

**Upstate Caring Partners
Tradewinds Programs**

Policy Created: 12/28/2023	Policy Number:
Revision/Review Date: 4/12/2024	Manual Section:
Effective Date: 12/28/2023	
Forms Attached:	

Administrative Approval:	<i>Signature on File</i> _____ Chief Program Officer
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Subject: The use of physical restraint

Scope: Tradewinds Education Centers
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Purpose: This policy ensures that all students and staff are safe in school and that any student who may have a behavioral crisis is free from the inappropriate use of physical restraint or seclusion.

<p>Policy: It is the priority of Upstate Caring Partners Tradewinds Education Center programs to promote a safe learning environment for all students and staff. We recognize that there may be emergency situations where it becomes necessary for a staff member to utilize a physical restraint when the student’s behavior poses imminent risk of serious physical harm to self or others. While timeout is recognized and referenced as an approved emergency practice per New York State Education, Upstate Caring Partners prohibits the use of timeout procedures. As a result, there will be no reference to timeout use within this policy and procedure.</p> <p>Upstate Caring Partners does not condone the use of restraint or seclusion when responding to student behavior that does not pose immediate risk to themselves or others and prohibits the use of corporal punishment and unreasonable use of physical force against a student as forms of discipline or methods to manage classroom behavior. Upstate Caring Partners recognizes, however, that it may be necessary to use reasonable and appropriate physical restraint when it is the least restrictive intervention and when the student’s behavior poses imminent danger of serious physical harm to self or others. Upstate Caring Partners supports school-wide programs and services that promote positive student behavior to improve overall school safety and create an environment that is conducive to learning, while also minimizing the need for the use of physical restraint and ensuring that they are only used as a last resort in an emergency.</p>

Procedure:

1. In situations where a student engages in behaviors that pose an immediate risk to health and safety risk of harm to themselves or others; and all other less restrictive and intrusive interventions and de-escalation, calming, and other re-direction toward replacement behaviors have not prevented immediate danger or serious physical harm to the student or others, physical restraint may be used to ensure the safety of the individual and others in the immediate area.
2. Immediately after physical restraint, a Registered Nurse or Licensed Practical Nurse will complete a body check of the person in the restraint. Any medical follow-up will be provided.
3. Staff will ensure that the physical intervention documentation is completed on the Emergency Restrictive Intervention Record and document the incident in the person's record (e.g., progress notes, IPP 65's, etc.)
 - i. In relation to corporal punishment, aversive interventions, seclusion, timeout and physical restraints, instances shall be reported through the SED Student Information Reporting System in accordance with the regulations.
4. Within 24 hours, after each instance of physical restraint, school staff who participated in the use of a physical restraint will discuss the following: the circumstances that led to the use of a physical restraint, positive proactive intervention strategies that were utilized prior to the use of the physical restraint, and planning for the reduction of the future need for physical restraint. This discussion will be documented within the debrief form and attached to the Emergency Restrictive Intervention Record.
5. A school staff member will debrief the incident with the student within 48 hours, appropriately to the student's age and developmental ability and discuss the behaviors that precipitated physical restraint. Documentation of the debrief of the student, including information on the student's ability or inability to participate, will be formally recorded on the student debrief form. The document will be signed by staff and saved within the student file to ensure records of the conversation occurring are maintained. A copy will also be attached to the incident's Emergency Restrictive Intervention Record.
6. The building administrator, or delegate, will notify the parent or person in parental relation on the same day when a student is placed in a physical restraint.
 - i. If a parent or parental relation is not able to be contacted the building administrator, or delegate, shall record these attempts and include an opportunity to meet within the notification left.
 - ii. If parent or guardian is unable to be contacted within 3 attempts, the building administrator will make the student's school district CSE aware of the restraint and failed attempts to make notification to the parent/guardian.
7. Parent or parental relation shall receive a copy of the incident documentation and of this policy within three school days of the use of physical restraint.

Training:

1. All staff working within the educational setting, who may be called upon to implement time out or physical restraint, will be trained annually on the following items:

- i. The policies and procedures for the use of seclusion and physical restraint
- ii. Evidence-based training in safe and effective physical restraint procedures for any staff who may be called upon to implement physical restraint.

Prohibited practices:

The following are prohibited under all circumstances, including emergency situations:

1. The use of restraint and seclusion, and corporal punishment, as a form of discipline, punishment, or as a method of preventing damage to property, except in situations where there is imminent danger of serious physical harm to the student or others and the student has not responded to positive, proactive intervention strategies.
2. The use of seclusion, as defined as the involuntary confinement of a student alone in a room or space that they are physically prevented from leaving or they may perceive that they cannot leave at will. This does not include timeout, defined as the monitored separation of a student in a non-locked setting and is implemented for the purpose of de-escalating, regaining control and preparing the student to meet expectations to return to the educational program.
3. The use of a locked room or space or in a room where the student cannot be continuously observed and supervised.
4. The use of prone restraint which is defined as a physical or mechanical restraint while the student is in the face down position.
5. The use of physical restraint as a planned intervention on a student's individualized education program, Section 504 plan or behavioral intervention plan.

Responsibility

- Responsibility of upholding this policy shall include Education Directors and Senior Behavior Analysts within the Tradewinds Education Centers

Who is responsible for training this policy? Quality Assurance and Training Specialist

Assurance of Compliance:

Responsibility of upholding this policy shall include Education Directors and Senior Behavior Analysts within the Tradewinds Education Centers

References:

Resources:

cc: Compliance Department