

Chapter 42

Seclusion and Restraint in Schools

Section 1. Authority.

The Wyoming rules are authorized by Wyoming Statute 21-2-202(a)(xxxii) and W.S. 21-3-110(a)(xxxi).

Section 2. Scope.

(a) The State Superintendent shall review the policy of each school district for compliance with the state statute governing Seclusion and Restraint in Schools and approve those policies only after determining that compliance has been achieved.

(b) To the extent that these rules governing Seclusion and Restraint in Schools overlap with other state or federal rules or regulations, compliance with the regulation or rule offering greater student protection shall be deemed compliance with this rule. To the extent that these rules governing Seclusion and Restraint in Schools exceed the requirements of other state or federal rules or regulations, school districts shall comply with the requirements of this rule. In the event of conflict with another state agency's rules or federal rules or regulations, school districts shall comply with this rule.

Section 3. Definitions.

(a) "Administrative Review" is when an administrator or other appointed-personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

(b) "Appropriate Disciplinary Measures" includes classroom, school-wide, or district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. 21-4-308 or other appropriate authority.

(c) "Appropriately Trained Professional" or "Professional Team" includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers' instructions.

(d) “Assistive or Protective Device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(e) “Aversive” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

(f) “Behavior Intervention” is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student’s behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.

(g) “Debriefing Process” The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. The district may conduct a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, the outcome of the intervention, including any injuries to student(s) or staff that may have resulted from the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the district deems appropriate.

(h) “Escort” means guiding a student by touching the student’s back, arm, or hand, or holding the student’s arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

(i) “Evidence Based Training Program” includes programs that are externally developed and have a record of successful implementation in a variety of settings that, at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive and the specific techniques to encourage the safe reentry of the student into the educational environment.

(j) “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

(k) “Isolating” means visually, auditorally, or physically separating a student from the learning environment, school activity, or peers.

(l) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact that upon release immediately permits the door to be opened from the inside.

(m) “Mechanical Restraints” include devices or equipment used to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which the devices or equipment were designed and prescribed.

(n) “Prohibited Practices” means that certain activities or objects are prohibited from being used with students under any circumstances

(o) “Prone Restraints” include holding a student in any position that will:

- (i) Obstruct a student’s airway or impair the ability to breathe;
- (ii) Obstruct a staff member’s view of a student’s face;
- (iii) Restrict a student’s ability to communicate distress;
- (iv) Place pressure on a student’s head, neck, or torso; or
- (v) Straddle a student’s torso

(p) “Restraint” means the use of physical force, with or without the use of any device 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.

(q) “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. The term does not include a student requested break or in-school suspension, detention, or other appropriate disciplinary measure.

(i) “Seclusion from the Learning Environment” means visually or auditorally isolating the student from the classroom or other school activity or away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities.

(ii) “Isolation Room” means placing the student in an enclosed room built in compliance with all relevant health and safety codes.

(r) “Time-out” means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment and the student is now physically prevented from having the time-out area.

Section 3. Policy Requirements

(a) Staff Training and Professional Development. School district policies shall, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district’s policy on the safe use of seclusion and restraint shall be incorporated into each school’s annual professional development programming.

(b) Procedures. School policies shall, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to use restraint as part of a planned behavior intervention unless a bona fide emergency constituting an imminent risk to the health or safety exists.

(B) Schools shall not use prohibited practices as part of student restraint at any time.

(C) Restraint shall be used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) School shall develop restraint duration guidelines including a release strategy based on the student's ability to regain control and staff's ability to reestablish safety.

(E) Restraints exceeding the durational limits set forth in the school's guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion:

(A) School staff shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in Section (c) below.

(D) Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:

(I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.

(II) School shall develop seclusion from the learning Environment duration guidelines.

(F) Isolation Room:

(I) An isolation room may be used in an emergency.

(II) Schools shall develop Isolation Room duration guidelines including a reentry strategy based on the student's ability to regain control and staff's ability to reestablish safety.

(III) Isolation Room seclusion exceeding the durational limits set forth in school's guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.

(IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:

(1.) The room shall provide a means of continuous visual and auditory monitoring of the student.

(2.) The room shall be adequately lighted with switches to control lighting located outside the room.

(3.) The room shall be adequately ventilated with switches to control fans or other ventilation devices located outside the room.

(4.) The room shall maintain a temperature within the normal human comfort range and consistent with the rest of the building with temperature controls located outside of the room.

(5.) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.

(6.) The room shall be constructed of materials safe for its intended use, including wall and floor coverings designed to prevent injury to the student.

(7.) The room shall be able to be opened from the inside immediately upon the release of a security mechanism held in place by constant human contact.

(8.) The dimensions of the room shall be adequate width, length, and height to allow the student to move about and recline comfortably.

(c) **Mandatory Documentation.** Schools shall complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) **Incident Report:** At a minimum, the incident report shall include:

(A) Antecedents, interventions, and other relevant factors;

(B) Description of the regulated intervention used;

(C) Time and duration of the seclusion;

(D) Student's response to the seclusion;

(E) Administrative Review, if necessary;

(F) Release or reentry factors;

(G) Injuries to the student, if any;

(H) Debriefing.

(ii) The district shall provide to the parents copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) **Parent Notification.** The school shall develop a parent notification procedure that includes, at a minimum, written notification within 24 hours, or other timeframe as agreed upon by the school or parent, of using a regulated procedure. Notification shall be complete upon mailing, personal deliver, or electronic transmission of the notice.

Section 4. Enforcement of Policy.

(a) Schools shall specify a procedure for the lodging and investigation of complaints regarding misuse of the school district's policy on seclusion and restraint. Policies must include a process for notifying the Wyoming Department of Education when seclusion and restraint complaints are received. In order to support districts the WDE may review violations and policies and work with the school and district to create an improvement plan that includes:

(i) Increase monitoring, evaluation, and on site review;

(ii) Offer support, including training and capacity building, for schools to meet the varied and specialized learning needs of children with and without disabilities;

(iii) The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance;

(iv) If the school where the violation(s) occurred does not meet the requirements of the plan to the satisfaction of the department, the department will require onsite technical assistance with necessary district staff to assist in the development and monitoring of a compliant plan. The department will increase monitoring and evaluating of district progress plan.

Section 5. Publication of Policy. Schools must include their seclusion and restraint policies within their district/school handbooks and handbooks shall be posted on the district website where they are accessible to both the Wyoming Department of Education and the public.

Section 6. Data Collection Requirements. Schools shall collect and report annually to the Wyoming Department of Education the number of students involved in the use of regulated intervention, the number of incidents of seclusion and restraint, and the type of regulated intervention utilized.