

# Restraint & Seclusion Legislation Summary

## OVERVIEW

[Idaho House Bill 281](#) provides definitions for topics related to managing severe classroom behavior, outlines the use and prohibition for use of restraint, seclusion, and corporal punishment, outlines required staff training, and outlines requirements for the adoption of board policy related to restraint and seclusion. **This guidance is based on current legislation and may be modified and updated should any new legislation take effect.**

## USE OF RESTRAINT OR SECLUSION

PROHIBITED PRACTICES	CONDITIONS FOR USE
<p>Districts and charters SHALL NOT:</p> <ol style="list-style-type: none"> <li>1. Use corporal punishment</li> <li>2. Use chemical restraint</li> <li>3. Use restraint or seclusion as a form of discipline or punishment.</li> </ol>	<p>Restraint and/or Seclusion may only be deployed when:</p> <p>A student’s behavior places the student, staff, or others in imminent danger of serious bodily harm.</p>

### USE OF RESTRAINT OR SECLUSION FAQs

***What constitutes imminent danger?***

Imminent danger means that it is reasonably likely that serious bodily harm to self or others could occur immediately.

***Can restraint or seclusion be used to avoid serious property destruction?***

No. Restraint or seclusion can only be used when the student or others are in imminent danger of serious bodily harm.

***Does this mean that we must wait until a student inflicts harm on self or others before restraint or seclusion can take place?***

Less restrictive options such as removing staff and other students from the student’s proximity or utilizing de-escalation strategies are always an option for responding to escalating behavior. Restraint or seclusion may be used as a response to imminent danger of serious bodily harm when all other options have been exhausted. Imminent danger does not mean that staff must wait until serious bodily harm has already been inflicted.

***Does restraint or seclusion have to be in a “plan” to use it?***

No. Situations where imminent danger of serious bodily harm may occur are not always predictable. Restraint and seclusion should always be a last resort option and should only be listed in a student’s plan as a last resort option rather than as a go-to strategy for behavior management under any circumstances. Repeated use of restraint or seclusion should trigger further conversation and team planning related to the student’s behavioral support needs.

***Are there time and duration limits on the use of restraint and seclusion?***

Restraint or seclusion should not exceed 30 minutes except under extreme circumstances. In these cases, more than one staff member should be involved and contact with parent and administrator should be made immediately.

***Is it considered seclusion if a student is placed in a room by themselves and not allowed to leave?***

If the student is in the room alone and is not allowed to leave, or perceives that they aren’t allowed to leave, then it would be considered seclusion.

***If a teacher refuses to allow a student into class because of behavior, is this seclusion?***

No. However, this is a type of “informal removal” and should be documented as a removal or suspension.

***Does picking up and/or carrying a student count as restraint?***

Yes. Picking up and/or carrying a student is a type of restraint that is unsafe, poses unnecessary risk, and should not be used. It is not a type of physical escort. This does not include lifting and carrying students for disability-related transfers conducted as directed by a professional.

**DEFINITIONS**

<b>Corporal Punishment</b>	Knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.
<b>Physical Escort</b>	Temporary touching or holding of the student hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. <i>Physical escorting that involves methods used to maintain control of a student should be considered a physical restraint.</i>
<b>Physical Restraint</b>	Personal <b>restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.</b> 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. Physical escorting that involves methods used to maintain control of a student should be considered a physical restraint.
<b>Mechanical Restraint</b>	<b>The use of any device or equipment to restrict a student’s freedom of movement.</b> This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as <ul style="list-style-type: none"><li>• 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;</li><li>• Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;</li><li>• Restraints for medical immobilization; or</li><li>• Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.</li></ul>
<b>Chemical Restraint</b>	<b>Using drugs or medication to control behavior;</b> not including those prescribed by and administered in accordance with the directions of a qualified health professional.
<b>Seclusion</b>	<b>The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.</b> It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.
<b>DEFINITIONS FAQs</b>	
<b><i>Is it a chemical restraint if medication that is prescribed by a doctor is used?</i></b> Medication should only be given to students at school with appropriate physician documentation and parental consent and only in accordance with physician’s directions for use or application. Schools should never administer medication to students except under these specific circumstances.	

**When does physical escort become restraint?**

A physical escort becomes a restraint when it results in immobilizing the student or substantially restricts the student’s freedom of movement.

**What are some examples of devices used in schools that would not be considered mechanical restraints?**

When used for their intended purposes, devices such as highchairs, changing tables, standers, desk chairs, wheelchairs, swings, seatbelts, harnesses, and related devices are not considered mechanical restraints.

**PROFESSIONAL DEVELOPMENT**

Who	Required Training
<b>All staff</b> All public and charter school staff <i>directly assigned to students or classrooms</i>	<b>Annual training to include the following topics:</b> Positive behavior supports De-escalation techniques Classroom behavior management
<b>Specialized staff</b> All public and charter school staff <i>directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors</i>	<b>Annual training to include the following topics:</b> Crisis management De-escalation techniques Correct use of restraint and seclusion Functional behavior assessment Behavior intervention plans Crisis plans

**PROFESSIONAL DEVELOPMENT FAQs**

**Does this training have to be done by the time school starts in fall 2023?**

While it is in the best interest of staff and students to provide training as early as possible in the year, there is no requirement that it be completed before school starts. LEAs will need to begin providing training during this school year, complete all initial training by the end of the 23-24 school year, and continue to provide it annually moving forward.

**Does our training have to be approved or delivered by the Idaho Department of Education or Idaho SESTA?**

No. LEAs may choose their own training providers and format. Training related to the *correct use of restraint & seclusion* will not be provided by the Idaho Department of Education or Idaho SESTA and should be provided by a qualified individual or agency. The Idaho Department of Education and SESTA will continue to provide training opportunities on topics such as behavior and discipline.

**Is there a required length of time for these trainings?**

No. LEAs must ensure that the training(s) provided are sufficient to educate staff on the required topics.

**Is there a recertification or certificate renewal requirement connected to these training requirements?**

No.

**Will we need to provide verification to the Idaho Department of Education that we have completed this requirement?**

No. However, the LEA must retain documentation of the training and be able to produce it upon request.

**Does this training requirement include paraprofessionals?**

Yes. Paraprofessionals must be trained as part of the *all-staff* requirement. Additionally, paraprofessionals directly serving or assigned to classrooms with students who demonstrate aggressive or dangerous behaviors must be trained as part of the *specialized staff* requirement.

**Does this training requirement include secretaries and other administrative or clerical staff?**

No. However, it is recommended.

**Can the “specialized staff” receive part of their training with the “all staff” group, or do they need to complete all different training?**

Specialized staff must receive all the training that the rest of the staff receives in addition to the more specialized topics. However, if some or all of those additional topics are addressed in the all staff training, then there is no need to repeat those topics in the specialized training.

**Should general education teachers be considered specialized staff for the purpose of this training requirement?**

Possibly. LEAs must carefully consider which general education teachers should participate in *specialized staff* training based on the students assigned to their classrooms. All general education teachers must participate in the *all-staff* training.

**Does the all-staff training requirement include PE, music, art, or other “specials” or “electives” teachers?**  
Yes.

**Will the Idaho Department of Education keep a list of options for training?**

Yes. The Idaho Department of Education will provide options for training as well as a list of recommended providers for training related to *correct use of restraint and seclusion*. LEAs are not required to use Idaho Department of Education-provided training.

**Will there be financial support for providing this training?**

The Idaho Department of Education Special Education Department will provide an opportunity for mini grants to help support the cost of restraint and seclusion training.

## BOARD POLICY

**All school district boards of trustees and directors of public charter schools shall adopt a Restraint & Seclusion Policy to include the following:**

1. Applies to disabled and nondisabled students
2. Definitions of *Physical Restraint, Mechanical Restraint, Chemical Restraint, and Seclusion*
3. Guidelines for use and prohibitions for use of restraint and seclusion.
4. Reporting requirements for documenting each incident of restraint or seclusion
5. Reporting requirements for informing parents and administrator(s) of each incident of restraint or seclusion
6. Requirements for periodic review of instances of restraint or seclusion and practices related to restraint and seclusion by the board of trustees and directors of public charters.

### BOARD POLICY FAQs

**Must this policy be in place by July 1?**

The Idaho Department of Education understands that the approval of Board policy is a multi-stage process, which means that LEAs may not have a policy adopted by July 1. However, LEAs must have begun the process of identifying, and reviewing a policy by July 1 and have adopted it as soon as possible while ensuring that you complete a thorough and thoughtful review and adoption.

**Will the Idaho Department of Education provide a sample board policy and sample reporting forms?**  
Yes.

**How will we verify to the Idaho Department of Education that our LEA has adopted a policy that meets these requirements?**

The Idaho Department of Education will reach out with an assurance form for LEAs to complete. LEAs will be asked to verify that they have adopted a policy and provide a link to the policy.

**Will Idaho Department of Education need to approve our policy? Will Idaho Department of Education review it if we ask?**

The Idaho Department of Education does not need to review or approve your policy. You will provide assurance that the policy meets the requirement of this legislation. The Idaho Department of Education will provide a sample policy for LEAs but will not review and approve individual LEA policies that differ from the sample provided. However, we are always happy to respond to questions about the process and requirements.

## RESOURCES

### Related Resources

#### Student Discipline and Removals:

- [Student Removal Quick Guide](#) (Idaho SESTA)
- [The Educator's Guide to Student Discipline and Support](#) (Idaho Department of Education)
- [Out from the Shadows: Informal Removal of Children with Disabilities from Public Schools](#) (National Disability Rights Network)
- [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)
- [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions](#) (U.S. Department of Education)
- [Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#) (U.S. Department of Education)

#### Restraint & Seclusion:

- [Restraint and Seclusion: Resource Document](#) (U.S. Department of Education)

#### SESTA Training & Resources:

- [Restraint & Seclusion Training and Resources List](#) (Idaho SESTA)