

## EDUCATION OF STUDENTS WITH EXCEPTIONALITIES

The Orleans Parish School Board shall make available a free appropriate public education in the least restrictive educational environment to each student with an exceptionality, ages three (3) through twenty-one (21), who is a resident of the geographical boundaries of the school district. Special education and related services may be provided by the School Board to eligible children with exceptionalities under three (3) years of age. Generally, identified children shall be screened and evaluated to determine eligibility to receive special education and related services. If it is determined through the evaluation process that a child has a disability and, by reason thereof, needs special education and related services, then the child shall be classified in accordance with Pupil Appraisal Handbook, Bulletin 1508, and shall become eligible to receive special education services. All special education services shall be provided to eligible students with exceptionalities in accordance with the regulations outlined in Regulations for the Implementation of the Exceptional Children's Act, Bulletin 1706 and all other applicable federal and state regulations.

The School Board shall establish and maintain policies and procedures in accordance with federal and state laws and regulations to ensure that students with exceptionalities and their parents are provided the necessary procedural safeguards with respect to the provision of free appropriate public education by the School Board.

### SECLUSION AND RESTRAINT

The School Board recognizes that, in order for students to receive a free appropriate public education, a safe learning environment needs to be provided. In doing so, the School Board also recognizes that there are circumstances in school under which reasonable and appropriate measures and techniques will need to be employed in dealing with students with exceptionalities who pose an imminent risk of harm to self or others.

The School Board fully supports the use of positive behavior interventions and support when addressing student behavior. The School Board reserves its right, however, to use physical restraint and/or seclusion consistent with state law to address the behavior of a student with an exceptionality when school personnel reasonably believe the behavior poses an imminent risk of harm to the student or others. The School Board shall not preclude the use of physical restraint and/or seclusion performed consistent with the requirements of a student's *Individualized Education Program* (IEP) or behavior intervention/management plan.

The provisions regarding seclusion and restraint shall not be applicable to a student who has been deemed to be gifted or talented under Bulletin 1508, unless the student has been identified as also having a disability under Bulletin 1508.

## Definitions

*Imminent risk of harm* shall mean an immediate and impending threat of a person causing substantial physical injury to self or others.

*Seclusion* shall mean a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others.

*Seclusion room* means a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving.

*Mechanical restraint* means the application of any device or object used to limit a person's movement. Mechanical restraint does *not* include: (1) A protective or stabilizing device used in strict accordance with the manufacturer's instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider; and (2) Any device used by a duly licensed law enforcement officer in the execution of his/her official duties.

*Physical restraint* means bodily force used to limit a person's movement. Physical restraint does *not* include: (1) Consensual, solicited, or unintentional contact; (2) ~~Holding of a student by a school employee for less than five minutes in any given hour or class period for the protection of the student or others~~ Momentary blocking of a student's action if the student's action is likely to result in harm to the student or other person; (3) Holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted; (4) Minimal physical contact for the purpose of safely escorting a student from one area to another; (5) Minimal physical contact for the purpose of assisting the student in completing a task or response.

*Positive behavior interventions and support* means a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture.

*School employee* means a teacher, paraprofessional, administrator, support staff member, or a provider of related services.

## Documentation and Notification

The parent or other legal guardian of a student who has been placed in seclusion or physically restrained shall be notified as soon as possible. The student's parent or other legal guardian shall also be notified in writing, within twenty-four (24) hours, of each incident of seclusion or physical restraint. Such notice shall include the reason for such seclusion or physical restraint, the procedures used, the length of time of the

student's seclusion or physical restraint, and the names and titles of any school employee involved.

The director or supervisor of special education shall be notified any time a student is placed in seclusion or is physically restrained.

A school employee who has placed a student in seclusion or who has physically restrained a student shall document and report each incident. Such report shall be submitted to the school principal not later than the school day immediately following the day on which the student was placed in seclusion or physically restrained and a copy shall be provided to the student's parent or legal guardian.

The guidelines and procedures regarding seclusion and restraint maintained by the Superintendent and staff shall be provided to the Louisiana Department of Education (LDE), all school employees, and every parent of a student identified with a disability under Bulletin 1508.

All instances where seclusion or physical restraint is used to address student behavior of students with disabilities under Bulletin 1508 shall be reported, in accordance with the Louisiana Board of Elementary and Secondary Education (BESE) policy, by the School Board to the Louisiana Department of Education (LDE).

#### Regulations-Guidelines and Procedures

The School Board shall require the Superintendent and staff to maintain adequate written regulations-guidelines and procedures governing the use of seclusion and physical restraint of students in accordance with federal and state law, as well as regulations and guidelines promulgated by the Louisiana Board of Elementary and Secondary Education (BESE). The School Board shall approve written regulations-guidelines and procedures regarding appropriate responses to student behavior that may require immediate intervention using seclusion and/or restraint. The written regulations-guidelines and procedures shall be provided to all school employees and every parent of a student with an exceptionality and shall include reporting requirements and follow-up procedures, including notification requirements for school officials, notification to the student's parent or legal guardian, and reporting of seclusion and restraint incidents to the LDE.

The written guidelines and procedures shall be posted at each school under the jurisdiction of the School Board, and on the School Board's website.

#### Follow-Up

Following any situation resulting in the use of seclusion or restraint of a student, a *Functional Behavioral Assessment (FBA)* should be considered. If a student subject to the use of seclusion or physical restraint is involved in five (5) such incidents in the school year, the student's *Individualized Education Program (IEP)* team shall review and revise the student's Behavior Intervention Plan (BIP) to include any appropriate and

necessary behavioral supports. Thereafter, if the student's challenging behavior continues or escalates, requiring repeated use of seclusion or physical restraint practices, the special education director or supervisor or his/her designee shall review the student's plans at least once every three (3) weeks. Documentation compiled for a student who has been placed in seclusion or has been physically restrained and whose challenging behavior continues or escalates shall be reviewed at least once every three (3) weeks.

### Employee Training Requirements

The Superintendent or his/her designee shall be responsible for conducting or obtaining appropriate training programs for school personnel designed to address the use of seclusion and restraint techniques with students with disabilities. In addition, positive behavioral intervention strategies, crisis intervention, and de-escalation, as well as other procedures, may also be included in any training.

Ref: 20 USCA §1400 et seq. (*Individuals with Disabilities Education Act*); 34 CFR 300 (*Assistance to States for the Education of Children with Disabilities*); La. Rev. Stat. Ann. §§17:7, 17:416.21, 17:1941, 17:1942, 17:1943, 17:1944, 17:1945, 17:1946, 17:1947; 17:3996; *Pupil Appraisal Handbook*, Bulletin 1508; *Regulations for the Implementation of the Exceptional Children's Act*, Bulletin 1706, Louisiana Department of Education.