

**Independence Charter School
Restraint Policy
(Adopted March 8, 2023)**

Purpose

The purpose of this Policy is to establish the guidelines that Independence Charter School (the School) follows with respect to the use of physical restraints with students, pursuant to Pennsylvania's special education regulations (22 Pa. Code § 14.133).

Definitions

For purposes of this Policy, **restraints** are defined as the application of physical force, with or without the use of any device, for the purpose of restraining the free movement of a student's or body.

The term does not include briefly holding, without force, a student to calm or comfort him, guiding a student to an appropriate activity, or holding a student's hand to safely escort her from one area to another. The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatment, as agreed to by the student's or eligible young child's parents and specified in the IEP.

This term does not include **mechanical restraints**, which are restraints used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions. Mechanical restraints are intended to prevent a student from injuring himself or others and/or to promote normative body positioning and physical functioning. Examples include: devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, and safety harnesses in buses. Mechanical restraints may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents.

Guidelines

Positive measures, rather than negative measures, must form the basis of behavior support programs to ensure that all students are free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. In the event that positive behavior support measures are not successful, restraints to control acute or episodic aggressive or self-injurious behavior may be used only 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 or are less effective.

The use of restraints may only be included in a student's IEP when the following conditions apply:

- (i) The restraint is utilized with specific component elements of positive behavior support.
- (ii) The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behavior.
- (iii) Staff are authorized to use the procedure and have received the staff training required.

(iv) There is a plan in place for eliminating the use of restraint through the application of positive behavior support.

The use of restraints will not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.

Prior to utilizing any physical restraints, staff must take specific steps to de-escalate a student and change the unsafe behavior. Under no circumstance is a physical restraint or intervention of any kind to be used as a consequence for misbehavior. Staff understands that use of physical intervention and/or restraint outside of the guidelines set forth in this document is prohibited. Additionally, the use of prone restraints, defined as a restraint in which a student is held face down on the floor, is strictly prohibited under any circumstances. Use of physical intervention and/or restraint not in accordance with this policy may result in legal and/or disciplinary action against the staff member(s) involved.

The School will maintain and report data on the use of restraints as required by law.

Procedures for Staff

In the limited circumstances when the use of a restraint becomes necessary, the following must occur:

- When a physical intervention becomes necessary, immediately notify a member of the administration team. An administrator will immediately come to support you.
- Never be alone in a situation that requires physical intervention. Always secure another staff member to assist.
- After the incident has de-escalated, immediately write or type what happened on an incident report form and bring it to (Special Education Coordinator) for processing. If (Special Education Coordinator) is unavailable, bring the report to (Principal) for processing.
- The processing administrator will debrief the event with the staff involved and provide feedback where needed.
- The processing administrator will facilitate communication with the parent, guardian, or surrogate parent about the event. The person who implemented the physical intervention will be required to make the call to the parent, guardian, or surrogate parent with the support of the administrator.
- An IEP team meeting will be scheduled within 10 school days of the restraint, unless the parent, guardian or surrogate parent, after written notice, agrees in writing to waive the meeting. At the meeting, the IEP team will consider whether the student needs a functional behavior assessment, reevaluation, new or revised positive behavior support plan, or a change of placement to address the behavior of concern.