

Restraint and Seclusion, Positive Behavior Intervention and Supports (PBIS) in Ohio Schools.

What Parents Need to Know

#EachChildOurFuture



Does This Law Apply to all Students?

This law applies to all K-12 students, both general education students and students with disabilities, and requires using proven practices to reduce and eliminate restraint and seclusion practices.

As of September 2021, Ohio law requires school districts to provide yearly notice to parents about their procedures related to the requirements of positive behavior intervention and supports (PBIS) and the emergency use of physical restraint and seclusion, including the local complaint process. Part of this law requires that parents in Ohio's public schools must be given the following information at least one time per year.

What is the purpose of this law?

The purpose of this law is for Ohio school districts to provide behavior supports and training to reduce and eliminate the need for emergency physical restraint and seclusion. The law requires that Ohio school districts:

- Implement PBIS in all (K-12) schools across the district.
- Provide student personnel with professional development about PBIS.
- Deliver specific training on ways to prevent the use of restraint and seclusion and safe restraint and seclusion practices when needed for emergencies.



Ohio | Department of Education

This Document was developed by The Ohio Department of Education Office for Exceptional Children in collaboration with the Ohio Coalition for the Education of Children with Disabilities

Positive

Teaching students the behaviors the school wishes to see (school-wide behavior expectations) and the skills needed to demonstrate the behavior expectations

Behavior

Acknowledging and reinforcing expected behaviors

Intervention

Creating a safe and supportive environment that guides positive behavior choices

Supports

Developing organized levels (tiers) of interventions and supports to provide the behavior assistance each child needs to be successful

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What is PBIS and how does it apply to my child?

Positive Behavior Intervention and Supports (PBIS) is a process schools use to create a consistent approach for teaching and supporting positive behavior. PBIS is designed for all students and is applied in all areas of the school including the classroom, hallway, lunchroom, restroom and recreation spaces. PBIS helps to prevent or reduce challenging and unsafe behaviors that can lead to the emergency use of restraint and seclusion. The PBIS framework includes the above practices.

Do you suspect your child has a disability?

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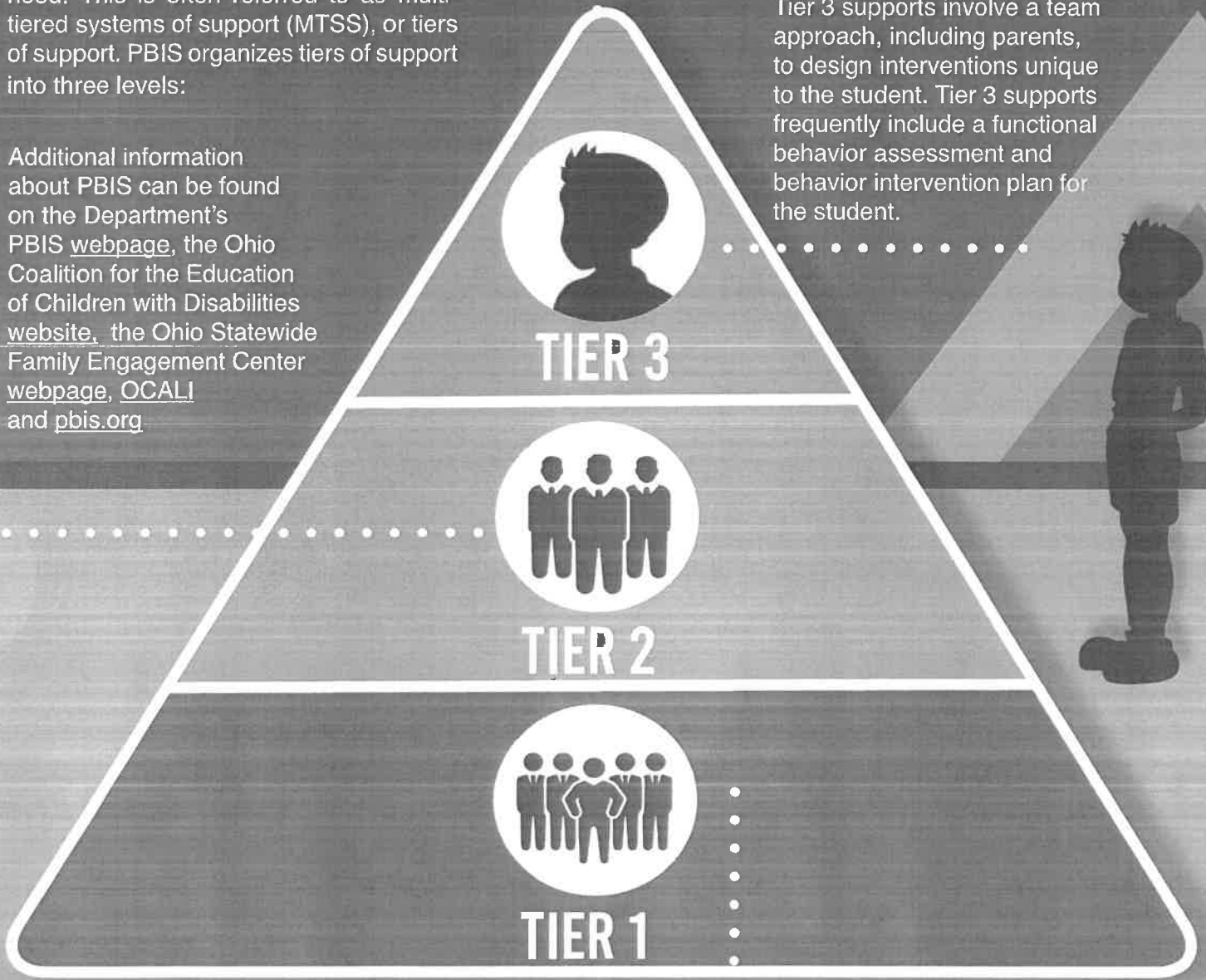


Multi-Tiered Systems of

Support (MTSS)

A key practice of PBIS is offering tiers of support to match each child's level of need. This is often referred to as multi-tiered systems of support (MTSS), or tiers of support. PBIS organizes tiers of support into three levels:

Additional information about PBIS can be found on the Department's [PBIS webpage](#), the Ohio Coalition for the Education of Children with Disabilities [website](#), the Ohio Statewide Family Engagement Center [webpage](#), [OCAL](#) and [pbis.org](#).



Individualized Supports

A few students are provided individualized supports based on their specific needs, in addition to Tier 1 and Tier 2 supports. Tier 3 supports involve a team approach, including parents, to design interventions unique to the student. Tier 3 supports frequently include a functional behavior assessment and behavior intervention plan for the student.

Targeted Supports

Some students are provided more instruction and opportunities for practicing behavior skills in addition to Tier 1 supports. Schools often provide Tier 2 supports to groups of students with similar needs.

Universal Supports

All students are taught the school-wide behavior expectations and the skills associated with the behavior expectations.

Physical Restraint

Restraint is the use of direct physical contact to prevent or restrict a student's movements.

- Staff must ensure the student's breathing is not restricted.
- Staff may not hold the student face down (in the prone position).

Seclusion

Seclusion is confining (or keeping) a student in a room or space to ensure safety of the child and others while being observed by an adult.

- There must be continuous observation by school staff.
- The room or area must not be locked.
- The space must provide adequate space, lighting, ventilation, and protect the safety and dignity of the student.



Physical restraint or seclusion can only be used in emergency situations

when other interventions have failed and there is great risk to the safety and well-being of the student or others. It cannot be used for staff convenience, as a form of discipline or punishment or as a substitute for something less limiting or restrictive. The use of physical restraint or seclusion may never be used for preschool students.



A circular inset image in the top right corner shows a child from behind, looking out a window with their hand on the glass. The child is wearing a striped shirt. The background of the page features a large, dark, textured image of a person's face and a white sneaker with laces.

Prohibited Practices

- Mechanical or chemical restraint
- Face down (Prone) restraints
- Corporal Punishment
- Depriving the child of basic needs and anything that is considered child abuse
- Anything that restricts breathing
- Any intentional use of substances, activities, or items that cause physical pain or extreme discomfort

Information about physical restraint and seclusion:

If my child is physically restrained or secluded, how will I be informed?

If your child is physically restrained or secluded, the school will do the following:

- The school will call or electronically notify you immediately following the incident.
- The school will send you a written report to you within 24 hours of the incident.

What if my child's behavior does not improve or I have concerns about the use of physical restraint or seclusion with my child?

If you have concerns about your child's behavior or interventions being used to address the behaviors, you should contact the school administrator(s), teacher or school counselor and ask to schedule a meeting. Parents of a child with a disability can call an Individualized Education Program (IEP) meeting.

If you suspect your child may be a student with a disability, you should ask your school to evaluate your child's needs for special education services. [Requesting an initial evaluation letter writing template.](#)

If your child has three or more incidents of restraint or seclusion, your school district is required to meet with you to discuss whether a functional behavioral assessment (FBA) or behavior intervention plan (BIP) is needed, or if an existing FBA or BIP needs revised. The school will be able to share with you what interventions it has tried and how your child has responded to those interventions. Together, you can discuss an intervention plan to help reduce the use of emergency restraint and seclusion.

What should be discussed with the school during the meeting about my child's behaviors?

Some questions you may want to ask the school include:

- When is the behavior occurring?
- What is happening before my child's behavior escalates?
- What positive behavior interventions and supports have been tried with my child?
- How did my child respond to each of these interventions and supports?
- Is there a staff member my child has a positive relationship with? Can this relationship be incorporated into the interventions?
- What can we do at home to help my child be successful at school?
- What training do staff receive for crisis management and de-escalation?
- Were the staff involved in the incidents with my child trained in crisis management and de-escalation?

What if I have a complaint about a restraint or seclusion that occurred with my child?

A Parent may file a written complaint to the District Superintendent to initiate an investigation by the school district. Parents also have the option to report concerns to other public agencies, such as law enforcement, the county department of Child Protective Services (Job and Family Services), or the Office of Professional Conduct within the Ohio Department of Education (Department). Additionally, a parent may file a [complaint](#) with the Department's Office for Exceptional Children. If a parent needs support with this they can reach out to [The Ohio Coalition for the Education of Children with Disabilities](#) or [Disability Rights Ohio](#). The District should provide information regarding how to file a complaint with the superintendent, other agencies or the Department.

[Requesting an IEP Meeting Template](#)

Where can I find a copy of the State Regulation discussed in this notification?

This regulation can be found on the Ohio Department of Education [website](#). The regulation can also be found on the Legislative Service Commission [website](#). The District should be able to help direct parents if they are unable to access it.



#EachChildOurFuture Resources

[Restraint and Seclusion: Resource Document, U.S. Department of Education, May 2012.](#)

[Fact Sheet: Restraint and Seclusion of Students with Disabilities, U.S. Department of Education, December 2016](#)

[Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities, U.S. Department of Education, December 28, 2016](#)

[Positive Behavioral Interventions and Supports, OSEP Technical Assistance Center](#)

www.ocali.org

www.oecd.org

www.disabilityrightsohio.org

Positive Behavior Intervention Supports and Use of Restraint and Seclusion FAQ

Ohio Administrative Code 3301-35-15

POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS
(Restraint and Seclusion)

Positive Behavioral Interventions and Supports (PBIS)

The District implements PBIS on a systemwide basis for the purpose of improving academic and social outcomes and increasing learning for all students. The Board directs the Superintendent/designee to develop a PBIS system that is consistent with the components set forth in the State Board of Education's (SBOE) policy on positive behavior interventions and supports. The District encourages family involvement as an integral part of its PBIS system.

Prohibited Practices

The District does not engage in practices prohibited by State law, including:

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. uses pressure point, pain compliance or joint manipulation techniques or
 - C. otherwise involves techniques that are used to unnecessarily cause pain.
3. corporal punishment;
4. child endangerment, as defined by Ohio Revised Code Section (RC) 2919.22;
5. deprivation of basic needs;
6. seclusion and restraint of preschool children in violation of Ohio Administrative Code Section (OAC) 3301-37-10;
7. chemical restraint;
8. mechanical restraint (that 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);
9. aversive behavioral interventions or

10. seclusion in a locked room or area.

Restraint

Physical restraint may not be used as a form of punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control. The use of prone restraint is prohibited. This policy does not prohibit the use of reasonable force and restraint as provided by RC 3319.41.

Restraint may be used only:

1. 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;
2. if the physical restraint does not interfere with the student's ability to breathe;
3. 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
4. by school personnel trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

Seclusion

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

Seclusion may be used only:

1. 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;
2. for the minimum amount of time necessary to protect the student and others from physical harm;
3. in a room or area that is not locked, does not preclude the student from exiting the area should the staff member become incapacitated or leave, and that provides adequate space, lighting, ventilation and the ability to observe the student and
4. under the constant supervision of trained staff 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.

Repeated Dangerous Behaviors

The District conducts functional behavioral assessments for students who repeatedly engage in dangerous behavior that leads to instances of restraint and/or seclusion to identify students' needs and more effective ways of addressing those needs. Behavioral intervention plans that incorporate appropriate positive behavioral interventions are created when necessary.

Training and Professional Development

The District provides professional development or continuing education in PBIS, as part of the implementation of the PBIS framework in accordance with State law. The District's professional development committee monitors this training and establishes model professional development courses.

The District trains an appropriate number of personnel in each building in crisis management and de-escalation techniques. The District maintains written or electronic documentation of provided training and lists of participants in each training session.

All student personnel, as defined by OAC 3301-35-15, are trained annually on the SBOE's and the District's policies and procedures regarding restraint and seclusion.

The Board directs the Superintendent/designee to develop a plan for any necessary training of student personnel to implement PBIS on a system wide basis.

Compliance with training requirements is reported to the Ohio Department of Education (ODE) by November 30 annually through the consolidated school mandate report.

If the District reports noncompliance the Superintendent/designee must provide a written explanation to the Board within 30 days explaining this noncompliance and a written plan of action for accurately and efficiently addressing the problem.

Data and Reporting

Each incident of seclusion or restraint is immediately reported to the building administrator and the student's parent. Each incident of seclusion or restraint is documented in a written report, which is made available to the student's parent within 24 hours. The District maintains written reports of seclusion or restraint. These reports are educational records under the Family Education Rights and Privacy Act.

The District annually reports information concerning the use of restraint and seclusion to the ODE, as requested by ODE.

Monitoring and Complaint Processes

The Board directs the Superintendent/designee to establish a procedure to monitor the implementation of State law and the District's policy on restraint and seclusion.

The Board directs the Superintendent/designee to establish District complaint procedures, which include a:

1. procedure for parents to present complaints to the Superintendent to initiate a complaint investigation by the District regarding incidents of restraint or seclusion and
2. requirement that the District respond to parents in writing within 30 days of the filing of a complaint regarding restraint and seclusion.

Parents are notified annually of the District's seclusion and restraint policies and procedures, which are also posted on the District's website.

[Adoption date: October 22, 2013]

[Re-adoption date: June 24, 2014]

[Re-adoption date: October 9, 2018]

LEGAL REF.: ORC 2919.22
3301.68
3319.237
3319.46
3326.11
3328.24
OAC 3301-35-15
3301-37-10

CROSS REFS.: IGBA, Programs for Students with Disabilities
JF, Student Rights and Responsibilities
JGA, Corporal Punishment
JH, Student Welfare
JHF, Student Safety

NOTE: Beginning with the 2013/2014 school year, districts are required to develop policies dealing with seclusion, restraint and PBIS. The requirement stems from Ohio Administrative Code 3301-35-15, which was finalized through the Joint Committee on Agency Rule Review (JCARR) on April 8, 2013. Prior to rule finalization, the State Board of Education (SBOE) adopted an accompanying model policy in January 2013. The rule requires district policies and procedures to be consistent with the SBOE policy.

Policies and procedures dealing with seclusion and restraint are required to be posted on the district's website and parents must be notified annually of district policies and procedures dealing with seclusion and restraint.

House Bill (HB) 178 (2014) extends these requirements to community and STEM schools.

HB 318 (2018) requires SBOE to revisit its existing rule (OAC 3301-35-15) on PBIS to create a new PBIS framework. School districts are required to implement a PBIS framework that complies with the amended or updated SBOE policy.