

What Parents Should Know About the Use of Restraints and Seclusion

The purpose of Act 206, Twenty-Seventh Legislature, 2014, is to prohibit the use of seclusion and reduce and prevent the use of restraint in public schools. It is to ensure the safety of all students and personnel in public schools and promote a positive school culture and climate. This law applies to all students.



Hawaii State Department of Education
Office of Curriculum, Instruction
and Student Support

Purpose

The purpose of this law is to protect students from (1) physical and mental abuse; (2) aversive behavioral interventions that compromise health and safety; and (3) any restraint imposed solely for purposes of discipline or convenience.

It prohibits the use of seclusion, mechanical restraints, and chemical restraints for all students.

Q. Does this law apply to all students?

Yes, this law applies to all students, both general education students and students with disabilities.

Q. How will this law apply to my child?

This law prohibits schools from using seclusion, mechanical and chemical restraints as disciplinary measures to control students' behaviors. Its purpose is to protect your child from:

- Physical and mental abuse,
- Use of aversive behavioral interventions that compromise health and safety, and
- Any restraint that is solely used for discipline or convenience.

Q. How are seclusion, a mechanical restraint, and a chemical restraint defined?

"Seclusion" is defined as the confinement of a student alone in a room or structure from which the student is physically prevented from leaving.

"Seclusion" should not be confused with "timeout" which is a behavior management technique that is part of a student's behavior program and involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming the student.

A **"mechanical restraint"** is the use of a device that restricts a student's freedom of movement or the ability to communicate in his/her primary language or mode of communication. Examples of "mechanical restraints" include but are not limited to: tape, ropes, and other devices used to control student behavior. This does not include devices prescribed by a medical professional.

A **"chemical restraint"** is the use of a drug or medication to control a student's behavior or to restrict freedom of movement that has not been prescribed by a licensed physician or another qualified health professional for the treatment of a student's medical or psychiatric condition.

Q. What is a physical restraint and what is its purpose?

A “**physical restraint**” is the use of physical force that restricts the student’s ability to move his/her arms, legs, or head freely.

A “**physical restraint**” is not a teaching procedure or behavioral intervention. It should not be administered as punishment to address behaviors such as noncompliance, disrespect, disobedience, or disruption.

The purpose of a “**physical restraint**” is to manage the behavior of a student in an emergency situation to prevent imminent physical injury to the student and others in the environment.

Q. What are the conditions around which a physical restraint is applied?

School staff may only use physical restraint on a student when it is immediately required to protect the safety of the student or others. A physical restraint is imposed only after all attempts of less restrictive/intrusive actions have failed and the student poses an imminent physical danger to self or others.

Q. If my child is physically restrained, how will I be informed?

Should your child be physically restrained, you can expect the following actions from the school:

- The school will call or electronically notify you on the day of the incident that the use of a physical restraint has occurred.
- The school will send to you a written parent notification within 24 hours with details of the incident.
 - Should there be circumstances where the school is not able to provide you with written notification within 24 hours, the school will contact you and may send you a copy of the report via email or fax and state when the written report will be mailed.
 - Upon receipt of the written notification, you will be asked to contact the school principal.
- The parent(s) and guardian(s) may request a follow-up meeting to discuss the incident.

Q. What if my child's behavior does not improve or I have concerns about the use of physical restraint with my child?

At anytime should you have concerns about your child's behavior, you need to immediately contact the school administrator(s) or school counselor(s) for assistance and may ask to schedule a meeting.

Q. What should I ask the school about my child's behaviors?

Some questions you may want to ask the school include:

- When is the behavior occurring?
- What is happening before my child's behavior escalates that leads my child to be an imminent threat to the physical safety of self or others?
- What positive behavior supports/interventions have been tried with my child?
- How did my child respond to each of these supports/interventions?
- What can we do at home to help my child to be successful?

Training for Complex Area and School Personnel

School personnel who use restraints will be trained and certified annually. Staff will be trained to implement effective evidence-based practices to prevent and reduce the use of physical restraints. The department will continue to procure professional organizations with expertise in providing complex areas and schools with training and support in the following areas: 1) concepts of reinforcement, functional assessment, differential reinforcement; 2) de-escalation procedures, 3) physical procedures designed to be effective and particularly gentle to avoid any stress of joints, pain or skin damage; and, 4) practical methods for preventing, minimizing, and managing behavioral crisis.

Maintaining Records and Annual Data Review

There will be an annual review of data of students who were physically restrained to analyze the effectiveness of interventions applied.

Policies and Procedures Alignment and Notification

The department's guidelines for restraint and seclusion practices reflect the changes made to Chapter 302A, Hawaii Revised Statutes prohibiting the use of seclusion, chemical restraints, or mechanical restraints in all public schools.

Should there be any changes to the policies and procedures on restraint during the school year, the department will post the changes on its website immediately. Brochures provided at the beginning of the school year will reflect the Department's current policies and procedures.

Should you have any questions regarding your child and the use of restraints, kindly contact your school principal.