

**PENNSYLVANIA
DEPARTMENT OF EDUCATION**

**GUIDELINES FOR DE-ESCALATION
AND THE USE OF AND REPORTING
OF RESTRAINTS
IN EDUCATION ENTITIES**

September 23, 2016

<https://apps.leadingservices.com/risc>

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I. Introduction

School entities shall maintain and report data on the use of restraints as prescribed by the Secretary. The report shall be reviewed during cyclical compliance monitoring conducted by the Department (§14.133(c)(5) and 711.46(c)(5)).

The following guidelines provide direction and assistance to Education Entities and parent 14.133(c)(5)s regarding the use of de-escalation and restraint procedures in Pennsylvania educational settings. The special education regulations, 22 Pa. Code Chapter 14 and Chapter 711 were amended and became effective in 2008. The Chapters set forth requirements and procedures for the delivery of special education services and programs. The new provisions in 22 Pa. Code Chapter 14.133 and Chapter 711.46 require that behavior support programs and plans be based on a functional assessment of behavior. Restraints are only to be considered as a measure of last resort, only after other less restrictive measures have been used. The use of **prone restraints is prohibited** in PA educational settings. Prone restraints are those in which a student or eligible young child is held face down on the floor.

New provisions in Chapter 14 and Chapter 711 were added regarding positive behavior support plans. This section adds a definition of restraints and provides that when restraints are used, the education entity shall notify the parent and conduct an Individualized Education Program (IEP) team meeting within 10-school days unless the parent waives the need for a meeting *in writing*. The revised regulations also establish criteria as to when the use of restraints may be included in a student's or eligible young child's IEP. Finally, the revised language in Section 14.133 and Section 711.46 provide that subsequent to a referral to law enforcement for those who already have a positive behavior support plan that an updated functional behavior assessment be performed and the plan updated.

II. Definition of Restraint

Chapter 14 defines restraint as:

- A. The application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student's or eligible young child's body.
- B. The term does not include briefly holding, without force, a student or eligible young child to calm or comfort him, guiding a student or eligible young child to an appropriate activity, or holding a student's or eligible young child's hand to safely escort him/her from one area to another.
- C. The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's or eligible young child's parents and specified in the IEP. Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for

balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints excluded from the definition of a restraint.

- D. Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself / herself, to other students, or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.

III. Required IEP Meeting

The use of restraints to control the aggressive behavior of an individual student or eligible young child shall cause the school entity to immediately have a staff debriefing and to notify the parent of the use of restraint. The restraint shall cause a meeting of the IEP team within 10 school days of the inappropriate behavior causing the use of restraints, unless the parent, after written notice, agrees *in writing* to waive the meeting. Even when the parent waives their right to attend the IEP meeting, the team may convene to determine if changes need to be made to the Positive Behavior Support Plan (PBSP) or Individualized Education Plan (IEP). Any/all changes will then be shared with the parent. If the parent implements their rights to an IEP meeting, at this meeting, the IEP team shall consider whether the student or eligible young child needs a functional behavioral assessment (FBA), a reevaluation (RR), a new or revised positive behavior support plan (PBSP), or a change of placement to address the inappropriate behavior.

IV. Inclusion of Restraints in an IEP

Per Chapter 14 Section 14.133 (2) (3) (4) the use of restraints may only be included in a student's or eligible young child's IEP when the following conditions apply:

- A. The restraint is utilized with specific component elements of positive behavior support.
- B. The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
- C. Staff is authorized to use the procedure and have received the staff training required.
- D. There is a plan in place for eliminating the use of restraints through the application of positive behavior support.
- E. The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.

V. Research

The Department of Education has researched many programs that give guidance on methods of de-escalation and positive behavior supports that will lead to reduced instances for student crisis management and the need for any type of physical restraint. The three Pennsylvania Training and Technical Assistance Network (PaTTAN) offices and many of the Intermediate Units (IUs) have developed training programs to assist schools in developing programs of positive supports and de-escalation. Special Education Plans require districts to develop professional development programs for positive behavior supports and de-escalation techniques. For assistance, contact your local IU and/or PaTTAN office, or Keith Focht in the Bureau of Special Education (BSE) at (717) 783-6821 or kfocht@pa.gov for guidance. A list of additional resources is provided at the end of this document. They are listed for reference only and in no way show the endorsement of the Pennsylvania Department of Education (PDE), or the BSE or any of its staff members.

VI. Critical Components of any Positive Behavior Support and De-escalation Programs and Trainings

It is recommended that the core training components for a districts' positive support plan and de-escalation (restraint reduction) staff trainings should include:

- The growing concern and potential legal issues surrounding physical restraints;
- How to create a commitment to the reduction of the use of physical restraints;
- Creating a safe environment where positive rather than negative measures form the basis of behavior management programs;
- How staff can avoid taking conflict personally; avoiding power struggles;
- Prevention of problem behaviors through a system of recognition of signs of anxiety and distress in students and staff;
- Identification of the phases of crisis events and matching behaviors to interventions;
- Demonstration and modeling of the de-escalation techniques and other alternatives to physical restraint;
- Effective positive behavior support plans that include methods of utilizing positive reinforcement and other positive techniques to shape replacement behavior(s);

- Research-based practices that develop and maintain replacement behaviors that enhance student learning and skills for life;
- Risks associated with the use of physical interventions including the signs of physical distress, potential asphyxiation and the psychological effects of restraint;
- Safe techniques for the use of physical restraints (prone restraints prohibited);
- Documentation of the incident and compliance with notification procedures; and
- Post intervention debriefing with student and staff.

VII. Restraint Reporting and Data Collection

1. It is recommended that each school entity/charter school write internal procedures that detail who is responsible for reporting restraints, who is responsible for notifying key administrators regarding the use of a restraint, and who is responsible for entering restraints in the RISC system.
2. It is recommended that each school entity/charter school choose personnel that are/will become certified in a training program that focuses on positive behavioral supports and de-escalation techniques, and safe physical management techniques. These staff will be designated as the individuals designated to intervene in crisis management situations that might require the restraint of a student. Physical interventions should only be undertaken by staff persons who have successfully completed a comprehensive crisis management course that covers: crisis definition and theory; the use of de-escalation techniques; crisis communication; anger management; passive physical intervention techniques; the legal, ethical and policy aspects of physical intervention use; decision making related to physical interventions and debriefing strategies.
3. It is recommended that parental notification occurs within **one school day** of a restraint incident unless other procedures are written in the student's IEP.
4. It is recommended that any restraint that results in a serious injury to a student and/or staff person be reported via an e-mail to the BSE. A serious medical injury is considered any injury that requires medical attention outside/beyond that which is available at the school where the incident occurred. E-mail notifications are to be sent to kfocht@pa.gov with a carbon copy to amdeluca@pa.gov within **two school days** of the occurrence. This information will be communicated to the Director of the BSE who will notify Departmental Staff based on the severity of the injury.

VIII. Web-based Restraint Information System of Collection (RISC)

A web-based system, for reporting all restraints of special education students (RISC), is available at <https://apps.leaderservices.com/risc>. If you have not already done so, you will need to activate/update your account. The system automatically defaults to the current school year. If you do not have your username and the password, please call the help desk number 1-877-456-8777 to attain these. Once you enter the system by logging in, you will need to go to the black “Edit Contact Information”; open the link by clicking on the tab and follow the prompts to update this information. Once you have updated the contact information save the information by clicking the “Save Setting” tab.

Once you log in, the system opens to the student list of past recorded restraints of that current year. In the middle of the page is an “Add a New Restraint” button. Click on this button to enter a new restraint. Restraint reports may be saved as: “Save Restraint” or as “Save and Complete Restraint”. Save Restraint will record this restraint as “in process”. This button is used when you may not have enough information to complete the restraint reporting such as a reconvened IEP date or if the team is awaiting a written agreement from the parents on waiving the IEP meeting. The “Save and Complete Restraint” button is used once all of the information is complete within the restraint report and you want the report to be final. This will register as “Completed” within the LEA screen across from the corresponding report.

The data fields required in the restraint reporting are as follows:

1. PA Secure Student ID#.
2. Grade
3. Age
4. Student’s Disability (drop down list provided).
5. School Building Attended (drop down list provided).
6. Program Location (drop down list provided).
7. Antecedent Behavior – What behavior was seen prior to the implementation of the restraint) Don’t put angry, aggressive behavior, seeking attention- be specific enough to provide a viewer a visual of what was occurring
8. Behavior of concern (provide the behavior that occurred prompting you to step in to control acute or episodic aggressive or self-injurious behavior as the student was acting in a manner as to be a clear and present danger to himself/herself, to other students, or to employees, and only when less restrictive measures and techniques have proven to be or are less effective).
9. De-escalation technique – Type of de-escalation type that was used before restraint was conducted.
10. Date when the restraints was used.
11. Physical location where intervention occurred (drop down list provided).
12. Predominant Type of restraint(s) used (drop down list provided).

13. Length of time restraint lasted (first box – minutes – second box seconds).
14. Number of staff who conducted the restraint (drop down list provided).
15. Staff titles of individuals who conducted the restraint (drop down box after you put in the number of staff involved in the restraint).
16. Were the staff involved in the restraint trained and certified in the use of positive behavior support plans, de-escalation techniques and the use of safe physical restraints?
17. Did an injury occur to student and/or staff? If so, what kind?
18. Date the injury of student or staff was reported to the BSE (**within two school days from the incident**).
19. Was the student who was restrained referred to law enforcement?
20. If Law Enforcement were involved were mechanical restraints (handcuff) or electric shock (Taser) used?
21. Date of parent notification of the use of a restraint (**within one school day from the incident**).
22. Was the use of restraints listed in the student's IEP?
23. Date IEP team meeting was held
24. Was IEP Mtg. held w/in 10 days of restraint?
25. If appropriate, the date the waiver (provided in parent's native language) regarding the IEP team meeting was signed by parent (calendar appears).
26. Were a Functional Behavioral Assessment (FBA), Re-evaluation, new or revised behavior support plan or change of placement considered and discussed?

School entities/charter schools can save the restraint report with the preliminary information provided and then re-open the report to complete all information required and save as completed. Once all information is entered into the data entry fields and saved as complete, the record will be locked for review by staff from the BSE. If you need to request that the record be opened due to a date entry error, you may request so at the end of the record. You will receive an e-mail within one to two working days regarding the unlocking of a record for corrections. If you have difficulty completing an unlock request, please contact Keith Focht at (717) 783-6921. If you do not finalize the report by entering either an IEP meeting date or the date of receipt of the signed parental waiver, the LEA needs to check the out-of-compliance section within the restraint report.

IX. *End of School Quarter*

This year the RISC system is requesting the LEAs to report their restraints at least quarterly. This includes the school entity / charter school that had not had any restraints to report during that quarter. For these instances, a school entity/charter school designee must go into the RISC system and report that no restraints were used during that quarter. There is a two week window after the quarterly reports are due to allow the LEAs to enter zero when there are no restraints for that quarter. These

quarterly timelines are posted on the LEA reports within the RISC Program. Each school entity/charter school will receive a reminder of this deadline. Failure to meet these deadlines could result in IDEA funds being withheld for the following school year. In addition, any open “in-process” reports for the previous school year must be completed by July 29 of that calendar year, so that the Restraint data system can be closed and reports analyzed.

Restraints conducted during the 2015-16 Extended School Year (ESY), are to be reported within three weeks of the start of the 2016-17 school year. The RISC system is closed during July and August of each year so that data can be analyzed and enhancements made to RISC.

X. Monitoring of Restraint Tracking

Each time a restraint is entered into RISC, the BSE staff will be notified via the Department’s e-mail system. The restraint will be reviewed within ten working days of recording. If the BSE has questions, the contact person for the school entity/charter school will be notified if additional information or clarifications are needed. Quarterly reports for each school entity/charter school will be provided to the Bureau Director and the Special Education Adviser assigned to the school entity/charter school /charter school and IU. Follow-up actions will be determined as appropriate.

XI. Resource List (Not an Exhaustive List)

These resources are listed for reference only and in no way show the endorsement of the PDE, the BSE or any of its staff members.

- Office of Special Education Programs (OSEP) Center on Positive Behavioral Interventions and Supports <http://www.pbis.org>
- Therapeutic Crisis Intervention System (TCI) http://rccp.cornell.edu/assets/TCI_SYSTBULLETIN.pdf
- Safe Crisis Management and Positive Behavioral Intervention Training and Certification Program (SCM) <http://www.jkmtraining.com>
- Safety-Care Behavioral Safety Training <http://www.qbscompanies.com>
- Crisis Prevention Institute for Human Service Professionals (CPI) <http://www.crisisprevention.com>