

Reducing Seclusion and Restraint for Students with IEPs

Wisconsin FACETS

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WISCONSIN DEPARTMENT OF
Public Instruction
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Learning Objectives

- Participants will understand the importance of implementing intentional strategies to reduce or eliminate the use of seclusion and restraint
- Participants will learn district and student level strategies to reduce seclusion and restraint
- Participants will understand how to apply Functional Behavioral Assessment to inform effective strategies to reduce seclusion and restraint at the individual student level

WI 2021-2022 Seclusion and Restraint

Incident Type	Number of Incidents	Number of Students Involved	Percent of Students with Disabilities Involved
Seclusion	5,908	1,920	79%
Restraint	6,916	2,856	76%

[2021-2022 Wisconsin Seclusion and Restraint Data Snapshot](#)

An Example of a Common Pattern

Level	# of Restraints	# of Students	SwDs
Elementary	49	10	8
Middle	1	1	1
High	0	0	0

Source: <https://dpi.wi.gov/sped/topics/seclusion-restraint>

Key Findings

- Seclusion and restraint is still a widespread practice in schools throughout the state,
- The overwhelming majority of incidents occurring in Elementary Schools
- The vast majority of seclusion and restraint occurs with students with disabilities, despite only this demographic representing roughly 14% of the total student population
- It is rare for an individual student to be secluded or restrained only once or twice.

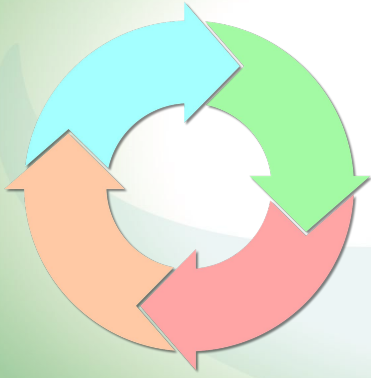
Key Findings

Zero Reported Incidents of Seclusion or Restraint

- Less than half of all public school and private schools participating in the Special Needs Scholarship Program reported one or more incidents of either seclusion and restraint

Incident Type	Number of Schools w/ >1 incident
Seclusion	754 (32%)*
Restraint	1035 (44%)*

Seclusion and Restraint: Lived Experience



- **On students**

- Physical injury and in rare cases, death
- Stress / Trauma
- Loss of trust

- **On parents**

- Frustration / Stress / Trauma
- Time / Energy / Money
- Loss of trust / disengagement

Seclusion and Restraint: Lived Experience

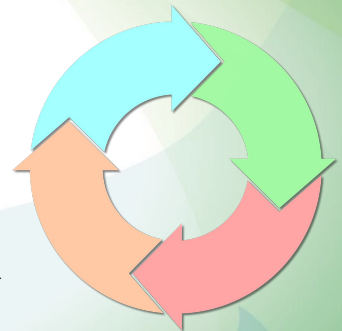
- **On teachers:**

- Lack of efficacy / loss of confidence
- Trauma / Stress / Compassion Fatigue
- Physical Injury

- **On administrators**

- Negative impact on climate/culture
- Staff burnout / turnover
- Administrative time on tasks related to S&R incidents

- **On peers and school community**



Seclusion and Restraint: Lived Experience

Student:

Trauma/Lost trust → Trigger → Behavior → Seclusion and/or Restraint

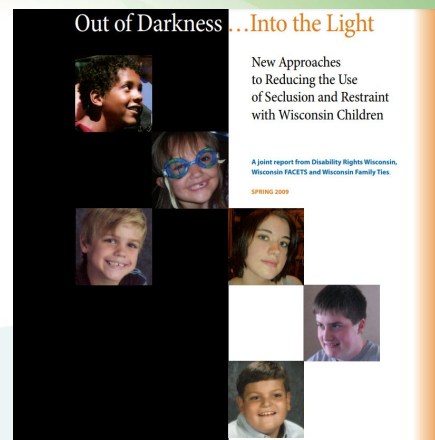
Teacher:

Trauma/Lost trust + Compassion Fatigue → Behavior → Seclusion and/or Restraint

Beyond the Data

Out of Darkness...Into the Light

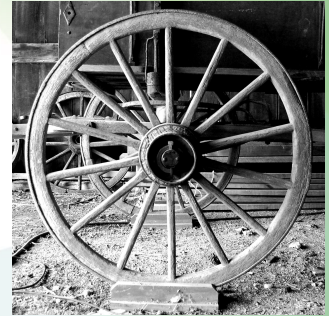
New Approaches to Reducing the Use of Seclusion and Restraint with Wisconsin Children



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Three Strategies to Reduce Seclusion and Restraint

1. Review and Update Policies, Programs, Procedures and Practices
2. Collaboration and Preparation
3. Use Functional Behavioral Assessment to develop effective IEPs for students secluded or restrained most frequently



Policies, Programs, Procedures and Practices

KEY QUESTIONS:

- Who in your child's school are properly trained?
- What are your school's policies around # of people trained / building; ongoing PD?
- What is the protocol (lines of communication, timing, etc.) for ensuring that trained staff are available when needed...are they available and trained to AVOID seclusion or restraint when possible?
- Physical location of those trained / proximity to where they may be needed

KEY CONCEPT:

Required Knowledge and Training DOES NOT EQUAL competence, confidence or disposition.

Preventative Policies, Programs, Procedures and Practices

- Analyze and follow the data to identify needed staff supports:



- Comprehensive School Mental Health
- PBIS / RTI
- TSS
- Culturally Responsive Problem Solving
- Compassion Resilience
- Inclusive Practices

Collaboration and Preparation



- Ensure everyone who works with the student knows the basics about seclusion and restraint (if, when, how, etc.)
- Build team consensus around the not-so-basic situations
- Use what is already there: documentation and debriefing requirements as means to improve

Seclusion and Restraint in Schools: The Basics

TRUE or FALSE?

- Restraint is allowed when a student is holding their chromebook over their head verbally threatening to smash it on the ground.
- Clearing the classroom when a student is “out of control” is a seclusion.
- Holding a student’s hand or guiding them down the hall with your hand on their back/shoulder is a restraint.
- Grabbing a student’s arms who is punching another student and moving them away from that peer is a restraint.
- Asking a student to go to a calming space (in the classroom, hallway or separate room) to create a fix it plan is a seclusion.

Seclusion: The Basics

Seclusion means the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving. Seclusion may be used only as long as is necessary to resolve the risk to the physical safety of the student or others.

[Frequently Asked Questions about the Use of Physical Restraint and Seclusion in Public Schools under Section 118.305, Wis. Stats](#)

Restraint: The Basics

Physical restraint means a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs, or head.

[Frequently Asked Questions about the Use of Physical Restraint and Seclusion in Public Schools under Section 118.305, Wis. Stats](#)

Seclusion and Restraint in Schools: The Basics

Seclusion and Restraint are prohibited in Wisconsin schools except: “in circumstances where a student’s behavior presents a clear, present, and imminent risk to the physical safety of the student or others, and physical restraint or seclusion is the least restrictive intervention feasible.”

[Frequently Asked Questions about the Use of Physical Restraint and Seclusion in Public Schools under Section 118.305, Wis. Stats](#)

Building Consensus and being prepared for The Not-So-Basic

Reflection: Is seclusion or restraint warranted...



- if a student is engaging in Self-Injurious Behavior (banging head really hard on wall or hard floor)? Does it matter if it is in the hallway or the classroom? Does age matter?
- if the 210 pound star football player is in a fistfight with the 220 pound star hockey player in the hallway of the high school?

Professional Development, Training & Coaching: Debriefing and Documenting

The law requires the principal or designee to meet with the school staff who participated in the incident to discuss the events, preceding, during, and following the use of seclusion or physical restraint. The department encourages principals or their designees to conduct the meeting with the staff prior to completing the written incident report to assist in gathering the necessary information.

Professional Development, Training & Coaching: Debriefing and Documenting

Take the Debriefing Process Seriously in order to:

- Take advantage of these “Teachable Moments”
- Identify patterns through review and analysis of Incident Reports (who, when, where, why restraints are occurring?)
- Review consistency in how staff members approach crisis situations
- Establish or build upon relationships with parents/families

Parent Notification Requirements

1. As soon as practicable, but no later than one business day after the incident, notify the pupil's parent of the incident and of the availability of the written report
2. Within 2 business days after the incident prepare a written report.
3. Parents receive written report within 3 business days of incident via first class mail, hand delivery or electronically.

School Resource Officers and Law Enforcement

- Does restraint or seclusion by a police officer need to be documented and reported?
 - Yes. The law requires schools to document, notify parents, and report all incidents involving law enforcement officers. However, law enforcement officers are not covered individuals under the law, so other provisions about the use of seclusion and physical restraint do not apply to them. Law enforcement officers follow police training and protocols when responding to crisis situations
- An “incident” is an occurrence of a covered individual or a law enforcement officer using seclusion or physical restraint on a student
- Required Incident Report must include: the names and titles of the school staff and any law enforcement officers present at the time of the incident

<https://dpi.wi.gov/sites/default/files/imce/sped/pdf/secrest-faq.pdf>

Reminder

Level	# of Restraints	# of Students	SwDs
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Source: <https://dpi.wi.gov/sped/topics/seclusion-restraint>

Review / Revise IEPs



<https://dpi.wi.gov/sped/college-and-career-ready-ieps/learning-resources/5-step-process>

Supporting the Behavioral Needs of Students with IEPs

IDEA requires IEP Teams consider, and include in the IEP, the use of positive behavioral interventions and supports to address behaviors that interfere with a student's learning or the learning of others.

This requirement applies to all students, aged 3-21, regardless of the student's category of disability.



Positive Behavioral Interventions and Supports

The IEP team determines what is appropriate for the individual student and should focus on:

- changing adult approaches, behavior, instructional strategies, curriculum demands, and environmental factors
- taking steps to identify underdeveloped or delayed skills
- teaching, practicing, supporting, and reinforcing positive replacement behaviors and skills.

Strong and Healthy Relationships

Building and cultivating relationships with students is key to positive outcomes for students.

Some ways that relationships can be facilitated are through:

- Six Principles of Compassionate Instruction
- Active Listening
- The Developmental Relationships Framework



[The Importance of Strong and Healthy Relationships](#)

Current: Academic vs Behavior

Academic	Behavior
Identify skill	Label as purposeful
Provide additional support	Act as if student has control of output
Monitor effectiveness of intervention	Punishment system

Changing Our Practice

Academic	Behavior
Identify skill - teach	Identify skill - teach
Provide additional support	Provide additional support
Monitor effectiveness of intervention	Monitor effectiveness of intervention

Functional Behavior Assessment (FBA)

FBA/BIP

If the IEP team determines that the behavioral interventions and supports are not meeting the needs of the student:

- Reconsider the effects of disability and disability related needs
- Adjust instruction, supports and services
- If more information is needed to better determine effective behavioral interventions and supports, a comprehensive special education reevaluation may be initiated, which could include a functional behavioral assessment.

What is an FBA?

- FBA is a process for identifying:
 - the purpose or function of the behavior,
 - the variables that influence the behavior
 - components of effective behavioral intervention
- FBAs should gather data related to student strengths as well as barriers, and place an emphasis on taking a culturally competent approach to address changes that can be made to the environment and adult practices.

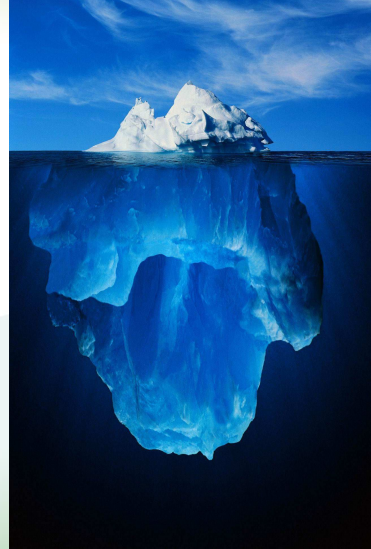
Getting to Underlying Causes

Surface Level:

- Yells, Hits, Runs
- Anxiety
- Refuses to work, defiant
- More

Function:

- Unable to communicate needs
- Social misperceptions
- Strong need for predictability
- More



Using the Results of FBA



Teaching New Skills and Providing Supports

FBA helps the IEP Teams identify BOTH skills to teach and supports needed remove barriers to student learning

Skills to Teach	Accommodations to Support
Self Regulation Skills	Regular Scheduled Breaks
Problem Solving Skills	Home Base or Calm Area when Upset
Self-monitoring Skills	Peer Supports
Transition Skills (between activities and environments)	Additional Time to Transition

FBA is Required...

When a student with an IEP is secluded or restrained for a second time in a school year, the student's IEP team must reconvene within 10 school days after the incident. The IEP team must review the IEP to ensure it contains appropriate positive behavioral interventions and supports that must be based on a functional behavioral assessment of the behavior of concern.

[FAQ about the Use of Physical Restraint and Seclusion in Public Schools Under Section 118.305, Wis. Stats.](#)

Communication Options for Families

If parents have questions or disagree with a decision of the school there is information and options available:

- Procedural Safeguards Notice
- [Communication Options for Families](#)
- Contact the DPI Special Education Team
 - (608) 266-1781
 - Submit a completed [Contact Form](#)



Wisconsin Special Education DISPUTE RESOLUTION OPTIONS



IEP Facilitation

This early conflict prevention option provides a neutral, trained facilitator to help the IEP team with the IEP process. The facilitator helps the IEP team maintain open, respectful, and productive communication and is provided by WSEMS.

Contact: Wisconsin Special
Education Mediation System
888-298-3857
gia@wsems.us



Mediation

Mediation is available to resolve issues by providing a free professional mediator. The goal of mediation is to come to a mutual decision, in writing, which is binding in federal and state court. Discussions during mediation are confidential and can't be used in further legal proceedings.

Contact: Wisconsin Special
Education Mediation System
888-298-3857
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IDEA State Complaint

Any individual or organization may file a complaint if they believe a school district has violated state or federal special education requirements. The complaint must be filed within one year of the alleged violation. DPI investigates the complaint and issues a decision.

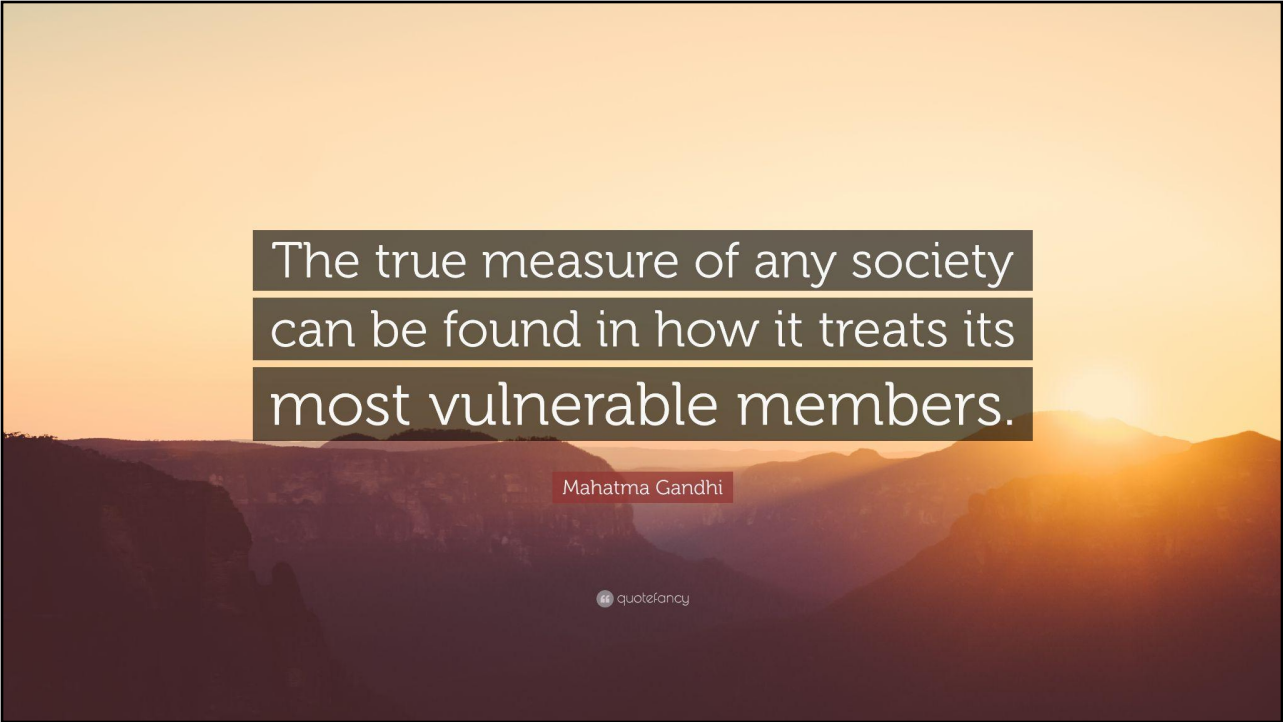
Contact: DPI Special Education
Team
608-266-1781
dpisped@dpi.wi.gov



Due Process Hearing Request

A written request for a hearing by an administrative hearing officer related to the identification, evaluation, placement, issues pertaining to the IEP, or the provision of a free and appropriate public education of a child with a disability.

Contact: DPI Special Education
Team
608-266-1781
dpisped@dpi.wi.gov



The true measure of any society
can be found in how it treats its
most vulnerable members.

Mahatma Gandhi

 quote fancy

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