

Use of Restraints for Students with Disabilities

22 Pa. Code § 14.133, 22 Pa. Code § 711.46, 22 Pa. Code § 10.25

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Purpose

The purpose of this Basic Educational Circular (BEC) is to provide guidance regarding the definition and use of restraints as outlined in the Pennsylvania special education regulations, Chapters 14 and 711. In addition to the definition of restraints, this BEC will address the Individualized Education Program (IEP) and reporting requirements related to the use of restraints.

Use of Restraints

Restraints are a measure of last resort and may be used only in an educational program after less restrictive measures, including de-escalation techniques, have been used by personnel. The use of physical restraints is limited to controlling acute or episodic aggressive or self-injurious behavior when the student is acting in a manner as to be a clear and present danger to himself, to other students, or to employees, and only when less restrictive measures and techniques have proven to be less effective. Restraints are not to be used for punishment or incidents of non-compliance that do not pose a clear and present threat of harm to the student or others.

The use of prone restraints is prohibited in educational programs. Prone restraints are those in which a student with a disability is held face down on the floor.

Physical Restraint

A physical restraint in an educational program occurs when an adult uses physical force for the purpose of restraining the free movement of a student's body. Not all physical contact between an adult and a student will meet the definition of a restraint in the special education regulations. The definition of physical restraint does not include the following techniques:

- (1) to briefly hold a student, without force, to calm or comfort him, guide him to an activity, or hold his hand to safely escort him from one area to another, or
- (2) to provide hand-over-hand assistance with feeding or task completion, or to use techniques that have been prescribed by a medical professional for safety, therapeutic or medical reasons (such as physical or occupational therapy) as long as those techniques have been agreed to by the student's parent(s) and specified in the IEP.

Mechanical Restraint

A mechanical restraint is another type of restraint defined in Pennsylvania special education regulations. Mechanical restraints involve the use of a device such as a device used for physical or occupational therapy, a seatbelt in a wheelchair, a safety harness on a bus, or a functional positioning device.

Mechanical restraints are permitted and may be used to prevent the student with a disability from

injuring himself or to promote normative body positioning and physical functioning. The use of mechanical restraints must be recommended by a qualified medical professional, agreed to by the parent(s), and specified in the IEP. This type of restraint must be applied as recommended by qualified medical personnel.

Use of Restraints included in an Individualized Education Program

The use of restraints may only be included in a student's IEP if the student's parent(s) agree and when all of the following conditions are met by the IEP team:

- (1) They are utilized with specific elements of positive behavior support;
- (2) They are used in conjunction with teaching socially acceptable alternative skills to replace the problem behavior;
- (3) Staff are authorized and trained to use restraint; and
- (4) There is a plan for eliminating the use of restraint through the application of positive behavior support. The Bureau of Special Education (BSE) recommends that the plan include updated present levels, a measurable goal, baseline data, methods of monitoring progress, and the specially designed instruction and/or related services that will enable goal attainment, if appropriate.

Individualized Education Program

Local Educational Agencies (LEAs) are required to use positive, rather than negative, measures in responding to problematic behaviors. A student with a disability, who has behaviors that interfere with his learning or the learning of others, must have a positive behavior support plan. This plan must be developed by the student's IEP team, based on a functional behavior assessment, and become part of the student's IEP. The plan must utilize positive reinforcement and techniques to shape a student's behavior, ranging from positive verbal statements to specific tangible rewards. Behavior support plans must include research-based practices that will increase the student's opportunity for learning and increase replacement behaviors. When a behavioral intervention is needed, it should be the least intrusive necessary.

The LEA must notify the parent(s) of the use of a restraint and schedule an IEP team meeting within 10 school days of the use of the restraint in the educational program; an IEP team meeting invitation should be issued to the parent for that purpose. During the meeting, the IEP team shall consider the need for a new or revised functional behavioral assessment and positive behavior support plan, reevaluation, or a change of placement to address the inappropriate behavior. LEAs should not be proposing that the parent(s) waive these meetings as a matter of course. The parent(s) may agree in writing to waive the IEP team meeting; however, the written notice provided by the LEA should not influence a parent's decision to waive the meeting.

Restraints may not be included in a student's IEP in lieu of a positive behavior support plan or for the convenience of staff or be employed as punishment. When an IEP team, including the parent(s), determines that it is necessary to include the use of restraints in an IEP, the types of physically restrictive procedures used should be fully explained and documented in the IEP or positive behavior support plan in order to enable informed consent by the parent(s). LEAs may not use restraints in the IEP as part of a pre-designed program for all students with disabilities. If the student's behavior is dangerous to himself or others, the IEP team develops a behavior plan that includes conditions as stated above.

When restraints are included in the IEP and the parent(s) request training in the use of these restrictive procedures, the IEP must consider this request pursuant to related service requirements regarding parent training found under 34 CFR § 300.34. An LEA's refusal to provide the training must be documented on a Notice of Recommended Educational Placement (NOREP).

Reporting the Use of Restraints

LEAs shall collect and report data on the use of restraints as prescribed by the Secretary of Education. A physical restraint as defined above must be reported regardless of the length of time used, the role of the adult performing the restraint, or the employer of that adult. The LEA must report the use of restraints within 30 days to the Pennsylvania Department of Education (PDE) through the Restraint Information System of Collection (RISC), a secure website. PDE recommends that all LEAs designate a person who will be responsible for reporting restraints to the RISC website in a timely manner.

Restraints that result in injury to the student must be reported to the parent(s) as per *22 PA Code § 10.25. Notification to parents/guardians:*

(a) A school entity shall immediately notify, as soon as practicable, the parent or guardian of a victim or suspect directly involved in an incident listed in section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act (24 P. S. § 13-1303-A(b)(4.1) and (4.2)). In making the notification, the school entity shall inform the parent or guardian as to whether the local police department having jurisdiction over property of the school entity has been, or may be, notified of the incident.

(b) A school entity shall document attempts made to reach the parent or guardian of a victim or suspect directly involved in an incident listed in Section 1303-A(b)(4.1) or (4.2) of the Safe Schools Act.

In addition, PDE recommends that any restraint that results in a serious injury to a student, staff person, or both be reported via email to the RISC coordinator at the BSE within 48 hours. The restraint data is reviewed on an ongoing basis at the BSE in addition to reviews conducted during compliance monitoring conducted by PDE.

REFERENCES

Purdon's Statutes

[24 P. S. § 13-1303-A \(b\)\(4.1\) and \(4.2\)](#)

State Board of Education Regulations

[22 PA Code § 10.25](#)

[22 PA Code § 14.133\(b\)](#)

[22 PA Code § 711.46\(b\)](#)

Code of Federal Regulations

[34 CFR § 300.34](#)

CONTACT BUREAU/OFFICE

Bureau of Special Education
333 Market Street
Harrisburg, PA 17126-0333
Voice: 717.783.6913