

JACKSON PUBLIC SCHOOL DISTRICT
BOARD POLICY JDHAB:
STUDENT RESTRAINT POLICY¹

I. PURPOSE

The State of Mississippi, Department of Education and the Board of Trustees of the Jackson Public School District recognize that school staff will need to intercede in circumstances and situations where students display physically violent or disruptive behavior and such intervention is necessary to prevent the student from causing physical harm. It is the policy of the Jackson Public School District that students not be subjected to inappropriate and unnecessary control, restraint or seclusion. The focus and purpose of this policy is the safe management of the student(s) and their instructive environment.

It is also the Board's intent to create and maintain a positive, safe learning environment and promote positive behavioral interventions and supports in the District's schools. The Board further recognizes that while the use of physical or mechanical restraints and seclusion is not a desirable outcome, it is sometimes necessary to maintain a positive, safe learning environment.

This Board policy is hereby established for the use of physical control, restraint and seclusion, and the notification and data reporting requirements for the use of physical control, restraint and seclusion. It shall not prohibit, exclude or infringe upon the lawful exercise of law enforcement efforts by sworn law enforcement officers.

II. DEFINITIONS

The following policy terms are listed in alphabetical order and shall have the meanings expressly assigned to them for the purposes of this policy:

- a. "Emergency" means a significant, probable, imminent threat of bodily injury or death to self or others with the present ability to affect such bodily injury.
- b. "Bodily Injury" means physical pain, illness or any impairment of physical or mental condition.
- c. "Mechanical Restraint" means the use of handcuffs to restrict a student's movement.
- d. "Physical Restraint" means a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.
- e. "Restraint" means any method used to involuntarily limit a student's freedom of movement, including, but not limited to, bodily physical force in the least amount

¹ This policy is in compliance with the U.S. Department of Education guidelines on restraint and seclusion and was developed largely by Dr. Robert Rail, an expert in student restraint and seclusion retained by the Southern Poverty Law Center.

- necessary to prevent a student from harming self or others.
- f. "Seclusion" means the isolation of a student in a safe room or area in the building from which the student is prevented from leaving until behavior which prompted the seclusion is modified.

III. PROHIBITED ACTS

Be it known that the District does not condone, tolerate, or consent to, in any manner, method, or course of action, the subsequent abuses to students. No student shall be subjected to:

- a. Any action or inaction that has the potential to cause any physical or mental duress or injury.
- b. Any unnecessary physical contact.
- c. Any unnecessary touching or physical contact or threat of same.
- d. Any retaliatory or punitive physical exercise beyond that which their fellow students are routinely engaged in during the scope of their physical education curriculum.
- e. Any encouragement, directly or circuitously, to harass, bully or intimidate another student at the direction of, or at the negligence of, school personnel, for recompense, gratuity, or unspecified favor, be it real or implied.
- f. Any denial, refusal, or delayed schedule of routine and/or requested, sustenance of water and nourishment.
- g. Any denial, refusal, delayed use of, or intimidation with the loss of prompt use of requested or required toilet facilities.
- h. The use of any chemical medication, or any substance not prescribed and supervised by a licensed medical professional.

Any known or observable problematic mental or physical condition shall be seriously considered prior to the use of any and all forms of intervention, control, restraint, and seclusion with consideration to the possible response of the student due to their mental and physical condition, and the environment in which the incident or circumstance is taking place.

IV. Mechanical Restraint

The District shall seek participation and certification in required training which correspondingly parallels Police Officer Standards and Training (P.O.S.T.) for campus enforcement's trained law enforcement officers only and Crisis Prevention Institute (CPI) training for appropriate school and campus enforcement personnel in the physical skills and knowledge needed and required for the safe and controlled securing of students with mechanical restraints, subject to the stipulations and conditions set forth in this policy. This training shall afford the benefit and advantage of a dependable continuity with school personnel in the event of requested law enforcement intervention, with all concerned parties functioning pursuant to standardized guidelines and a skilled format for safe and controlled interaction with students.

The District authorizes trained personnel to physically restrain students in limited emergency crisis situations only. Only trained, certified, and authorized safety personnel may use mechanical

restraints or handcuffs on students 13 years old and older for violent behavior or threat to cause imminent, serious physical harm. Restraint shall only be used in crisis incident situations after other less intrusive alternatives have failed or been deemed inappropriate. The District prohibits and bars the use of securing students to fixed objects. Students shall not, under any circumstances, be handcuffed or secured in any fashion, method, or format to any fixed or static object including but not limited to stair rails, chairs, desks, or poles. Under no circumstances will any use of restraint techniques be used as punishment. Non-physical, calming behavioral interventions should be used before any restraints are applied. Mechanical restraints should not be used as a response to property destruction, school disruption, refusal to comply, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Being duly certified in the State of Mississippi to use mechanical restraints, or handcuffs, to control and restrain students 13 years of age and older, restraints can be used only when each of the following conditions is met:

- a. The student possesses the abilities that could be reasonably considered to pose a threat to themselves or others.
- b. The student exhibits violent behavior that has the reasonable potential to cause imminent harm to the student or others, within the context of the immediate surroundings, pending the concerted efforts and plausibility of de-escalation of the student's behavior when and where plausible and applicable.
- c. Continual and immediate effort shall be made to calm and de-escalate the student's behavior to a controllable condition to facilitate the removal of handcuffs, or other apparatus.
- d. Handcuffs and/or other mechanical restraint methods are to be considered a temporary, safety methodology and never to be utilized for prolonged periods of time, or in any unsupervised manner. Mechanical restraints shall never be used as punishment or discipline.
- e. Immediately after the student has restored emotional and behavioral control, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the restraint.
- f. If necessary, the student may be referred to an on-site mental health counselor, if the services are available.

V. Physical Restraint

The District shall seek participation and certification in the required training which correspondingly parallels Police Officer Standards and Training (P.O.S.T.), for campus enforcement's trained law enforcement officers only and Crisis Prevention Institute (CPI) training for appropriate school and campus enforcement personnel in the physical skills and

knowledge needed and required for the safe and controlled physical restraint of students, subject to the stipulations and conditions set forth in this policy. This training shall afford the benefit and advantage of a dependable continuity with school personnel in the event of requested law enforcement intervention, with all concerned parties functioning upon standardized guidelines and skill format for safe and controlled interaction with students.

Pressure point tactics or techniques should never be used and are not permissible uses of physical restraint. It does not constitute physical restraint when:

- a. Students are in close proximity for the purpose of receiving calming comfort and/or intervention.
- b. Students receive physical guidance when being instructed in a skill or having their attention redirected.

Certified or trained personnel may use physical restraint techniques to control and restrain a student when each of the following conditions is met:

1. When all other interventions have been ineffective, and the immediate threat and danger to others prohibits exhausting additional means.
2. When the student's behavior poses an imminent danger of physical harm to themselves or others.
3. In the application of physical restraint, only the amount of force that is necessary and reasonable to obtain control is to be utilized to protect the student and others from imminent threat of physical harm.
4. The use of all physical restraint techniques and methods shall immediately cease upon:
 - a. The threat of student behavior no longer poses a danger to self or others.
 - b. Injury and/or an obvious medical circumstance that places the student in danger or harm.
5. Immediately after the student has restored emotional and behavioral control, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the restraint.
6. If necessary, the student may be referred to an on-site mental health counselor, if available.

Additionally, the student should be calmly and reassuringly spoken to throughout any incident. It should be made clearly understandable to the student when and why the restraint method is applied. It should also be calmly explained that the restraint will stop once there is no longer a need to protect and control the student and/or others.

VI. Seclusion

The use of quiet isolation for behavioral intervention by seclusion must and will be implemented in a humane and safe manner. It is critical to student welfare to consider whether the proposed seclusion intervention promotes a beneficial, safe, and controlled, transitory environment for

behavior intercession. The administration should routinely and periodically evaluate safety practices and procedures to measure the effectiveness of behavior control at the student safety, welfare and control level. It is essential that medical complications, such as asthma, seizures, or other medical conditions, be considered by school personnel when considering seclusion. The student's psychological and physical history, such as past abuse or abandonment must be considered as well, if known. Students should not be left alone or unattended. The duration of the seclusion shall last no longer than is necessary and shall immediately cease when the student's behavior no longer poses immediate danger or physical harm to self or others.

Seclusion or isolation shall not be used as discipline or punishment, reprisal or forced compliance, "time out", or as a habitual, indiscriminate course of action.

Seclusion or isolation shall only be permitted when:

- a. Less restrictive methods and strategies have been ineffective in stopping the imminent danger to the student or others.
- b. The student's behavior places self or others in danger of physical harm.
- c. The student is under constant supervision and monitoring for the duration of the seclusion.
- d. Attending school personnel are appropriately trained and qualified to use seclusion methods and facilities.

Seclusion or isolation shall be terminated without delay upon:

- a. Student behavior no longer poses immediate danger of physical harm to self or others.
- b. A physical condition of risk and/or harm occurs or develops with the student. Immediately after the student has restored emotional and behavioral control, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or isolation.

The seclusion or isolation environment shall:

- a. Not contain or allow access to any materials, items, or fixtures that could have the potential to cause or inflict harm upon the student or others.
- b. Allow for an unobstructed and constant view of the student, at all times.
- c. Provide necessary and adequate lighting and ventilation for a physically comfortable environment.
- d. Have an unlocked and unobstructed pathway to emergency escape.
- e. Meet or exceed all local safety and fire codes.

Seclusion or isolation is not to be confused with "quiet study" or in-school suspension where multiple students are assigned to a specific classroom.

VII. Prevention Strategies

Positive behavior strategies and supports focus on proactive ways of preventing violent and

disruptive behaviors instead of reacting to a behavior after its occurrence. If positive behavior intervention strategies are implemented properly and timely, the use of reactive measures should be truly limited to unavoidable behavioral crisis situations. Positive behavior intervention strategies and supports are intended to increase the occurrence of behaviors that school personnel want to encourage and to decrease behaviors that school personnel want to lessen or eliminate. Responding in a positive and rewarding way to behavior that school personnel want to see, i.e., observance and acknowledgement of a student displaying good behavior, is just as important, if not more so, than developing a behavior plan that focuses on the negative behaviors school personnel seek to eliminate.

It is expected that school staff will implement positive and constructive methods to de-escalate potentially dangerous situations. Those methods include positive management of student behavior, applying effective communication for defusing and de-escalating disruptive or dangerous behavior, and safe and appropriate use of mechanical and physical restraint.

VIII. Documentation and Reporting

All physical control, restraints and seclusions shall be immediately documented by the school's administration with an "Incident Report", which is a written record of each occurrence and be maintained in the student's education record. Each use of control, restraint, and or seclusion shall include:

- a. The student's name;
- b. The name(s) of any student(s) who are recipients of another student's violent or aggressive behavior;
- c. A detailed description of the use of physical restraint or seclusion and the student behavior that resulted in the physical restraint or seclusion;
- d. The date of the physical restraint or seclusion and actions taken by school personnel involved;
- e. The commencement and conclusion times of the physical restraint or seclusion;
- f. A detailed narrative of any events leading up to the use of physical restraint or seclusion including possible causation factors contributing to the dangerous behavior;
- g. A detailed description of the student's observed behavior during physical restraint or seclusion;
- h. A detailed description of any methods or techniques used in physically restraining or secluding the student and any other interactions between the student and school personnel during the use of physical restraint or seclusion;
- i. A detailed description of any successful or failed behavioral interventions or methods used immediately prior to the implementation of physical restraint or seclusion;
- j. A detailed description of any injuries to students, school personnel, or others, including any documentation from subsequent examinations by medical professionals;
- k. A detailed description as to how the student's behavior posed an imminent threat

- of physical harm to self or others;
- l. The date, time, method of contact, and contacting person of when the guardian was notified;
 - m. A detailed description of the effectiveness of physical restraint or seclusion in de-escalating student behavior;
 - n. A detailed description of the school personnel response to the dangerous behavior;
 - o. If the student is not an emancipated youth, the guardian of the student shall be notified of the physical restraint and seclusion verbally or through electronic communication, if available to the guardian, immediately or as soon as possible by the end of the school day on which it occurred. A written communication shall also be mailed to the guardian via U.S. mail and should include documentation of any injuries and subsequent examinations by medical professionals.
 - p. The principal of the school shall be notified of the seclusion or physical restraint immediately or as soon as possible, but no later than the end of the school day on which it occurred.
 - q. If the guardian or emancipated youth requests a debriefing session, in reference to utilization of restraint and/or seclusion, it shall be held after the imposition of physical restraint or seclusion upon the student, with the implementer in attendance with administration represented. The debriefing session shall occur as soon as practicable, but not later than five (5) school days following the request of the guardian or the emancipated youth, unless delayed by written mutual agreement of the guardian or emancipated youth and the school.
 - r. All documentation utilized in the debriefing session shall become part of the student's confidential education record.

IX. Training of School Personnel

All school personnel shall be trained in regulations, school policies and procedures regarding physical restraint, mechanical restraint, and seclusion. All school personnel shall be trained annually to use an array of positive behavioral supports, methods and intervention knowledge and skills to increase appropriate student behaviors and decrease inappropriate or dangerous student behaviors. Training goals and corresponding objectives shall include:

1. Appropriate procedures for preventing the need for physical restraint and seclusion, including positive behavioral supports and interventions;
2. School policies and procedures regarding physical restraint and seclusion;
3. Proper use of positive reinforcement;
4. De-escalation strategies for responding to inappropriate or dangerous behavior, including verbal de-escalation, and relationship building;
5. Proper use of seclusion including instruction on monitoring physical signs of distress and obtaining medical assistance if necessary;
6. All school personnel shall be advised annually of identifying core team members, certified in the school setting, who have been trained to implement physical restraint.
7. A core team of selected school personnel shall be designated to respond to

dangerous behavior and to implement physical restraint of students. The core team, except the school resource officers and other sworn law enforcement officers, shall receive additional yearly training in the following areas:

- a. Appropriate behavioral intervention procedures for preventing the use of physical restraint and seclusion.
- b. Understanding of dangerous behaviors that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of physical restraint is safe and warranted.
- c. Simulated experience of administering and receiving physical restraint, and instruction regarding the effect on the person physically restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance when necessary.
- d. Instruction regarding documentation and notification requirements and investigation of injuries.
- e. Demonstration by core team members of proficiency in the prevention and use of physical restraint.

SOURCE: STATE DEPARTMENT OF EDUCATION; JACKSON PUBLIC SCHOOL DISTRICT, JACKSON, MISSISSIPPI; SOUTHERN POVERTY LAW CENTER; U.S. DEPARTMENT OF EDUCATION

LEGAL REF.: MISS CODE ANN. §§37-9-69; 37-11-57, 37-7-321

DATE: AUGUST 20, 2001

AMENDED: FEBRUARY 17, 2015

REVIEWED: DECEMBER 6, 2016

ADDENDUM

I. Introduction

The Board of Trustees recognizes that some policies have costs associated with their enactment. The Board wants to know an estimation of training costs in order to adequately budget. To that end, the following is an estimation of cost for training:

II. Total Cost for Training

The total cost for training at all 59 schools is \$100,300.00 (\$70,800.00 for Mr. Edwin Wilson and \$29,500.00 for Winter Institute training). That is only the cost of the training. Travel expenses will need to be paid for Mr. Edwin Wilson. That will likely cost an additional \$60,000.00. Based on his schedule with our alternative school, he likely would not be able to visit but one school per trip. A total for all schools for these two particular consultants is included. The remaining training is at no charge. If the District is approved for participation in the REACH MS grant, PBIS training will be provided at no charge to the District. Please see below the trainers and costs:

Edwin Wilson, PBIS Consultant

Training: PBIS Training

Fee: \$1,200.00 per day plus airfare and lodging

Total for all schools: \$70,800 plus airfare and lodging (59 schools)

Contact: Mr. Edwin Wilson, M.S.W., M.Ed.

6709 Marcella Drive.

Charlotte, NC 28277

(704) 962-8012

sequoyah1@aol.com

REACH MS

Training: PBIS Training

Fee: REACH MS does not charge for training and technical assistance. They are a federally funded grant. REACH MS is currently in the last year of funding and presently writing the RFP for the next round. They will know if they are refunded before the 2015-2016 school year. If REACH MS is refunded, there will be an application process to participate in the grant. The District and 80% of the schools within the District must complete a Readiness Checklist and agree to providing the resources and supports for the implementation process. Selection will be based on completeness of the application information and readiness. REACH MS will update Dr. Wallace on the process.

Total for all schools: No cost

Contact: Selina Merrell, State Coordinator

REACH MS

University of Southern Mississippi

(601) 325-6958

Selina.merrell@usm.edu

www.usm.edu/reachms

The Winter Institute for Racial Reconciliation at the University of Mississippi

Training: Restorative justice, Positive Behavior Supports, De-escalation strategies

Fee: \$500.00 for a 2 hour session with one Institute staff member training up to 50 faculty and staff

Total for all schools: \$29,500.00 (59 schools)

Contact: Jennifer A. Stollman, Ph.D., Academic Director

William Winter Institute for Racial Reconciliation

Suite A-Third Floor

Lamar Hall

University of Mississippi

University, MS 38677

(662) 915-1605

stollman@winterinstitute.org

www.winterinstitute.org

Mississippi Department of Mental Health

Mississippi Transitional Outreach Project/Project XPand

Training: Effective strategies for children affected by trauma

Fee: No Fee

Total for all schools: No cost

Contact: Jackie Chatmon, Project Director

Mississippi Transitional Outreach Project/Project XPand

Mississippi Department of Mental Health

Division of Children and Youth Services

(601) 359-6216

Jackie.chatmon@dmh.state.ms.us

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