

STATE OF SOUTH CAROLINA

DEPARTMENT OF EDUCATION

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STATE SUPERINTENDENT OF EDUCATION



South Carolina Department of Education
Restraint and Seclusion Guidance

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Section One: Introduction

The South Carolina Department of Education (SCDE) establishes guidelines for the development of policies and procedures regarding the practices of restraint and seclusion. These practices often arise during the management of student behavior in emergency and crisis situations and apply to all students, including students with disabilities.

The United States (U.S.) Department of Education, Office for Civil Rights (OCR), Office of Special Education and Rehabilitative Services (OSERS), and the Office of Special Education Programs (OSEP) issued documents to further support state educational agencies (SEAs) and local educational agencies (LEAs) for use regarding restraint and seclusion and practices in place of exclusionary discipline as follows:

- Dear Colleague Letter: Implementation of Individual with Disabilities Education Act (IDEA) Discipline Provisions (OSERS & OSEP, 2022)¹.
- Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 (OCR, 2022)².
- Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders (OSERS & OSEP, 2022)³.

Definition

What is mechanical restraint, physical restraint, and chemical restraint?

Mechanical restraint is defined as the use of any device or equipment to restrict a student's freedom of movement. This entails the use of any device or object (e.g., tape, ropes) that limits an individual's body movement to prevent or manage problem behavior. Mechanical restraints such as tape, straps, tie downs, weighted blankets or vests, or other devices have also been used by educators to control student behavior. These situations represent mechanical restraint by educators that are not appropriate (OCR, 2016)⁴ (CCBD, 2021)⁵.

¹ OSERS & OSEP. (2022, July 19). *Dear colleague letter on implementation of IDEA discipline provisions*. U.S. Department of Education <https://sites.ed.gov/idea/files/dcl-implementation-of-idea-discipline-provisions.pdf>

² OCR. (2022, July). *Supporting students with disabilities and avoiding the discriminatory use of student discipline under Section 504 of the Rehabilitation Act of 1973*. U.S. Department of Education. <https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf>

³ OSERS. (2022, July 19). *Positive, proactive approaches to supporting children with disabilities: A guide for stakeholders*. U.S. Department of Education. <https://sites.ed.gov/idea/files/guide-positive-proactive-approaches-to-supporting-children-with-disabilities.pdf>

⁴ OCR. (2016, December 28). *Dear colleague letter: Restraint and seclusion of students with disabilities*. U.S. Department of Education. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

⁵ Council for Children with Behavioral Disorders. (2021). CCBD's position summary on the use of physical restraint procedures in educational settings. *Beyond Behavior* 30(1), 51-60. <https://doi.org/10.1177/10742956211009648>

Mechanical restraint **does not** include the following:

- Appropriate use of adaptive equipment or products for positioning and other therapeutic purposes, provided they are used in accordance with manufacturer’s recommended usage. Adaptive equipment may include, but is not limited to, adaptive seating products or therapeutically prescribed devices such as Rifton chairs or weighted vests.

The use of mechanical restraints in public school settings is prohibited.

Physical restraint is defined as a personal restriction that immobilizes or reduces the ability of an individual to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort 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 (OCR, 2016)⁶.

Physical restraint **does not** include the following:

- Temporarily holding an individual to help him or her participate in educational or daily living activities, as developmentally appropriate;
- Escorting techniques where a student is provided limited physical encouragement (e.g., hand on the back or a hand on the elbow) to help him/her move from one location to another without rising to the level of physically forcing compliance.

Chemical restraint is defined in the Council for Children with Behavior Disorders (CCBD) position summary as a drug or medication used on a student to control behavior or restrict freedom of movement that is not (a) prescribed by a licensed physician for the standard treatment of a student’s medical or psychiatric condition and (b) administered as prescribed by the licensed physician (CCBD, 2021)⁷.

The use of chemical restraints in public school settings is prohibited.

What is seclusion?

Seclusion refers to the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving (OCR, 2016)⁸. This includes situations such as when a door is blocked by objects or held by staff. Any time a student is involuntarily alone in a room and prevented from leaving should be considered seclusion regardless of the intended purpose, the name applied to this procedure, or the location in which the student is secluded (Freeman et al., 2023)⁹.

⁶ OCR. (2016, December 28). *Dear colleague letter: Restraint and seclusion of students with disabilities*. U.S. Department of Education. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

⁷ Council for Children with Behavioral Disorders. (2021). CCBD’s Position summary on the use of physical restraint procedures in educational settings. *Beyond Behavior*, 30(1), 51-60. <https://doi.org/10.1177/10742956211009648>

⁸ OCR. (2016, December 28). *Dear colleague letter: Restraint and seclusion of students with disabilities*. U.S. Department of Education. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

⁹ Freeman, J., et al. (2023). CCBD’s position on eliminating the use of seclusion in educational settings. *Behavioral Disorders*, 48(2), 134-144. <https://doi.org/10.1177/01987429211033548>

Staff Training

Staff members who may be involved in using restraint or seclusion must complete annual training in positive behavioral prevention techniques, de-escalation techniques, and approved physical restraint techniques from an LEA approved professional training program. Staff should also receive training on their district policies and procedures.

Directives for Use of Physical Restraint and/or Seclusion

Since state law does not currently ban the use of physical restraint and/or seclusion in the public-school environment, it is the purpose of these guidelines not only to **strongly discourage the entire practice** but to restrict its use to instances where the student's behavior poses a threat of imminent, serious, physical harm to self and/or others.

When physical restraint and/or seclusion is used, the following guidelines should be followed:

Restraint & Seclusion Shall Only:	Restraint & Seclusion Shall Never:
<ul style="list-style-type: none">• be used when the student's actions pose a threat of imminent, serious, physical harm to self and/or others and the student can cause such harm;• be used as a last resort when less restrictive measures have not effectively de-escalated the risk of injury;• last as long as necessary to resolve the actual risk of danger or harm;• be reasonable and proportionate to the risk of harm to self or others and apply only the level of restriction/force necessary to manage such risk;• be used by staff certified by an LEA approved crisis intervention training program.	<ul style="list-style-type: none">• be used as a substitute for other educational support or intended to manage behaviors that do not pose an imminent risk of serious, physical harm to self or others, such as noncompliance, property destruction, or fleeing from staff/assigned area (unless there is imminent risk of injury related to that flight);• be used as a response to profanity and/or verbal threats, unless the student demonstrates imminent/immediate means and capacity to carry out the threat;• include prone restraints (with the student face down on his/her stomach);• include supine restraints (with the student face up on one's back);• entail any maneuver that places pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat.

Exception: Nothing in this procedure shall prevent a staff member from using reasonable force to protect a student or staff member from assault or imminent, serious, physical harm.

When restraint and/or seclusion is used, it is important to manage the presence of others so as not to escalate the situation or create additional safety concerns by the presence of too many onlookers and bystanders.

Escorting a Student

Escorting is defined as limited physical encouragement to help a student move from one location to another. The escort must not reach the level of physically forcing compliance. The student must be able to move or not move on their own volition; in these situations, the student is willingly responding to the encouragement for movement. Examples of escort techniques include a hand on the back or a hand on the elbow.

Please note that in some training practices, there are techniques referred to as *transporting* that are in effect versions of **physical restraint**. These techniques are used when, for safety reasons only, it is necessary to move a student from one location to another. In these circumstances, the student is moved, with or without their cooperation.

Parent Notification

When physical restraint and/or seclusion is used, the following guidelines are strongly recommended:

- Verbal notification to the parent/guardian by the end of the day of the incident.
- Written notification to the parent/guardian within one school day of the incident.
- Documentation of parent notification must be kept in the student's educational file.
- If the administrator is unable to reach the parent(s), documentation of efforts to reach them must be recorded.

Documentation

Each incident of physical restraint and/or seclusion must be carefully documented.

Documentation must include the following information:

- name, gender, race, ethnicity, disability status;
- actions attempted prior to restraint and/or seclusion to manage or de-escalate the situation and student's response;
- location(s) of the restraint and/or seclusion;
- a clear description of the safety concerns posed to self and/or others;
- a description of the restraint and/or seclusion techniques used;
- names and position titles of the personnel involved with the incident;
- information on what training personnel completed before implementing restraint and/or seclusion;
- the student's behavior before, during, and after restraint and/or seclusion;
- date and time the administrator was notified;
- date and time the student's parent(s) were notified, and by whom;
- name and position of the person completing the documentation;

- date, time, and total duration of the incident, including documentation of the beginning and ending time of each application of physical restraint and/or seclusion; and
- total missed instructional time and/or educational services (in minutes) the student experienced, pre-incident, during the restraint and/or seclusion, and post-incident.

Documentation must be entered in the SCDE PowerSchool Incident Management system.¹⁰ (See codes at link in footnote.)

Staff Debriefing

The SCDE further recommends that a staff debriefing occur the day of the incident, but no later than three (3) school days after every incident of restraint and/or seclusion. This de-briefing should include the following:

- All participants involved in the restraint and/or seclusion situation; an administrator; one other staff member trained in positive behavioral supports, de-escalation, and approved physical restraint techniques who was not involved in the restraint and/or seclusion procedure; and any other relevant staff the administrator would like to include;
- A focus on relevant conditions that preceded the behavior of concern; alternate interventions that were used and why they were unsuccessful in de-escalating the behavior; how this situation could have been handled in such a way to prevent the need for the use of restraint and/or seclusion and how a similar event could be avoided in the future; and
- A summary of the staff de-briefing must be placed in the administration’s files. Upon request, parents must have access to a summary of the debrief.

To improve its practices, it is recommended that an LEA should devise a system to review and analyze documentation of restraint and/or seclusion incidents (i.e. at least minimally once a year). This information will facilitate the identification of students who are repeatedly being placed in restraints and/or in seclusion and schools that are overly using restraint and/or seclusion practices.

Consideration of Restraint and Seclusion in a Student’s Individual Plan

As previously noted, physical restraint and/or seclusion should be used only in emergency situations; therefore, physical restraint and/or seclusion should not be listed as an intervention on a Student Assistance Team (SAT) plan, an accommodation plan developed in accordance with Section 504 of the Rehabilitation Act of 1973 (504 plan), an individualized educational program (IEP), or a behavioral intervention plan (BIP). Note that situations where a student voluntarily uses a cool-off area should be treated differently and documented on a student’s SAT plan, 504 plan, IEP, or BIP. If students have a 504 plan or an IEP, their team should convene to review current data and determine if any revisions are needed to the plan and/or if a re-evaluation is indicated.

Children whose pattern of behavior impedes their learning, or the learning of others, should receive appropriate educational assessment, which may include a Functional Behavioral

¹⁰ Office of Student Support. (2023). *PowerSchool incident management: User training and reference guide*. South Carolina Department of Education. <https://ed.sc.gov/districts-schools/school-safety/discipline-related-reports/incident-management-training/2023-incident-manual/>

Assessment (FBA). Repeated use of physical restraint and/or seclusion may indicate that current supports, educational methodologies, and/or other interventions may be inadequate and should be reviewed and possibly modified. If physical restraint and/or seclusion is used with a general education student, school personnel must consider if additional supports are needed, including those provided through a multitiered system of supports (MTSS), an individualized BIP, and/or whether there is reason to suspect a disability under Section 504 or the IDEA prompting referral for evaluation. If seclusion is used with a student with a disability, there may be a need to review the student's IEP and/or BIP.

An LEA must inform parents about its procedures for physical restraint and/or seclusion and when it may be used. LEAs may use a separate document, the school's code of conduct, school handbook, or other sources of policy to provide this information. The document must include information about the parents' right to address and resolve concerns regarding the use of physical restraint and/or seclusion on his or her child.

Facility Requirements

If an LEA specifically condones the use of seclusion rooms, the following requirements must be met.

1. All seclusion environments must be inspected according to the current South Carolina Department of Education Office of School Facilities' (SCDE-OSF) Planning and Construction Guide¹¹ and compliant with the South Carolina Office of State Fire Marshal (SC-OSFM) Codes and Standards.
2. The construction and/or renovation to any school, specifically seclusion environments require approval and/or review by the SCDE-OSF and shall abide by the current SCDE-OSF Planning and Construction Guide as well as the SC-OSFM.
3. South Carolina Code Ann. §§ 59-23-210 and 59-23-220, (as indicated in the SCDE-OSF Guide), requires there must be a design professional whose responsibility is to coordinate all design requirements throughout the entire construction project. This professional must be an architect and/or engineer registered to practice in South Carolina and must be designated as the prime contact for the SCDE-OSF.
4. Seclusion environments shall meet all requirements of the current adopted International Building Code (IBC) and/or International Existing Building Code (IEBC), including automatic fire detection and sprinkler systems compliant with SC-OSFM Code and Standards.
5. Regulation 61-103 applies to seclusion rooms. Any existing seclusion rooms shall remain as is and any modifications to existing seclusion rooms will be scrutinized to the standards of this updated document, the current SCDE Restraint and Seclusion Guidance.

¹¹ Office of School Facilities. (2023). *South Carolina school facilities planning and construction guide*. South Carolina Department of Education. <https://ed.sc.gov/districts-schools/planning-building/facilities/guides/>

6. All items or articles that an occupant might use to injure him or herself shall be removed from the room used for seclusion (Bureau of Health Facilities Licensing, 2016)¹². Vandal proof building elements, if required by the applicable code, shall be installed within the seclusion environment. The ceiling, wall, and floor of the seclusion environment shall be constructed using non-porous, antimicrobial materials.

7. All observation windows pertaining to seclusion rooms, as required by this document, must be code compliant and constructed with tempered safety glass. The observation window must allow the supervising adult the ability to observe the student at all times and from any possible viewing angle or area of the seclusion room.

8. All seclusion environments must meet egress requirements in the current edition of the IBC and IEBC. Any device or procedure used to prevent the student from exiting must be failsafe and automatically allow the student the ability to exit for self-preservation. Any door or door hardware must be specified and installed such that the door or door hardware cannot be wedged or held closed by any means other than an attendant applying pressure. Any occupant must be able to exit the room and egress out of the building during an emergency event or drill. An emergency event may be classified as a fire, but may also include a chemical spill, gas leak, bomb threat, or any other threat to the personal safety of building occupants.

9. Lockable hardware is prohibited from use for seclusion rooms. Using locking hardware would require reclassification of such room as I-3 occupancy, which is not inspected, permitted or authorized by the South Carolina Department of Education. An I-3 occupancy is characterized by persons who are generally incapable of self-preservation due to security measures not under the occupants' control. If a space with a lockset is converted into a seclusion room, all locking hardware should be replaced.

10. Please see the current SCDE School Facilities Planning and Construction Guide for updated planning and construction guidelines. All items below are subject to modification in accordance with the current SCDE School Facilities' guidelines.

Best Practices for Seclusion Rooms:

- Seclusion Room Environments
 - Only rooms designated and authorized by the district that meet safety standards should be used as seclusion rooms.
 - Rooms should be free of items that could cause harm or be used as weapons.
 - No lockable hardware should be installed on doors to seclusion rooms.
- Best Practices
 - An adult would accompany the student in the room for the duration of seclusion. A student may be alone in the room, if necessary, for safety reasons considering the student's age, mental health, and individual circumstances.

¹² Bureau of Health Facilities Licensing. (2016). R.61-103, *Residential treatment facilities for children and adolescents*. South Carolina Department of Health and Environmental Control. 904 Restraint and Seclusion (I). <https://scdhec.gov/sites/default/files/docs/Agency/docs/health-regs/61-103.pdf>

- If temporary physical seclusion away from the student is deemed necessary, trained school faculty/staff will continuously hold the door lever (handle) and always maintain visual and audible surveillance of the student the entire duration of seclusion.
- School personnel must be prepared to act immediately should the student exhibit any signs of medical distress.
- School personnel will and must be able to immediately respond in the case of an emergency event or lockdown.