint procedures

Ongoing analysis of these components should alert administration to the overuse of manual physical restraint procedures in particular settings, by particular staff, or with specific students, and monitor the notification of parents or guardians. Principals should use these data to initiate reviews of student IEPs and/or behavioral plans, request technical assistance to help staff make changes in the classroom or other settings, and identify teachers or other staff in need of additional support and/or training. Administrators may need to be involved in the review of individual incidents as part of the instructional team.

District-level administrators should monitor the use of manual physical restraint throughout the school district. Data collected and periodically reviewed by the district should be used to identify schools where there is multiple and repeated use of manual physical restraint. These schools should then be targeted for review by appropriate district staff. Such a review should focus on identification of reasons for the use of these techniques and include:

- Scrutiny of the school's system of positive behavioral support
- The appropriate application of manual physical restraint as an emergency intervention
- Review of instructional programs for students having behavioral problems

A plan, which may include staff development, should be designed to reduce or eliminate the need for emergency interventions using manual physical restraint techniques. This plan should be supported and monitored by district staff.

## **E. Summary**

### **E-1. What should districts consider to ensure appropriate manual physical restraint practices for students in special education programs?**

It is recommended that school districts have policies and procedures regarding the use of manual physical restraint, and that the key aspects of this TAP be included. When reviewing or writing policies and procedures related to manual physical restraint, districts should evaluate content related to:

- Allowable use
- Personnel authorized to use manual physical restraint
- Training procedures
- Incident reporting procedures
- Data collection
- Monitoring/reporting of data collected
- Analysis of data to determine trends

Additionally, districts are encouraged to implement positive behavior supports and intervention strategies designed to reduce the occurrence of problem behavior for all students.