

Seclusion and Restraint in Vermont Schools

Vermont State Board Rule 4500

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Webinar Logistics

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Introduction

Purposes of Rule 4500

- Positive and safe environments
- Positive behavioral interventions and supports
- Ensure students are not subjected to inappropriate use of restraint or seclusion

Definitions

Definition: Seclusion

- **Seclusion:**

- The confinement of a student **alone** in a room or area
- The student is prevented or reasonably believes they will be **prevented from leaving**
- Does NOT include time-out or private processing, in which the student is not left alone and is under adult supervision

Poll 1

**Does the following incident involve the use of seclusion?
Why or why not?**

Zuri began kicking a peer who was in line in front of her and wouldn't stop when her Behavior Interventionist (BI) attempted to intervene and de-escalate.

The BI walked with her into the "quiet room," where the door was closed and Zuri was not permitted to leave until she'd discussed the incident with her BI.

Together, Zuri and her BI processed the situation and made a plan for what to do the next time she became upset with a peer.

Poll 1 Answer

No, the incident described in the last slide does not represent a seclusion

- Zuri and her behavior interventionist were together in the enclosed space.
- Zuri was not alone in the room and was able to interact with her interventionist.

Poll 2

- Given the same scenario, but instead of going with her BI to the quiet room, Zuri chose to go there herself and cool down before processing with her BI. She was allowed to do so, she closed the door, and she was told to open the door whenever she felt ready to talk.
- Is this a seclusion?

Poll 2 Answer

No, this is not a seclusion either

- Entered the room on her own accord
- Could exit at will

Poll 3

- Again, the same scenario with Zuri and her BI. This time, she became highly aggressive toward her BI once they entered the quiet room together and did not respond to de-escalation strategies.
- Given that level of aggression and the failure of other less restrictive techniques, the BI exited the room and gave Zuri a directive that she was to remain in the room until she was told she could leave.
- Is this a seclusion?

Poll 3 Answer

Yes, this does represent a seclusion

- Confined alone in the quiet room, and
- Had to remain until given permission to leave.

Poll 4

- One more time with Zuri's scenario. Zuri became highly aggressive toward her BI once they entered the quiet room together and did not respond to de-escalation strategies.
- Given that level of aggression and the failure of other less restrictive interventions, the BI exited the room **but left the door open**. Zuri was directed to remain in the room until she was told she could leave.
- Is this a seclusion?

Poll 4 Answer

Yes, this too is a seclusion

- Confined alone in the quiet room
- Had to remain there until given permission to leave.

Definition: Physical Escort

- **Physical Escort**
 - Momentary touching or holding
 - Without the use of force
 - Student exhibiting minimal resistance
 - For the purpose of directing movement
 - Not considered a restraint

Definition: Moving Restraint

- **Transport / Moving restraint**
 - Use of physical force
 - Momentary period of physical contact
 - More than minimum level of force from staff member
 - Restriction of movement
 - Student actively resisting
 - This is a restraint / governed by Rule 4500
 - Governed by the protocols of the restraint training program used

Definitions: Escort vs. Moving Restraint

<p>ESCORT is not a restraint does not need to follow 4500 protocol</p>	<p>MOVING RESTRAINT is a restraint does need to follow 4500 protocol</p>
<p>Temporary or momentary period of physical contact between a student and a staff member</p>	<p>Temporary or momentary period of physical contact between a student and a staff member</p>
<p>For the purpose of moving directly from one place or another</p>	<p>For the purpose of moving directly from one place to another</p>
<p>Minimal or no force from the staff member (CPI low or medium level transport would fit this description)</p>	<p>More than the minimal level of force from the staff member Restriction of the student's movement (CPI high level transport would fit this description)</p>
<p>Student demonstrating minimal or no physical resistance Student moving own feet and supporting own weight</p>	<p>Student physically resisting Student not moving of their own accord and actively attempting to halt movement</p>

Poll 5

**Does the following incident involve
an escort or a moving restraint?
Why or why not?**

Ben was asked to step into the hallway to discuss a matter with the classroom assistant. He refused and, instead, crawled under his desk.

The assistant was able to verbally coax Ben out from beneath his desk, but he refused to leave the classroom, telling the assistant he was going to stay where he was.

The assistant placed an arm across Ben's shoulders and engaged him in conversation while slowly moving toward the door. Ben grumbled and complained but slowly moved along with the assistant.

Poll 5 Answer

- The intervention used was an **escort**
- Minimal force from staff member
- Verbal resistance from student, but not physical resistance
- Escorts are allowable and do not need to be reported as restraints

Definition: Types of Physical Restraints

- **Physical Restraint**
 - The use of physical force to prevent an imminent and substantial risk of bodily harm to the student or others
- **Prone Restraint**
 - Holding the student face down on his or her stomach
- **Supine Restraint**
 - Holding the student on his or her back

A Note About Prone & Supine Restraints

- Prohibited except when student's size and severity of behavior require it because a less restrictive restraint has failed or would be ineffective
- More restrictive
- More dangerous

Poll 6

Does the following incident represent a restraint? Why or why not?

- Using the scenario involving Ben, this time he pulled at the assistant's hair and used his knee to forcefully strike the assistant's jaw.
- The assistant was able to unclench Ben's fist from her hair and, with her hands underneath his forearms, she guided him to a standing position. She spoke quietly and used verbal de-escalation techniques to calm Ben.
- Ben continued to reach toward the assistant's hair and kicked at her shins. At that point, the assistant used an approved maneuver that involved wrapping Ben's upper arm with hers and attempting to guide him toward the door. Ben attempted to "dig his heels in" but, due to his small size, the assistant was able to move him toward the doorway in spite of Ben's opposition.

Poll 6 Answer

**The intervention used in this scenario
was a (moving) restraint**

- More than minimal force from staff
- Ben was actively resisting
- Moving restraints are restraints, must be reported as such, and are governed by all the conditions outlined in the Rule 4500 series

Definition: Physical Restraint, cont.

- Physical restraint does NOT include:
 - Momentary periods of physical restriction accomplished with limited force
 - Minimum contact necessary
 - Hand-over-hand assistance with a task
 - Techniques prescribed by a qualified medical professional

Poll 7

Does the following incident represent an acceptable use of restraint?

Why or why not?

- Cara is a 4th grade student with disabilities who previously used a wheelchair for mobility reasons. Over the past year, however, Cara has made significant progress in physical therapy and is able to move without the use of her chair most of the time. However, her wheelchair is still available in case of emergencies, such as a building evacuation, so that her behavioral interventionist could help her exit quickly.
- Recently, Cara's BI has been using the wheelchair to keep Cara contained when she becomes disregulated. Sometimes Cara will yell loudly, throw herself onto the floor, or even throw her books at her BI's face, and so her BI will strap her into her wheelchair. Often, just the suggestion that Cara will need to go in the chair helps her BI to de-escalate her behavior.

Poll 7 Answer

No, this is not acceptable. This is a mechanical restraint and not permitted by Vermont's rules.

- Cara does not need her wheelchair for mobility anymore and so it is not a prescribed or authorized device
- The wheelchair straps are being used as a mechanical restraint
- Even if Cara was presenting a risk of imminent physical harm to herself or to her BI, this type of restraint is never permitted in Vermont schools
- Another intervention must be used instead to protect Cara and her BI when her behavior becomes unsafe

Definition: Substantial Risk

Substantial Risk

=

Imminent

+

Significant Bodily Harm

Definition: Imminent

Imminent:

- The effects of the child's behavior are or will be immediate or could occur at any time
- The child has the ability or means to enact physical injury or bodily harm through their behavior
- Even after adults have provided less restrictive interventions to de-escalate the behavior, the child's behavior persists or cannot be prevented

Definition: Significant Bodily Harm

- **Significant Bodily Harm**
 - severe enough to cause a cut, abrasion, bruise, burn, or disfigurement
 - severe enough to cause physical pain or illness
 - Severe enough to impair the function of a bodily member, organ, or mental faculty

Poll 8

**Does the following incident present a substantial risk?
Why or why not?**

Chloe, a high school junior rugby player, was angry with the score she received on a quiz and lashed out at her teacher. She loudly provided very specific threats to the teacher, such as “I’m going to slash your throat with a 10-inch blade” and “I’m gonna run your baby over with my boyfriend’s car.” [Click to add text](#)

At first, the teacher praised the other students who were sitting quietly and planfully ignored Chloe. When Chloe continued, the teacher positioned herself at a safe distance but closer to Chloe’s desk, speaking softly and quietly, prompting her to use one of her anger management skills and giving her the choice to take a break and process her feelings with another staff member.

Chloe stubbornly remained in her seat, arms crossed over her chest, and continued with the verbal threats.

Poll 8 Answer

No, Chloe's behavior does not pose a substantial risk.

- Chloe posed no imminent risk of harm, given that she remained seated at her desk, even with her arms crossed
- Chloe did not have the means by which to carry out those threats in the moment

Poll 9

Using the same example, this time Chloe begins tearing pieces of paper from her notebook, wadding them up into balls, and throwing them at her teacher. She has good aim and several of the paper balls strike the teacher's head and torso.

Does Chloe's behavior now pose a substantial risk?

Poll 9 Answer

No, this does not represent a substantial risk.

- Paper balls do not pose the risk of a serious injury

Poll 10

This time, when the teacher moved closer to Chloe's desk, the student stood up and hurled her desk at the teacher, then began grabbing random objects like chairs, the classroom globe, staplers and threw those at the teacher as well.

Does Chloe's behavior now pose a substantial risk?

Poll 10 Answer

Yes, this is a substantial risk

- Access
- Heavy objects can cause significant physical injuries
- Carrying through / no longer just a threat

Permissible Use of Seclusion

Seclusion May Be Used...

- **Only when ...**
 - Student's behavior poses imminent risk of substantial physical injury
 - Less restrictive interventions have failed or would be ineffective
 - Staff are trained
 - Temporary intervention
 - Monitored at all times
 - Space large enough; adequately lit, heated ventilated; free of dangerous objects; in compliance with fire/safety codes
 - No known contraindications
 - Physical restraint contraindicated

What ??

- Only when imminent risk ...
- Only when less restrictive failed
- Only with trained staff
- Only as temporary intervention
- Only when monitored
- Only if space meets criteria
- Only when no known contraindications
- **Only when physical restraint is contraindicated**

WHAT???

Seclusion is permitted only when physical restraint is contraindicated

- Restraint is less restrictive and preferred
- Seclusion must not be used, except when physical restraint has been deemed inadvisable
- Valid reasons do exist for deeming restraint inadvisable
- Later: impact Covid-19 on this section of the rules

Poll 11

**In the following instance, is seclusion permissible?
Why or why not?**

When told he would be missing recess, D'Andre lost his temper and climbed to the top of a tall shelf next to the windows, where he began pounding his fists in an attempt to break the glass, then banging his head forcefully against the window.

The teacher evacuated the classroom, fearing the glass may shatter and cause harm to D'Andre and others. The classroom assistant, who was CPI-trained, remained in the classroom with D'Andre and tried several de-escalation techniques, but the behaviors continued. At that point, another CPI-trained staff member arrived and, together, they were able to get D-Andre off the shelf, accompanied him to the quiet room and placed him in seclusion until he was no longer showing aggressive behaviors.

Poll 11 Answer

No, a seclusion would not be permissible in this instance

- No other students; two staff members – time and space to attempt additional de-escalation techniques
- Staff may have been able to coax / assist him down from shelf and corral to safer part of the room
- Staff had the ability to restrain him in the evacuated classroom

Poll 12

Given the example of D'Andre banging against the window, is this a permissible use of seclusion?

- The class is evacuated and the classroom assistant attempts a variety of strategies to calm D'Andre to no avail, so she restrains him, properly using a CPI hold.
- D'Andre, who is wiry and quick, is able to escape the hold. He now begins aggressing against the assistant, biting, scratching, and kicking. No other staff members arrive to help contain the situation.
- The assistant is able to persuade D'Andre to walk with her to the quiet room. Once they're both inside the room, however, D'Andre punches and kicks the assistant. She is not confident that she'll be able to hold him safely, so she steps out of the room, closes the door, and secludes him, visually monitoring him but also calling for additional support.

Poll 12 Answer

Yes, this is a permissible use of seclusion

- Staff member tried several de-escalation strategies
- Staff member attempted restraint
- Student remained aggressive
- Staff member made sound decision to accompany student into quiet room, in which case it would not be considered a seclusion
- When student re-escalated and became aggressive, it was a sound judgement to exit room and seclude
 - Already attempted restraint and it had failed
 - No other assistance
 - Likely fatigued
 - Possibly injured
 - Lack of confidence in ability to restrain further

Poll 13

Given the same example of D'Andre banging against the window, is this a permissible use of seclusion?

- D'Andre's team had looked at his data, consulted with his therapist, and determined that physical restraint IS contraindicated for him because he has a history of sexual trauma and the data has shown that restraints only escalated him further.
- So D'Andre's teacher directed him to go to the quiet room and, with the classroom assistant accompanying him, he complied. Once they'd arrived at the seclusion space, however, D'Andre again punches and kicks the assistant.
- The assistant tells D'Andre that he is to remain in the quiet room for the remainder of that class period and until recess ends. The assistant closes the door and visually monitors him from outside the room throughout that period of time.

Poll 13 Answer

No, this is not a permissible use of seclusion

- Permissible to use seclusion rather than restraint per team decision regarding contraindication, but ...
- Seclusion is a temporary intervention
 - should be terminated as soon as student no longer poses imminent risk of substantial harm, or
 - as soon as less restrictive interventions may prove successful

Permissible Use of Restraint

Restraint May Be Used...

- **Only When ...**
 - Imminent and substantial risk of physical injury
 - Less restrictive interventions failed or would be ineffective
 - In accordance with school-wide safety plan
 - Monitored face-to-face
 - Used in manner that is safe, proportionate, and sensitive to a range of student characteristics
 - Used by trained and certified staff
- **Remember conditions for prone or supine ...**
 - Only when student's size and severity of behavior require these holds because less restrictive holds have tried and failed or would be ineffective

Poll 14

**Given the following scenario, would restraint be permissible?
Why or why not?**

Abigail is a student in Kindergarten who has had some difficulties adjusting to her new school environment. Her mother had alerted her daughter's teacher that it had been a rough morning and instead of putting her on the school bus, she would be driving her to school that day.

The paraprofessional assigned to Abigail's Kindergarten classroom met Abigail and her mother when they arrived outside the school entrance. Abigail was quiet and sullen, but said goodbye to her mother and began walking inside with the para.

Right before entering the school doors, Abigail had a change of heart and ran to the back of the school building, onto the playground, and onto a swing. The paraprofessional, who was trained to administer restraints, attempted a wide variety of less restrictive interventions in an effort to encourage Abigail to stop swinging and walk to class. Abigail ignored all of these strategies and kept swinging.

Poll 14 Answer

No, this is not a permissible use of restraint

- Swinging on a swing does not pose an imminent risk of significant physical harm.

Poll 15

Given the same example of Abigail arriving to school with her mom

- Instead of running to the playground, Abigail impulsively ran after her mother ... and straight into the flow of oncoming traffic in the roadway adjacent to the school property.
- This time, the paraprofessional ran after Abigail and caught up to her just before she stepped in front of a moving car. The para held Abigail in a standing hold and when Abigail wriggled, kicked, and then went limp, refusing to stand and walk, the para continued the stationary standing restraint until Abigail agreed to walk into the school building.

Poll 15 Answer

Yes, this restraint with Abigail was permissible

- Student at imminent risk of substantial physical injury.
- Little to no time to implement less restrictive interventions because of the danger posed.

Prohibited Interventions

Vermont Rules Prohibit:

- Mechanical restraint
- Chemical restraint
- Any intervention that restricts or limits breathing or communication, causes pain, or is imposed without maintaining direct visual contact
- For convenience of staff
- As a substitute for an educational program
- As a substitute for inadequate staffing or training

Prohibited Interventions Cont.

- As a form of discipline or punishment
- In response to student's use of disrespect
- In response to a verbal threat not accompanied by the means or intent to carry out that threat

Poll 16

Given the following scenario, would the following intervention be permissible? Why or why not?

Frankie is frequently disruptive in class, often defiant when given instructions, and uses racial slurs when he gets angry. The school psychologist conducted a Functional Behavior Assessment and the team used that to develop a clearly defined Behavior Support Plan.

When a classmate reached for a toy, Frankie used an offensive term related to his peer's race.

Because his plan stated that he is to receive a ten-minute time-out in response to the use of offensive racial language, his BI brought Frankie to the seclusion room, shut the door, set the timer for ten minutes, and monitored him through the window throughout the time-out.

Poll 16 Answer

No, Frankie was secluded and this use of seclusion is not permissible

- Restraints and seclusions are emergency interventions, not planned interventions
- Remember the definition: alone, not permitted to leave at will
- No imminent risk of substantial injury.
- Restraints and seclusions must be terminated as soon as the risk of harm is no longer present or could be managed by less restrictive measures.

Termination of Interventions

Termination of the Intervention

- **As soon as ...**
 - Unnecessary pain or significant distress
 - Breathing or communication is compromised
 - No longer poses imminent and substantial danger of physical injury
 - Less restrictive interventions would be effective
- **Think about Frankie and his behavior plan ...**

Termination of the Intervention, cont

- **As soon as ...**
- unnecessary pain or significant distress
- breathing or communication is compromised
- behavior no longer poses imminent and substantial danger of physical injury or property damage
- less restrictive interventions would be effective
- Think about Frankie and his behavior plan ...

Poll 17

Given the following scenario, would the following intervention be permissible? Why or why not?

Jayden is an 8th grader who struggles with peer relationships and managing his anger. During a group activity in English class, a friend accidentally steps on his new shoes, and Jayden starts threatening to fight him. He throws a punch which almost lands on his English teacher when she tries to intervene. She quickly calls for support and clears the classroom of all other students.

The two behavioral interventionists who respond are now alone in the classroom with Jayden, who is still extremely agitated and kicking each of them as hard as he can. They work to use verbal de-escalation and encourage him to use his breathing strategies, but he is not hearing them. He tries to bite one of the BI's when they attempt to restrain him. They determine it is not going to be effective to use restraint, leave the classroom, and close the door, starting a seclusion.

As the adults observe through the window in the classroom door, Jayden slowly begins to enter a calmer state. He takes some deep breaths and eventually stops kicking the door. Jayden begins to walk around the classroom, pacing. He asks them to open the door so he can have a drink of water, but the BI's state that he needs to have a "calm body" and remain seated for at least 30 seconds before they will let him leave.

Poll 17 Answer

No, this use of seclusion is not permissible, as Jayden should have been allowed to leave the classroom (seclusion space) when he was no longer presenting a risk of physical harm through his behaviors.

- Seclusion is an emergency intervention that may only be used to prevent imminent physical harm
- Seclusion must end when a student is no longer presenting this risk of harm OR if a less restrictive intervention could be effective
- A student who is not following directions, but is no longer escalated to a level of physical danger, may not continue to be secluded
- The student could be allowed to leave the room, or the trusted adult could enter the room to co-regulate with them further before they return to a situation with peers

In the Context of COVID-19

Covid-19 Considerations

- **Fall 2020:**
 - Exception granted: during global pandemic, seclusion can be used instead of restraint as a means to mitigate the risk of viral transmission
- **Fall 2021:**
 - Schools serving students not yet eligible for a covid vaccine (ages 5-12) are able to use the exception above.
 - Schools serving students eligible for covid vaccine (ages 12 and up) should return to use of seclusion only when restraint is contraindicated.
- **Fall 2022:**
 - No formal covid considerations

Covid-19 Considerations, cont.

- **Remember, under any circumstances:**
 - **Teams may meet on case-by-case basis to determine whether restraint is contraindicated**
 - Include parents/guardians
 - Include covid coordinator, school nurse, other medical professionals
 - Consider physical, medical, psychological factors and personal history
 - Consider what data tells you
 - Consider whether student is eligible for but not vaccinated
 - Consider factors such as spitting or biting that may pose greater risk of viral transmission

Following the Termination of the Intervention

- Student shall be evaluated and monitored for the remainder of the school day
- A routine physical/medical assessment shall be conducted by someone who was not involved in the intervention
- Any injury received as a result of the intervention must be documented

Reporting of Restraint/Seclusion

- To the School Administrator:
 - As soon as possible, no later than the end of the school day on which the intervention occurred

Reporting to Parents

- To the parents/guardians:
 - School administrator must make documented attempt to provide verbal or electronic notice to parents as soon as possible, no later than the school day on which the intervention occurred
 - Written notice must be provided to parents within 24 hours of the intervention
 - Written notice must include an invitation for the parents to participate in debriefing

Reporting to the Superintendent

- To the superintendent within 3 school days of the incident:
 - Any death, injury, or hospitalization
 - An individual staff member who's used restraint or seclusion 3 separate times on one or more students
 - The intervention lasted more than 15 minutes
 - A student has been restrained or secluded 3 or more times per school year
 - A student has been restrained or secluded more than once in one school day
 - The intervention was used in violation of the rules

Reporting to the AOE

- To the secretary of the Agency of Education within three school days of the superintendent's receipt of the report:
 - Death or injury requiring outside medical attention
 - Duration of more than 30 minutes
 - Violation of the rule

New Reporting Form

- For incidents that meet the criteria to be reported to the Secretary/Agency of Education, we now request they be sent virtually
- Link to the online form is available on state webpage and its use will be mandated in a memo to superintendents
- Allows better data collection and analysis so that we can offer support to those in the field and examine trends in incidents of restraint and seclusion in schools

COMMENTS & QUESTIONS



Additional Information

**Additional slides, addressing assessment, monitoring,
reporting, and debriefing,
are provided below**

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Debriefing

- With the student:
 - Within 2 school days
 - With a proper staff member
 - To review the incident and discuss precipitating behaviors, in a manner appropriate to the student's age and developmental ability

Debriefing, cont.

- With the staff person(s) who administered the intervention:
 - Within 2 school days
 - To discuss whether proper procedures were followed, including preventative strategies

Debriefing, cont., cont.

- With parents (if desired):
 - Within 4 school days
 - To participate in a review of the incident
 - To determine any specific follow-up actions to be taken
 - Parents shall receive written notice of the meeting
 - Meeting shall be convened at a mutually acceptable time and place

Annual Notification

- At or before the beginning of each school year
 - The policies pertaining to restraint and seclusion
 - The intent to emphasize the use of positive behavioral interventions and supports
 - The intention to avoid restraint and seclusion to address student behavior

Guidance Resources

- Feel free to download the guidelines, along with an introductory memo and frequently asked questions, that have been uploaded onto this webinar.
- An updated memo regarding the use of restraints and seclusions during the 2021-22 school year will be posted on the agency's website soon.
- A guidance document outlining the differences between escorts and moving restraints will also be posted on the agency's website soon.
- <https://education.vermont.gov/sites/aoe/files/documents/edu-guidelines-regarding-seclusion-in-vermont-schools-and-faqs.pdf>
- <https://education.vermont.gov/sites/aoe/files/documents/edu-rule-4500-guidelines-document-part-i-seclusion-in-vermont-schools-memorandum.pdf>
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