



Wyoming Department of Education

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MEMORANDUM NO. 2011-119

TO: School District Superintendents
Principals
Special Education Directors
School Counselors
Wyoming School Boards Association

FROM: Peg Brown-Clark, Special Programs Division Director

DATE: September 6, 2011

SUBJECT: Model Policies Regarding Seclusion and Restraint in Schools

IMPORTANT INFORMATION – TIME SENSITIVE

The Wyoming Department of Education is currently accepting public comment regarding the proposed Chapter 42, Education Rules on *Seclusion and Restraint in Schools* until October 8, 2011. Information regarding this process is outlined previously in Memorandum No. 2011-112. The proposed permanent rules may be reviewed in their entirety at

http://edu.wyoming.gov/Libraries/Publications/Chapter_42_Proposed_Permanent_Rules_07-15-2011.sflb.ashx

According to Wyoming Statute §21-2-202 (a)(xxxii) §21-3-110(a)(xxxi) Not later than December 31, 2011, [districts will] adopt a policy and training procedures regarding the use of seclusion and restraint in schools. In addition to any requirements provided by rule and regulation of the state superintendent pursuant to W.S. 21-2-202(a)(xxxii), the policy shall require that the parent or legal guardian of the student shall be notified each time that seclusion or restraint is utilized for the student. The policy shall prohibit the use of locked seclusion. The policy shall not be limited to any specified group of students and shall apply any time that seclusion or restraint is used for any student. The district shall submit a copy of the policy to the state superintendent for review as provided in W.S. 21-2-202(a)(xxxii) after the initial adoption of the policy and any time thereafter that the policy is substantially revised.

In an effort to support the districts in developing these policies, the Department has drafted model policies as an example to help guide the district's work. The model policy is attached to this memo. We recognize that this work will require that the final rules be adopted and that the timeline is very tight. However, these model policies are offered as a launching point for this work to begin to ensure district level policy adoption by Dec. 31, 2011. Questions regarding the statutory requirements, status of the permanent rules, or the attached model policies may be directed to Peg Brown-Clark, Director, or Stephanie Weaver, Deputy Director, Special Programs Division, 307-857-9253. Please contact Barb Yates to request the policies in Microsoft Word if needed.

SECLUSION AND RESTRAINT IN SCHOOLS

I. General Statement of Policy

It is the policy of _____ (educational program name) to regulate the use of seclusion and restraint with students pursuant to W.S. §21-2-202(a)(xxxii), W.S. §21-3-111(a)(xxx) and Chapter 42 of the Wyoming Department of Education Rules (hereinafter “Rules”). This policy shall govern all regulated use of seclusion and restraint.

II. Definitions

All definitions used in this policy shall be consistent with the definitions in the Rules. For the purpose of clarity, the following definitions are restated:

- A. “Restraint”** means the use of physical force, with or without the use of any physical or material, to restrict the free movement of all or a portion of a student’s body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team. The term does not encompass any of the prohibited practices described in this rule.

- B. “Seclusion”** means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. There are two distinct categories: i) Seclusion from the Learning Environment, or ii) Isolation Room. The term does not include a student requested break or in-school-suspension, detention or other appropriate disciplinary measure.
 - 1. **“Seclusion from the Learning Environment”** means visually or auditorally isolating the student from the classroom or other school activity, away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities. The student is prevented from rejoining the learning environment or school activity until directed by staff.

 - 2. **“Isolation Room”** means purposefully placing the student in an enclosed room built in compliance with all relevant health and safety codes. The student is not released from the Isolation Room and permitted to rejoin the learning environment or school activity until directed by staff. An Isolation Room is not the same as locked seclusion, which is a prohibited practice.

III. Staff Training

- A. The school adopts the _____ (name of model) evidence-based model for the purpose of training and safe implementation of seclusion and restraint.
- B. All staff shall receive training in the prevention of physical restraint and seclusion according to the _____ (name of model), including skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.
 - i. The initial training shall be _____ hours in duration.
 - ii. The ongoing training shall be _____ hours annually.
- C. _____ (insert number) classified staff and _____ (insert number) nonclassified staff shall be certified consistent with the _____ (name of model) for the safe and appropriate use of physical restraint. This core group of staff shall be recertified according to _____'s (name of model) standards.
- D. All staff shall receive _____ hours of annual training on the implementation of this policy during the annual staff development program.

[pbc1]

IV. Seclusion and Restraint Procedures

A. Restraint

- i. Non-emergency situations: Only trained, certified staff pursuant to paragraph III.C above shall be permitted to utilize restraint as part of a planned behavior intervention.
- ii. Emergency situations: Any staff may intervene for the purpose of restoring safety in a bona fide emergency situation constituting an imminent risk to health or safety exists.
- iii. Durational guidelines: The following durational guidelines are to be followed when implementing a restraint:

(Insert guidelines)

- iv. Administrative review: In the event that implementation of the restraint exceeds the durational guidelines specified above, an administrator or administrative designee shall immediately review the following elements to determine if and under what conditions the restraint may continue:

(Insert conditions)

- v. Debriefing: After a restraint has been implemented, the following debriefing procedures will be utilized:

(Insert procedures)

- vi. Documentation: The completion of an incident report containing the following documentation is required for each restraint:

(Insert required documentation)

B. Seclusion

- i. There are two regulated seclusion categories: Seclusion from the Learning Environment or Isolation Room.
- ii. The use of a locked seclusion room is prohibited in all school facilities.
- iii. The use of an Isolation Room will be limited to locations specifically built and/or modified for that purpose, meeting all relevant health and safety codes.
- iv. The use of appropriate disciplinary measures may be considered unregulated by this policy only if used in accordance with an approved classroom, school-wide, or district-wide student conduct plan.^[pbc2]
- v. School staff must be able to see and hear the student in seclusion at all times.
- vi. Students placed in seclusion must be permitted access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.
- vii. Seclusion from the Learning Environment: The following requirements apply:
 1. Durational guidelines: These durational guidelines are to be followed when implementing a restraint:

(Insert guidelines)
 2. Use of a debriefing procedure and an incident report following the implementation of Seclusion from the Learning Environment is recommended, but not required.
- viii. Isolation Room: The following requirements apply:
 1. Durational guidelines: These durational guidelines are to be followed when implementing a restraint:

(Insert guidelines)
 2. Administrative review: In the event that implementation of the restraint exceeds the durational guidelines specified above, an administrator or administrative designee shall immediately review the following elements to determine if and under what conditions the restraint may continue:

(Insert elements)

3. Debriefing: After a restraint has been implemented, the following debriefing procedures will be utilized:

(Insert procedures)

4. Documentation: The completion of an incident report containing the following documentation is required for each restraint:

(Insert required documentation)

C. Parent Notification

Parents shall be notified of each use of a regulated seclusion or restraint procedure according to the following schedule:

(Insert schedule. It must include, at a minimum, written notification within 24 hours of the regulated procedure^[pbc3], unless the parent and school have agreed to an alternate timeframe.)

V. Enforcement Procedures

- A. Complaint Process:** The following process for the receipt of complaints from any individual or entity shall be utilized:

(Insert complaint process)

- B. Investigatory Process:** The following investigatory process shall be utilized upon the receipt of a complaint meeting the above requirements:

(Insert investigatory process, including responsible parties, time limits for the investigation, and reporting requirements.)

VI. Publication of Policy

This Policy shall be published within the school community as follows:

(Insert publication plan)