



# IN BRIEF: LA. R.S. 17:416.21

# RESTRAINING STUDENTS

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## Restraining Students via Seclusion

**Seclusion:** a procedure that isolates and confines a student in a separate room or area until the student is no longer an imminent threat of danger to self or others.

- May only be used if there is an imminent risk of harm to student/others and is a last resort when all other de-escalation attempts have failed.
  - Cannot be used as a means to address behaviors such as general noncompliance, self-stimulation, and academic refusal.
- A seclusion room must be free of any dangerous objects, have an observation window, and be an appropriate size with appropriate ventilation and lighting accommodations.
  - The secluded student must be supervised by a school employee and must be able to be seen and heard by the supervisor the entire time the student is placed in the seclusion room.
  - Only one student may be placed in a seclusion room at any given time.

## Restraining Students via Physical Restraints

**Physical Restraint:** (intentional, unsolicited, or nonconsensual) bodily force used to limit a person's movement.

**Mechanical Restraint:** the application of any device or object used to limit a person's movement. It does not include the proper use of a protective or stabilizing device as ordered by an appropriately licensed health care provider or any device used by a duly licensed law enforcement officer in the execution of his official duties.

- May only be used when there is an imminent risk of harm to student/others and is a last resort to protect student's/others' safety.
  - Can only be used to the degree necessary to stop dangerous behavior and cannot cause physical injury, interfere with a student's breathing or ability to communicate with others, or place excessive pressure on the student's chest or back.
- No mechanical restraints can be used and any efforts used to physically restrain a student must be directly proportionate to the circumstances and the student's size, age, and severity of behavior.

## Other Restrictions

- Seclusion and physical restraints cannot be used as a form of discipline or punishment; as a threat to control, bully, or obtain behavioral compliance; or, for the convenience of school personnel.
- No student can be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint.
- Seclusion or physical restraints cannot be used on a student who has a known medical or psychological condition that precludes such actions, as certified in writing by a licensed health care provider.

## Documentation and Reporting Requirements

- The charter school board must adopt written guidelines and procedures regarding:
  - Reporting requirements and follow-up procedures; notification requirements for school officials and a student's parent/other legal guardian; an explanation of the methods of physical restraint; and, the school employee training requirements relative to the use of restraint.
  - These guidelines and procedures must be provided to all school employees and every parent of a student with an exceptionality.
- Any student placed in seclusion or physically restrained must be monitored continuously, and such monitoring shall be documented at least every 15 minutes.
  - The student must be released as soon as the reasons for justifying such action have subsided.
- The secluded or physically restrained student's parent/other legal guardian must be notified of the incident as soon as possible.
  - The parent/other legal guardian must also be given written notification with details of the event (reasons therefore, procedures used, length of time, and the names and titles of any school employee involved) within 24-hours of the incident.
- The school employee who secluded or restrained a student must document and report the incident in accordance with the school's policies and submit the report to the school's principal no later than the following school day; a copy of that report must be provided to the student's parent or legal guardian.
  - The charter school must also report all instances where seclusion or physical restraint was used to address student behavior to the Department of Education.
- The school's director or supervisor of special education must also be notified any time a student is secluded or physically restrained.
  - If a student is involved in 5 incidents in a single school year involving the use of physical restraint or seclusion, the student's Individualized Education Plan (IEP) team must review and revise the student's behavior intervention plan.

## More Information

- R.S. 17:416.21: <http://www.legis.la.gov/Legis/Law.aspx?d=762879>

**Please note:** LAPCS In Briefs are merely reference guides that summarize the law and are not legal advice. LAPCS strongly encourages all charter schools to read laws and policies in full and to always check with your school's attorney and authorizer.

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