

2nd Reading in July
2011

Marion County Board of Education

Monitoring:	Descriptor Term:	Descriptor Code:	Issued Date:
Review: Annually, in May	SPECIAL EDUCATION ISOLATION AND RESTRAINT POLICY	6.505	6/30/11
		Rescinds:	Issued:

A student receiving special education services may be restrained or isolated, only if the restraint or isolation is provided for in the student's individual education program, except that the student may be restrained or isolated in emergency situations, if necessary to assure the physical safety of the student or others nearby.

Any time school personnel impose restraints or isolation in an emergency situation, the staff shall immediately contact the Principal who shall notify school personnel designated under department rules to authorize the isolation or restraint. Such school personnel authorized by department rules shall personally observe and evaluate the student's condition within a reasonable time after the intervention. The student's parent or guardian shall be notified, orally or by written or printed communication, the same day the isolation or restraint is used.

If the student's individualized education program does not provide for the use of isolation or restraint for the behavior precipitating such action or if school personnel are required to use isolation or restraint over an extended period of time as determined by department rules, then an individual education program meeting shall be convened within ten (10) days following the use of the isolation or restraint.

If the behavior precipitating such action also warrants a change of placement, the child will have all rights provided under applicable state and federal law.

School personnel may report a suspected crime by calling a law enforcement official;

School personnel may file a juvenile petition against a student receiving special education, only after conducting a manifestation determination that results in a finding that the behavior requiring disciplinary action was not caused by the student's disability.

School personnel who must isolate or restrain a student receiving special education services whether or not the isolation or restraint was in an emergency situation or provided for in the student's individual education program, shall report the incident to the school principal or the principal's designee who shall record the use of the isolation or restraint and the facts surrounding such use. A copy of the record shall be made available at individual education program meetings and upon the request of the student's parent or legal guardian.

If the school principal, other school personnel designated under department rules to authorize the isolation or restraint, or any person having knowledge of the isolation or restraint have reason to believe that the isolation or restraint was unreasonable, unsafe or unwarranted, and the isolation or restraint caused injury to the student, the incident shall be reported to the Juvenile Court, the Department of Children's Services and the Sheriff's Department or Municipal Police Department where the child lives.

School personnel shall remain in the physical presence of any restrained student and shall continuously observe a student who is in isolation or being restrained to monitor the health and well-being of the student.

Administering a chemical restraint to a student receiving special education services is prohibited in all cases except those chemical restraints administered for therapeutic purposes under the direction of a physician and with the child's parent or guardian's consent to administer such chemical restraint.

No school personnel shall administer any noxious substance, use any mechanical restraint, use any form of life threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means, use of isolation or physical holding restraint as a means of coercion, punishment, convenience or retaliation to a student receiving special education services.

The use of physical holding restraint in the following circumstances is not prohibited and the school is not required to notify the student's parent or guardian for:

- (i) The brief holding by an adult in order to calm or comfort;
- (ii) The minimum contact necessary to physically escort a student from one area to another;
- (iii) Assisting a student in completing a task or response if the student does not resist, or resistance is minimal in intensity or duration; or
- (iv) Holding a student for a brief time in order to prevent any impulsive behavior that threatens the student's immediate safety.

The use of a locked door, or use of any physical structure that substantially accomplishes the intent of locking a student in a room or structure, to isolate or seclude a student prohibited unless such action by school personnel is taken to break up a fight or to take a weapon from a student however, these acts shall be reported.

Legal References:

TCA § 37-1-403 et seq.
TCA § 49-10-102 et seq.
TCA § 49-10-1301 et seq.