

RESTRAINT AND SECLUSION, POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS (PBIS) IN OHIO SCHOOLS.

WHAT PARENTS NEED TO KNOW

BEHAVIOR & DISCIPLINE LAWS UPDATES

As of September 2021, Ohio law requires school districts to provide yearly notice to parents about their policy and procedures related to the requirements of positive behavior intervention and supports (PBIS) and the emergency use of physical restraint and seclusion, including the local complaint process. Districts may choose to accompany the district information with this handout which explains the law and statewide requirements.

This law applies to all K-12 students, both general education students and students with disabilities, and requires using proven practices to reduce and eliminate restraint and seclusion practices.

WHAT IS THE PURPOSE?

The purpose of this law is for Ohio school districts to provide behavior supports and training to reduce and eliminate the need for emergency physical restraint and seclusion. The law requires that Ohio school districts:

- Implement PBIS in all (K-12) schools across the district.
- Provide student personnel with professional development about PBIS.
- Deliver specific training on ways to prevent the use of restraint and seclusion and safe restraint and seclusion practices when needed for emergencies.

IMPORTANT TOPICS

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SPECIAL POINTS OF INTEREST

- Greenville staff are trained in Deescalation strategies often
- The number of restraints at Greenville has declined over the past several years.
- Greenville Reports very few incidents of restraint each year.
- Greenville has reported ZERO incidents of seclusion in the last 5 years.





WHAT IS PBIS?

PBIS stands for Positive Behavior Intervention Supports

Positive- Teaching students the behaviors the school wishes to see (school-wide behavior expectations) and the skills needed to demonstrate the behavior expectations

Behavior- Acknowledging and reinforcing expected behaviors

Intervention- Creating a safe and supportive environment that guides positive behavior choices

Supports- Developing organized levels (tiers) of interventions and supports to provide the behavior assistance each child needs to be successful

This law applies to all K-12 students, both general education students and students with disabilities, and requires using proven practices to reduce and eliminate restraint and seclusion practices.

HOW WILL I KNOW?

If my child is physically restrained or secluded, how will I be informed?

If your child is physically restrained or secluded, the school will do the following:

- The school will call or electronically notify you immediately following the incident.
- The school will send to you a written report within 24 hours of the incident.

Prohibited Practices- These practices are not allowed at school

- Mechanical or chemical restraint
- Face down (Prone) restraints • Corporal Punishment
- Depriving the child of basic needs and anything that is considered child abuse
- Anything that restricts breathing
- Any intentional use of substances, activities, or items that cause physical pain or extreme discomfort

WHAT IS RESTRAINT & SECLUSION?

Physical Restraint- Restraint is the use of direct physical contact to prevent or restrict a student's movements.

- Staff must ensure the student's breathing is not restricted.
- Staff may not hold the student face down (in the prone position).

Seclusion- Seclusion is confining (or keeping) a student in a room or space to ensure safety of the child and others while being observed by an adult.

- There must be continuous observation by school staff.
- The room or area must not be locked.
- The space must provide adequate space, lighting, ventilation, and protect the safety and dignity of the student .

Physical restraint or seclusion can only be used in emergency situations when other interventions have failed and there is great risk to the safety and well-being of the student or others. It cannot be used for staff convenience, as a form of discipline or punishment or as a substitute for something less limiting or restrictive. The use of physical restraint or seclusion may never be used for preschool students.



WHAT IF IT DOESN'T GET BETTER?

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

If you have concerns about your child's behavior or interventions being used to address the behaviors, you should contact the school administrator(s), teacher or school counselor and ask to schedule a meeting. Parents of a child with a disability can call an Individualized Education Program (IEP) meeting.

If your child has three or more incidents of restraint or seclusion, your school district is required to meet with you to discuss whether a functional behavioral assessment (FBA) or behavior intervention plan (BIP) is needed, or if an existing FBA or BIP needs revised. The school will be able to share with you what interventions it has tried and how your child has responded to those interventions. Together, you can discuss an intervention plan to help reduce the use of emergency restraint and seclusion.

A key practice of PBIS is offering tiers of support to match each child's level of need. This is often referred to as multitiered systems of support (MTSS), or tiers of support. PBIS organizes tiers of support into three levels: Universal Supports, Targeted Supports and Individualized Supports.

ANOTHER MEETING?

What should be discussed with the school during the meeting 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?
- What positive behavior interventions and supports have been tried with my child?
- How did my child respond to each of these interventions and supports?
- Is there a staff member my child has a positive relationship with? Can this relationship be incorporated into the interventions?
- What can we do at home to help my child be successful at school?
- What training do staff receive for crisis management and de-escalation?
- Were the staff involved in the incidents with my child trained in crisis management and de-escalation?

GREENVILLE CITY SCHOOLS

will be the leader in educational offerings, student performance and community involvement, and will maximize the potential of each and every student.

Andrea Townsend, Director of Career Technology & Special Education

WHAT IF I DISAGREE?

GREENVILLE CITY SCHOOLS

The mission of Greenville City Schools is to provide a safe and high quality learning environment that enables the district to provide engaging and rewarding work for students and staff every day; and to strive to continuously improve, looking ahead to the future to ensure that we prepare citizens who are college, career and life ready.

What if I have a complaint about a restraint or seclusion that occurred with my child?

A Parent may file a written complaint to the District Superintendent to initiate an investigation by the school district. Any incident of restraint or seclusion will be immediately reported to building administration and the parent. A written report documenting the incident will be completed and made available to the parent within 24 hours and maintained by the District. Staff also, will conduct a debriefing, including all involved staff the student and the parent (if possible), to evaluate the trigger for the incident, staff response and methods to address the student's behavioral needs.

Parents may file complaints in writing to the Superintendent or to the Director of Special Education. The parent will receive a written response within 30 days of filing the complaint regarding restraint or seclusion and the District will make reasonable effort to have an in-person meeting with the parent.

Parents also have the option to report concerns to other public agencies, such as law enforcement, the county department of Child Protective Services (Job and Family Services), or the Office of Professional Conduct within the Ohio Department of Education (Department). Additionally, a parent may file a complaint with the Department's Office for Exceptional Children. If a parent needs support with this they can reach out to The Ohio Coalition for the Education of Children with Disabilities or Disability Rights Ohio.

LOOKING FOR MORE?

You can get more information at

- Greenville City Schools Website <https://www.greenville.k12.oh.us/SpecialEducation.aspx>
- Contact Dr. Andrea Townsend, Director of Career Technical & Special Education at atownsend@gcswave.com or 937-548-3185 ext. 1301
- Ohio Department of Education website.

<https://education.ohio.gov/Topics/Student-Supports/PBIS-Resources/Policy-Positive-Behavior-Interventions-and-Support>



POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (Restraint and Seclusion)

Positive Behavioral Interventions and Supports (PBIS)

PBIS is a multi-tiered school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students. The Board directs the Superintendent/designee to develop a PBIS system/framework consistent with the components set forth in the State Board of Education's (SBOE) policy, State law and this policy. The District implements PBIS on a systemwide basis in an effort to promote positive interactions and solutions within the District. The District encourages family involvement as an integral part of its PBIS system. This policy is implemented in accordance with all applicable definitions set forth in State law.

PBIS Framework

The framework includes a decision-making framework consisting of multiple school staff members who guide selection, integration and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students. It also includes the following integrated elements:

1. data-based decision making;
2. evidence-based practices along a multi-tiered continuum of supports;
3. systems that enable accurate and sustainable implementation of practices and
4. progress monitoring for fidelity and target outcomes.

The District standards for implementation of PBIS include:

1. student personnel will receive professional development in accordance with State law and this policy;
2. explicit instruction of school-wide behavior expectations;
3. consistent systems of acknowledging and correcting behaviors;
4. teaching environments designed to eliminate behavior triggers and
5. family and community involvement.

Professional Development for the Implementation of PBIS

Student personnel receives professional development for the implementation of PBIS at least every three years from a building or District PBIS leadership team or other appropriate source in collaboration with the PBIS leadership team. Professional development is in accordance with the District's PBIS training plan, the District ensures there are continuous training structures in place and training requirements may be modified for the intended audience. The District retains records of completed professional development, including a list of participants.

Professional development addresses the following topics:

1. an overview of PBIS;
2. the process for teaching behavioral expectations;
3. data collection;
4. implementation of PBIS with fidelity;
5. consistent systems of feedback to students for acknowledgment of appropriate behavior and corrections for behavior errors and
6. consistency in discipline and discipline referrals

General Rules for Restraint and Seclusion

While the District wishes to promote positive interactions and solutions, when a student's behavior presents an immediate threat of physical harm to the student or others and no other safe or effective method of intervention is available, approved physical restraint and seclusion may be used to maintain a safe environment.

The District does not engage in practices prohibited by State law, including:

1. prone restraint (including any physical restraint that obstructs the airway of the student, or any physical restraint that impacts a student's primary mode of communication);
2. any form of physical restraint that involves the intentional, knowing or reckless use of any technique that:
 - A. involves the use of pinning down a student by placing knees to the torso, head or neck of the student;
 - B. uses pressure point, pain compliance or joint manipulation techniques or
 - C. otherwise involves techniques that are used to unnecessarily cause pain.

3. corporal punishment, as defined in Ohio Revised Code Section (RC) 3319.41;
4. child endangerment, as defined by RC 2919.22;
5. deprivation of basic needs;
6. seclusion or restraint of preschool children in violation of Ohio Administrative Code Section (OAC) 3301-37-10(D) and OAC 3301-35-15;
7. chemical restraint;
8. mechanical restraint (does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
9. aversive behavioral interventions or
10. seclusion in a locked room or area.

The District may only use physical restraint or seclusion if staff:

1. are appropriately trained to protect the care, welfare, dignity, and safety of the student;
2. continually observe the student in restraint or seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
3. use communication strategies and research-based de-escalation techniques in an effort to help the student regain control and
4. remove the student from physical restraint or seclusion immediately when the immediate risk of physical harm to self or others has dissipated.

Restraint

Physical restraint may not be used as a form of punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control. The use of prone restraint is prohibited. This policy does not prohibit the use of reasonable force and restraint as provided by RC 3319.41.

Restraint only may be used:

1. if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
2. if the physical restraint does not interfere with the student's ability to breathe;

3. if the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication and
4. by school personnel trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

Seclusion

Seclusion may not be used as a form of punishment or discipline; for staff convenience; or as a substitute for an educational program, inadequate staffing, staff training in the PBIS framework and crisis management or other less restrictive means of assisting a student in regaining control such that it is reflective of the cognitive, social and emotional level of the student; or as a means to coerce, retaliate, or in a manner that endangers a student.

Seclusion only may be used:

1. if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
2. for the minimum amount of time necessary to protect the student and others from physical harm;
3. in a room or area that is not locked, does not preclude the student from exiting the area should the staff member become incapacitated or leave, and that provides adequate space, lighting, ventilation and the ability to observe the student;
4. under the constant supervision of trained staff able to detect indications of physical or mental distress that require removal and/or immediate medical assistance, and who document their observations of the student and
5. as a last resort to provide an opportunity for the student to regain control of their actions.

Multiple Incidents of Restraint and Seclusion

The District handles multiple incidents of restraint and seclusion in accordance with State law. Within 10 days of a student's third incident of physical restraint or seclusion in a school year, the District holds a meeting to address the situation. If the student has an Individualized Education Plan (IEP) or a 504 plan, the student's IEP or 504 team meets to consider the need to conduct a functional behavioral assessment or behavior intervention plan, or to amend an existing assessment or plan. For all other students, a team consisting of the parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited) and other appropriate staff members will meet to discuss the need to conduct or review a functional behavioral assessment and/or develop a behavior intervention plan. The District may choose to complete a functional behavioral assessment or develop a behavior intervention plan for any student who might

benefit from these measures, not only those who have had three or more incidents of restraint or seclusion.

Training and Professional Development for the Use of Crisis Management and De-escalation Techniques

The District ensures an appropriate number of personnel in each building are annually trained in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion, in accordance with the minimum training requirements set forth in State law. The District maintains written or electronic documentation of the name, position and building assignment of each person completing training as well the name of the person who provided the training, the date of the training and the protocols and the techniques and materials that were included.

Compliance with training requirements is reported to the Ohio Department of Education (ODE) by November 30 annually through the consolidated school mandate report.

If the District reports noncompliance, the Superintendent/designee must provide a written explanation to the Board within 30 days explaining this noncompliance and a written plan of action for accurately and efficiently addressing the problem.

Reporting and Complaint Procedure

Any incident of restraint or seclusion will be immediately reported to building administration and the parent. A written report documenting the incident will be completed and made available to the parent within 24 hours and maintained by the District. Staff also will conduct a debriefing, including all involved staff, the student and parent (if possible), to evaluate the trigger for the incident, staff response and methods to address the student's behavioral needs. The District annually reports information regarding its use of restraint or seclusion to ODE in accordance with ODE procedures.

The Board directs the Superintendent/designee to establish a procedure to monitor the implementation of State law and the District's policy on restraint and seclusion.

The Board directs the Superintendent/designee to establish District written complaint procedures, which include a:

1. procedure for parents to present written complaints to the Superintendent to initiate a complaint investigation by the District regarding incidents of restraint or seclusion;
2. requirement that the District respond to parents in writing within 30 days of the filing of a complaint regarding restraint or seclusion, and to make a reasonable effort to have an in-person meeting with the parent and
3. notice of additional complaint options available under State law.

Parents are notified annually of the District's seclusion and restraint policies and procedures, including the local complaint process which are also posted on the District's website. The District annually reviews the requirements of OAC 3301-35-15 and local policies and procedures related to PBIS and physical restraint and seclusion.

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(Revision date: November 18, 2021)

LEGAL REF.: ORC 2919.22
3301.68
3319.237
3319.41
3319.46
3326.11
3328.24
OAC 3301-35-15
3301-37-10

CROSS REFS.: IGBA Programs for Students with Disabilities
JF Student Rights and Responsibilities
JGA Corporal Punishment
JH Student Welfare
JHF Student Safety

NOTE: Beginning with the 2013/2014 school year, districts are required to develop policies dealing with seclusion, restraint and PBIS.

Policies and procedures dealing with seclusion and restraint are required to be posted on the district's website and parents must be notified annually of district policies and procedures dealing with seclusion and restraint.

House Bill (HB) 178 (2014) extends these requirements to community and STEM schools.

HB 318 (2018) requires SBOE to revisit its existing rule (OAC 3301-35-15) on PBIS to create a new PBIS framework. School districts are required to implement a PBIS framework that complies with the amended or updated SBOE policy.

On June 24, 2021 a new version of OAC 3301-35-15 became effective. The new rule is significantly different than the previous rule and many changes were made to this policy as a result. The Ohio Department of Education also issued the Positive Behavior Intervention and Supports and Restraint and Seclusion Model Policy and Procedures, which is an additional resource for districts as they consider their policy on PBIS and restraint and seclusion.