



## **Behavioral Restraint and Seclusion Policy**

America's Finest Charter School Board of Directors prohibits use of behavioral restraints by any educational providers, unless it is necessary to control student behavior that poses a clear and present danger of serious physical harm to the student or others, and that harm cannot be immediately prevented by a response that is less restrictive. This applies to all students, not only students with disabilities.

Restraint and seclusion of students should be used as a "last resort," and can never be used as punishment or discipline or for staff convenience. "Behavioral restraint" means "mechanical restraint" or "physical restraint," and should be used as an intervention when a pupil presents an immediate danger to self or to others.

No student can be held in a **prone** (facedown) restraint if his or her hands are held or restrained behind his or her back. While it is appropriate to intervene in an emergency to prevent a student from imminent risk of serious physical self-harm or harm of others, restraint and seclusion are dangerous interventions, with certain known practices posing a great risk to child health and safety.

United States Department of Education guidelines specify that the use of restraint and seclusion must be consistent with the child's right to be treated with dignity and to be free from abuse.

Restraint and seclusion should only be used as a safety measure of last resort, and should never be used as punishment or discipline or for staff convenience.

Restraint and seclusion may cause serious injury or long lasting trauma and death, even when done safely and correctly.

There is no evidence that restraint or seclusion is effective in reducing the problem behaviors that frequently precipitate the use of those techniques.

Students with disabilities and students of color, especially African American boys, are disproportionately subject to restraint and seclusion.



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“Educational provider” means a person who provides educational or related services, support, or other assistance to a pupil enrolled in an educational program provided by a local educational agency or a nonpublic school or agency.

“Local educational agency” means a school district, county office of education, charter school, the California Schools for the Deaf, and the California School for the Blind.

1. “**Mechanical restraint**” means the use of a device or equipment to restrict a pupil’s freedom of movement. “Mechanical restraint” does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. “Mechanical restraint” does not include the use of devices by trained school personnel, or by a pupil, prescribed by an appropriate medical or related services professional, if the device is used for the specific and approved purpose for which the device or equipment was prescribed, which shall include, but not be limited to, all of the following:

(1) Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.

(2) Vehicle safety restraints when used as intended during the transport of a pupil in a moving vehicle.

(3) Restraints for medical immobilization.

(4) Orthopedically prescribed devices that permit a pupil to participate in activities without risk of harm.

(e) “Nonpublic school or agency” means any nonpublic school or nonpublic agency, including both in-state and out-of-state nonpublic schools and nonpublic agencies.

2. “**Physical restraint**” means a personal restriction that immobilizes or reduces the ability of a pupil 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 pupil who is acting out to walk to a safe location.



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“Physical restraint” 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 pupil in a facedown position. No student can be held in a **prone** (facedown) restraint if his or her hands are held or restrained behind his or her back. While it is appropriate to intervene in an emergency to prevent a student from imminent risk of serious physical self-harm or harm of others, restraint and seclusion are dangerous interventions, with certain known practices posing a great risk to child health and safety.

“**Seclusion**” means the involuntary confinement of a pupil alone in a room or area from which the pupil is physically prevented from leaving. “Seclusion” does not include a timeout, which is a behavior management technique that is part of an approved program, that involves the monitored separation of the pupil in a nonlocked setting and is implemented for the purpose of calming.

**49005.2.** A pupil has the right to be free from the use of seclusion and behavioral restraints of any form imposed as a means of coercion, discipline, convenience, or retaliation by staff. This right includes, but is not limited to, the right to be free from the use of a drug administered to the pupil in order to control the pupil’s behavior or to restrict the pupil’s freedom of movement, if that drug is not a standard treatment for the pupil’s medical or psychiatric condition.

**49005.4.** An educational provider may use seclusion or a behavioral restraint only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive.

**49005.6.** An educational provider shall avoid, whenever possible, the use of seclusion or behavioral restraint techniques.

**49005.8.** (a) An educational provider shall not do any of the following:

- (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 a locked room.





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(3) Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.

(4) Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil's face.

(5) Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil'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 pupil or others.

An educational provider shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation required pursuant to this subdivision shall not be through indirect means, including through a security camera or a closed-circuit television. An educational provider shall afford to pupils who are restrained 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 pupil and others.

An educational provider **shall not** do any of the following:

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 a locked room.
3. Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.
4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil's face.





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5. Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil'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 pupil or others.

Whenever possible, the staff member monitoring the pupil shall not be involved in restraining the pupil

The new law requires local educational agencies to collect and report annually to the California Department of Education data on the number of times and the number of students on which mechanical restraints, physical restraints, and seclusion are used. The data must be disaggregated for students who have Section 504 plans, students who have individualized education programs, and students who do not have either plan. The California Department of Education is mandated to post the data on its Internet website (*Education Code* Section 49006).

Finally, the new law notes that for "an individual with exceptional needs, if a behavioral restraint or seclusion is used, the procedures for follow-up contained in subdivisions (e), (f), (g) and (h) of Section 56521.1 shall also apply" (*Education Code* Section 49006.4). These existing sections of code pertain to behavioral emergency reporting. The existing statute is accessible at [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=56521.1](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=56521.1).

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Second Reading \_\_\_\_\_

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