

Subchapter C. Seclusion and Physical Restraint

§540. Definitions

A. As used in these Sections 541 through 543:

1. *Imminent Risk of Harm*—an immediate and impending threat of a person causing substantial injury to self or others;
2. *Mechanical Restraint*—
 - a. the application of any device or object used to limit a person’s movement;
 - b. does not include:
 - i. a protective or stabilizing device used in strict accordance with the manufacturer’s instructions for proper use and which is used in compliance with orders issued by an appropriately licensed health care provider;
 - ii. any device used by a duly licensed law enforcement officer in the execution of his official duties;
3. *Physical Restraint*—
 - a. bodily force used to limit a person’s movement;
 - b. does not include:
 - i. consensual, solicited, or unintentional contact;
 - ii. ~~holding of a student, by a school employee, for less than five minutes in any given hour or class period for the protection of the student or others~~ momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person;
 - iii. holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student’s freedom of movement or normal access to his or her body is not restricted;
 - iv. minimal physical contact for the purpose of safely escorting a student from one area to another; or
 - v. minimal physical contact for the purpose of assisting the student in completing a task or response;
4. *Positive Behavior Interventions and Support*—a systematic approach to embed evidence-based practices and data-driven decision making when addressing student behavior in order to improve school climate and culture;
5. *Seclusion*—a procedure that isolates and confines a student in a separate room or area until he or she is no longer an immediate danger to self or others;
6. *Seclusion Room*—a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving;
7. *School Employee*—a teacher, paraprofessional, administrator, support staff member, or a provider of related services;
8. *Written Guidelines and Procedures*—the written guidelines and procedures adopted by a school’s governing authority regarding appropriate responses to student behavior that may require immediate intervention.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1006 (April 2012, LR

§543. Restrictions on the Use of Seclusion or Physical Restraint

A. - H. ...

- I. If a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student’s Individualized Education Plan team shall review and revise the student’s behavior intervention plan to include any appropriate and necessary behavioral supports. Thereafter, if the student’s challenging behavior continues or escalates requiring repeated use of seclusion or physical restraint practices, the special education director or his designee shall review the student’s plans at least once every three weeks.

~~J. The documentation compiled for a student who has been placed in seclusion or has been physically restrained and whose challenging behavior continues or escalates shall be reviewed at least once every three weeks.~~

J. The governing authority of each public elementary and secondary school shall adopt written guidelines and procedures regarding:

1. reporting requirements and follow-up procedures;
2. notification requirements for school officials and a student's parent or other legal guardian; and
3. an explanation of the methods of physical restraint and the school employee training requirements relative to the use of restraint.

K. The guidelines and procedures shall be provided to the state Department of Education, all school employees and every parent of a child with a disability. The guidelines and procedures shall also be posted at each school and on each school system's website.

L. The governing authority of each public elementary and secondary school shall report all instances where seclusion or physical restraint is used to address student behavior to the state Department of Education through the Special Education Reporting (SER) System. At a minimum, all instances must be reported on a monthly basis.

M. The state Department of Education, using the data elements collected in SER, shall maintain a database of all reported incidents of seclusion and physical restraint of students with disabilities and shall disaggregate the data for analysis by school, student age, race, ethnicity, and gender, student disability, where applicable, and any involved school employees.

N. Based upon the data collected, the state Department of Education shall annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities, which shall at a minimum include the following:

1. The number of incidents of physical restraint disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.
2. The number of incidents of seclusion disaggregated by school system; student age, race, ethnicity, gender, and student disability classification.
3. A list of the school systems and charter schools that have complied with the reporting requirements pursuant to paragraph 2 of this subsection.

O. The state Department of Education shall post the annual report pursuant to O. of this section on its website and submit a written copy to the Senate and House committees on education and the Advisory Council on Student Behavior and Discipline established pursuant to R.S. 17:253.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:7(5)(b) and 17:416.21.

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