

## **3301-35-15 Standards concerning the implementation of positive behavior intervention supports and the use of restraint and seclusion.**

(A) Notwithstanding Rule 3301-35-01, the following definitions apply for purposes of this rule:

(1) "Aversive behavioral interventions" means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including interventions such as: application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or tastes.

(2) "Chemical restraint" means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

(a) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and

(b) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

(3) "Mechanical restraint" means

(a) any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose; and

(b) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including:

(i) restraints for medical immobilization;

(ii) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(4) "Parent" means:

(a) A biological or adoptive parent;

(b) A guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the state if the child is a ward of the state);

(c) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

- (d) A surrogate parent who has been appointed in accordance with rule 3301-51-05(E) of the Administrative Code; or
- (e) Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.
- (5) "Physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.
- (6) "Physical restraint" means the use of physical contact in a way that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes: to break up a fight; to knock a weapon away from a student's possession; in order to calm or comfort; to assist a student in completing a task/response if the student does not resist the contact; or to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).
- (7) "Positive behavior interventions and supports" means
- (a) a school-wide systematic approach to embed evidence-based practices and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and
  - (b) encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.
- (8) "Prone restraint" means physical or mechanical restraint while the individual is in the face-down position.
- (9) "School district" means a local, exempted village, city, joint vocational or cooperative education school district as defined in Chapter 3311. of the Revised Code or an educational service center that operates a school or educational program. For purposes of this rule, the term does not include schools operated in facilities under the jurisdiction of the Department of Rehabilitation and Corrections or the Department of Youth Services.
- (10) "Seclusion" means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.
- (11) "Student" means a child or adult aged three to twenty-one enrolled in a school district.
- (12) "Student personnel" means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, bus drivers, or other school district staff who interact directly with students.
- (13) "Timeout" means a behavior intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

(B) Implementation of Positive Behavior Intervention and Supports. Each school district shall implement positive behavior intervention and supports on a system-wide basis.

(C) Prohibition on Certain Practices. The following practices are prohibited by school personnel under all circumstances:

- (1) Prone restraint;
- (2) Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:
  - (a) involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;
  - (b) that uses pressure point, pain compliance or joint manipulation techniques; or
  - (c) otherwise involves techniques that are used to unnecessarily cause pain.
- (2) Corporal punishment;
- (3) Child endangerment, as defined in R.C. 2919.22;
- (4) Deprivation of basic needs;
- (5) Seclusion or restraint of preschool children in violation of Ohio Adm. Code Rule 3301-37-10(D);
- (6) Chemical restraint;
- (7) Mechanical restraint (which does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);
- (8) Aversive behavioral interventions; or
- (9) Seclusion in a locked room or area.

(D) Physical restraint.

- (1) Prone restraint is prohibited.
- (2) Physical restraint may be used only:
  - (a) if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
  - (b) if the physical restraint does not obstruct the student's ability to breathe;
  - (c) if the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and

(d) by school personnel who are trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

(3) Physical restraint may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control.

#### (E) Seclusion

(1) Seclusion may be used only:

(a) if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;

(b) as a last resort to provide an opportunity for the student to regain control of his or her actions;

(c) for the minimum amount of time necessary for the purpose of protecting the student and others from physical harm;

(d) in a room or area that:

(i) is not locked;

(ii) does not prevent the student from exiting the area should staff become incapacitated or leave the area; and

(iii) provides adequate space, lighting, ventilation, and the ability to observe the student; and

(e) under constant supervision by staff who are trained to be able to detect indications of physical or mental distress that require removal and/or immediate medical assistance and who document their observations of the student.

(2) Seclusion may not be used for punishment or discipline, for the convenience of staff, or as a substitute for other less restrictive means of assisting a student in regaining control.

(F) Reporting and Notification. Each incident of seclusion or restraint shall be reported to building supervision and the parent immediately. Each incident of seclusion or restraint shall be documented in a written report that is given to the parent within 24 hours and is maintained by the school district.

(G) Training and Professional Development. A school district shall ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques. The school district shall maintain written or electronic documentation on training provided and lists of participants in each training. Training on positive behavior intervention and supports is encouraged.

(H) Policies and Procedures. Every school district shall develop written policies and procedures concerning the use of seclusion and restraint that are consistent with the Policy on Positive

Behavior Interventions and Support, and Restraint and Seclusion, as adopted by the State Board of Education. The policies and procedures shall include:

- (1) a complaint investigation procedure;
- (2) a procedure for parents to present written complaints to the Superintendent of the school district to initiate a complaint investigation by the school district; and
- (3) a procedure for parents and the school district to receive written findings of fact and, if necessary, a corrective action plan, within thirty (30) days of filing of a complaint by parent.

These policies and procedures shall be accessible on the district's website, and each district shall be responsible for notifying all parents annually of its policies and procedures concerning seclusion and restraint.

(I) Monitoring. Each school district shall establish a procedure to monitor the implementation of this policy and the district's policy on restraint and seclusion. Each school district shall make its records concerning restraint and seclusion available to staff from the Ohio Department of Education upon request.

(J) Reporting. Every school district shall report information concerning its use of restraint and seclusion annually to the Ohio Department of Education as requested by the Ohio Department of Education.