



## Physical Restraint (DRAFT)

Student  
8025

### Policy Statement

The purpose of this policy is to establish standards for the use of physical restraints that conform to 14 Del. C. §4112F (available at <http://delcode.delaware.gov/title14/c041/index.shtml>). This policy shall be effective immediately.

#### A. Definitions:

“Physical restraint” means a restriction imposed by a person that immobilizes or reduces the ability of a student to freely move arms, legs, body, or head. “Physical restraint” does not include physical contact that:

- a. Helps a student respond or complete a task;
- b. Is needed to administer an authorized health-related service or procedure; or
- c. Is needed to physically escort a student when the student does not resist or the student’s resistance is minimal.
- d. **reasonable and necessary force to quell a disturbance (see Title 14, § 702)**

“Public school personnel” means an employee or contractor of the District. “Public school personnel” does not include a law enforcement officer.

#### B. Standards for Physical Restraints:

Public school personnel may impose physical restraint only in conformity with all of the following standards:

- a. The student’s behavior presents a significant and imminent risk of bodily harm to self or others;
- b. The physical restraint does not interfere with the student’s ability to communicate in the student’s primary language or mode of communication;
- c. The physical restraint does not interfere with the student’s ability to breathe or place weight or pressure on the student’s head, throat, or neck;

	<ul style="list-style-type: none"><li>d. The physical restraint does not recklessly exacerbate a medical or physical condition of the student;</li><li>e. Less restrictive interventions have been ineffective in stopping the imminent risk of bodily harm to the student or others, except in case of a rare and clearly unavoidable emergency circumstance posing imminent risk of bodily harm, including, without limitation, intervening in a student initiated physical assault or altercation;</li><li>f. For a student with a disability as defined in 14 Del. Code Ch. 32 or 34 C.F.R. part 104, the physical restraint does not contravene provisions in an individualized education program (IEP), behavior intervention plan, accommodation plan, or any other planning document for the individual student;</li><li>g. For all students who have a pattern of behaviors where <i>“the individual presents an imminent risk of physical harm to themselves; the individual presents an imminent risk of physical harm to others”</i>, specific restraint procedures should be determined by their school team (IEP, 504, or PST) and clearly laid out in the Safety Plan as part the Behavior Support/Intervention Plan.</li><li>h. Personnel use only the amount of force necessary to protect the student or others from the threatened harm;</li><li>i. The physical restraint ends when a medical condition occurs putting the student at risk of harm or the student’s behavior no longer presents an imminent risk of bodily harm to the student or others;</li><li>j. The physical restraint is within the scope of force authorized by 11 Del. C. § 468, which bars acts likely to cause physical injury, disfigurement, mental distress, unnecessary degradation, or substantial risk of serious physical injury; and</li><li>k. The physical restraint conforms to applicable regulations promulgated by the Department of Education.</li></ul>	
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I. Physical restraint should not be used as a strategy for improving behavior or as a discipline technique. A dangerous risk to individuals during the implementation of a restraint is restraint related to Positional Asphyxia. Positional Asphyxia, also termed “Restraint Asphyxia” occurs when the position of a person’s body interferes with that person’s ability to breathe, resulting in death. Improperly applied restraint techniques, particularly those that place the individual in a prone position, increase the risk of asphyxia.

**C. Restraint to/on the Floor**

a. Based on the district’s practice of prohibition of restraining to/on the floor and releasing when the student lifts their feet and currently approved by Red Clay Consolidated School District, adults never restrain students on/to the floor **unless** under the following conditions:

i. Additional restraint uses and training of restraints to/on the floor that are tied to specific student cases only, where restraining to/on the floor is permitted only after review and recommendation by the Personal Emergency Intervention Review Committee (PEI RC) and then documented in their Behavior Support Plan/Safety Plan.

ii. The PEI RC is a multidisciplinary district level committee designed to review student specific cases where restraint to the floor may be recommended to ensure safety. These cases are extremely rare, and only brought to this committee once all other less restrictive, safer methods have been tried and proven unsuccessful through a rigorous and structured review and recommendation process.

iii. Additionally, for these cases only, trainers need to be specifically trained, beyond basic standing restraints, in methods for restraining to/on the floor, such as Assists-to-the-Floor (either one-person or two-person methods), Supine Restraint and Seated Floor Restraints. These trained staff should then train only the necessary

staff needed to support that student's case.

- iv. Once recommended, as with all restraints, staff must be very mindful of the risks of Positional Asphyxia and avoid force or pressure on the individuals back, chest, or diaphragm which interferes with the individual's diaphragm from expanding (breathing in) and relaxing (breathing out).
- v. Periodic (at least yearly) review and continued recommendation must occur for restraint to the floor for individual cases and should coincide with annual IEP meetings for those individual students.

**Special Education Students**

If a student with an Individualized Education Plan (IEP) or 504 Plan has a recent history of behaviors resulting in use of physical restraint, the student's IEP or 504 Team shall consider the use of positive behavioral interventions and supports, and other strategies, to minimize prospects for recurrence of the behaviors.

14 Del. Admin. C. § 925.24.2.1. If a student's behavior results in repeated use of physical restraint, the student's IEP or 504 Team shall meet to identify new or modified strategies to deter behavioral escalations resulting in use of physical restraint.

**Reporting**

All incidents of physical restraint must be reported to the District. School personnel who witness or perform a physical restraint must fill out a restraint report and submit it to their supervisor.

**Parental Notification**

Parents will be notified as soon as possible following each instance in which their child is physically restrained.

**Health Check**

Following any use of physical restraint during normal school hours, the school nurse will be **required** to assess the health status of the student who was physically restrained.

**Compliance**

<b>Responsibility</b>	<p>Failure to comply with this policy may be a violation of State and/or Federal Law. Additionally, if this policy is not implemented, the safety of District students and personnel may be compromised. Therefore, failure to comply with this policy may result in disciplinary action.</p> <p><b><u>Training</u></b></p> <p>District personnel shall receive training on the appropriate use of physical restraint</p> <p>The Superintendent shall be responsible for compliance.</p>	
<b>References</b>	<p>14 Del. C. §4112F  14 Del. Admin. C. § 925.24.2.1  14 Del. C. § 702</p>	
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