

Regulation 5131.41: Use Of Seclusion And Restraint

Status:

Original Adopted Date: 01/09/2019 | **Last Reviewed Date:** 01/09/2019

District staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus; but are prohibited from using seclusion and behavioral restraint to control student behavior except to the limited extent authorized by law as **authorized by law when the behavior poses a clear and present danger of serious physical harm to the student, other students, or others on campus, and that cannot be immediately prevented by a less restrictive response.**

Definitions

Behavioral restraint includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement. (Education Code 49005.1)

Mechanical restraint means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. -Physical restraint also does not include the use of force by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

Prone restraint means the application of a behavioral restraint on a student in a facedown position. (Education Code 49005.1)

Seclusion means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student. (Education Code 49005.1)

Prohibitions

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation. (Education Code 49005.8)

In addition, staff shall not take any of the following actions: (Education Code 49005.2, 49005.8)

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement
2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room
3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places ~~his/her~~ **the staff member's** body weight against the student's torso or back
4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face
5. Place a student in a facedown position with the student's hands held or restrained behind the student's back
6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

Limited Use of Seclusion or Restraint

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be **immediately** prevented by a response that is less restrictive. (Education Code 49005.4, 49005.6, 49005.8)

When used, seclusion or restraint shall not be applied for longer than is necessary to contain the dangerous behavior. For any situation that requires a prolonged use of an emergency intervention, staff shall seek the assistance of the principal or law enforcement agency, as applicable to the situation. (Education Code 56521.1)

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television. (Education Code 49005.8)

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others. (Education Code 49005.8)

If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student. (~~Education Code 49005.8~~)

Reports(Education Code 49005.8)

Seclusion or restraint may only be applied to a student with disabilities in accordance with rules

specified in AR 6159.4 Behavioral Interventions For Special Education Students. Staff may not apply seclusion or restraint to students with disabilities based on assumptions or stereotypes about disabilities or students with disabilities or for behavior that would not result in restraint or seclusion for students without disabilities.

The Superintendent Chief Learning Officer or designee shall provide training to staff in the safe and effective use of seclusion and restraint as appropriate.

Documentation of Seclusion and Restraint

Parents/guardians and, if appropriate, residential care providers shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs. (Education Code 56521.1)

A behavior emergency report shall be completed and forwarded to the Superintendent Chief Learning Officer or designee for review. This report shall include: (Education Code 56521.1)

1. The name and age of the student
2. The setting and location of the incident
3. The name of the staff or other persons involved
4. A description of the incident and the emergency intervention used
5. A statement of whether the student is currently engaged in a systematic behavior intervention plan
6. Details of any injuries sustained by the student or others, including staff, as a result of the incident

Reports

The Superintendent Chief Learning Officer or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to Government Code 6250-6270. (Education Code 49006)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 49001

Description

~~Prohibition of corporal punishment~~ Prohibition of corporal punishment

Ed. Code 49005-49006.4

~~Seclusion and restraint~~ Seclusion and restraint

Ed. Code 56520-56524

~~Behavioral interventions~~Behavioral interventions

Ed. Code 56521.1

~~Emergency interventions when behavior poses threat to student or others~~Emergency interventions when behavior poses threat to student or others

Ed. Code 56521.2

~~Prohibited interventions~~Prohibited interventions

Gov. Code 7920.000-7930.215

~~California Public Records Act~~California Public Records Act

Federal

Description

20 USC 1400-1482

Individuals with Disabilities Education Act

29 USC 794

Rehabilitation Act of 1973; Section 504

Management Resources

Description

U.S. Department of Education
Publication

Restraint and Seclusion: Resource Document, May 2012

U.S. Dept of Education, Office of Civil
Rights

Davis Joint Unified School District Resolution Agreement,
OCR No. 09-19-5001, December 7, 2022

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Department of Education](#)

Website

[U.S. Department of Education](#)

Cross References

Code

Description

0450

~~Comprehensive Safety Plan~~Comprehensive Safety Plan

0450

~~Comprehensive Safety Plan~~Comprehensive Safety Plan

5131

~~Conduct~~Conduct

5131.1

~~Bus Conduct~~Bus Conduct

5131.1

~~Bus Conduct~~Bus Conduct

5131.4

~~Student Disturbances~~Student Disturbances

5131.4

~~Student Disturbances~~Student Disturbances

5131.7

~~Weapons And Dangerous Instruments~~Weapons And
Dangerous Instruments

5131.7

~~Weapons And Dangerous Instruments~~Weapons And
Dangerous Instruments

5144

~~Discipline~~Discipline

5144

~~Discipline~~Discipline

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