

		SUBJECT	
		LIMITATIONS ON RESTRAINTS AND SECLUSION OF STUDENTS POLICY	
DATE ISSUED 05/01/2024	DATE REVISED		NOVA POLICY #
ISSUED BY	REVIEWED BY	APPROVED BY NOVA BOARD	COA POLICY #

SUBJECT

Limitations on Restraints and Seclusion of Students Policy

POLICY STATEMENT

NOVA Academy Early College High School (“NOVA” or the “Charter School”) 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 prevented by a response that is less restrictive. Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation.

The Governing Board (“Board”) recognizes that any effort to change the behavior of another individual represents a degree of intrusion into that individual’s life. To justify that intrusion, reasonable assurances must be given that, as a result of the intervention, the individual’s behavior will change in a timely manner and that this change will benefit the individual. Therefore, in accordance with law, all efforts to change behavior must be based on effective techniques and the least intrusive procedure likely to be effective will be used.

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.

- “*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.
- “*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. “Physical restraint” does not include a physical escort, which means a temporary touching or holding of the 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.
- “*Prone restraint*” means the application of a behavioral restraint on a student in a facedown position.
- “*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.

Prohibitions

Charter School staff shall not take any of the following actions:

1. Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.
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 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.
7. Utilize any amount of force that exceeds that which is reasonable and necessary under the circumstances.
8. 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.
9. Utilize any behavioral intervention that is designed to, or likely to, cause physical pain, including, but not limited to, shock therapy or corporal punishment.
10. Utilize any behavioral intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual.
11. Utilize any behavioral intervention that denies adequate sleep, food, water, shelter, physical comfort, or access to bathroom facilities.
12. Utilize any behavioral intervention that is designed to subject, used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma.
13. Utilize any behavioral interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention.
14. Utilize any behavioral intervention that precludes adequate supervision of the individual.
15. Utilize any behavioral intervention that deprives the individual of one or more senses.

Limited Use of Seclusion or Restraint

As stated above, Charter School 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 prevented by a response that is less restrictive. No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the Charter School Chief Executive Officer and/or law enforcement as applicable to the situation.

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.

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.

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.

The Charter School Chief Executive Officer shall ensure that whenever possible Charter School staff who have obtained training and certification from a certified physical restraint training agency shall administer physical restraint on students and the administration of a restraint shall be witnessed by at least one (1) adult who does not participate in the restraint.

Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and Charter School staff shall take steps to seek medical assistance.

Charter School staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student. Following the release of a student from a restraint, the Charter School shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow up is appropriate for the student or any student who witnessed the incident.

Special Education Reporting Requirements

For students with exceptional needs, the student's parent/guardian or shall be notified within one (1) school day if a restraint or seclusion is used or serious property damage occurs. A behavioral emergency report ("BER") shall immediately be completed and maintained in the student's file.

The BER shall include all of the following:

1. The name and age of the individual with exceptional needs.
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, and whether the individual with exceptional needs is currently engaged in any systematic behavioral intervention plan.
5. Details of any injuries sustained by the individual with exceptional needs, or others, including staff, as a result of the incident.

All BERs shall immediately be forwarded to, and reviewed by, the Charter School Chief Executive Officer.

If a BER is written regarding an individual with exceptional needs who does not have a behavioral intervention plan (“BIP”), the Charter School Chief Executive Officer shall, within two (2) days, schedule an individualized education program (“IEP”) team meeting to review the BER, to determine the necessity for a functional behavioral assessment (“FBA”), and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the FBA, not developing an interim plan, or both, as applicable. If a BER is written regarding an individual with exceptional needs who has a BIP, and the incident involved a previously unseen serious behavior problem, or a previously designed intervention was ineffective, the IEP team will review the BER and determine if the incident constitutes a need to modify the BIP.

In the case of a student whose behavior impedes the student’s learning or that of others, the IEP team shall consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.

Restraint administered to a student with a disability pursuant to a FBA, IEP, and BIP, developed in accordance with state and federal law to which the Charter School and the student’s parents or guardians have agreed, shall be deemed to meet the requirements of these procedures.

Documentation and Website Posting Requirement

The Charter School Chief Executive 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 IEP, and all other students. This report shall be submitted to the California Department of Education (“CDE”) no later than three (3) months after the end of each school year and shall be available as a public record. The data collected and reported pursuant per the above shall be available as a public record and shall be posted annually on the Charter School’s internet website.

Monitoring and Training

Charter School shall continuously monitor the use of restraints and seclusions in an effort to prevent the inappropriate uses of these practices. Charter School shall adhere to the following:

1. Staff who implement BIPs for students with disabilities shall be properly trained, have access to the student's IEP, be knowledgeable about its contents, and understand the responsibilities for implementation.
2. A Behavioral Intervention Case Manager ("BICM") or Board Certified Behavior Analyst ("BCBA") shall train all staff working with a student with an IEP to appropriately implement the student's BIP and appropriate interventions.
3. Only staff trained in emergency interventions may use them.
4. Charter School shall keep a detailed record of the training provided to personnel who may utilize emergency interventions and update the information annually to ensure that personnel qualifications and training comply with Charter School and/or special education local plan area ("SELPA") policies.
5. Prior to contracting with a nonpublic school ("NPS") or a residential treatment center ("RTC") for placement of a student with an IEP, Charter School shall ensure that the NPS or RTC trains staff who will have contact or interaction with students during the schoolday in the use of evidence-based practices and interventions specific to the unique behavioral needs of the nonpublic, nonsectarian school or agency's student population. If Charter School intends to place a student at a NPS or RTC serving students with significant behavioral needs or who are on behavioral intervention plans, the Charter School will ensure the NPS or RTC has an individual onsite during school hours who is qualified, and responsible for the design, planning, and implementation of behavioral interventions. Charter School shall comply with all other requirements for oversight and monitoring of the NPS or RTC pursuant to AB 1172.
6. If Charter School personnel suspect that improper restraint or seclusion practices have been used, Charter School shall immediately remove the student from the environment and conduct an investigation.