

How to Advocate for Your Child

Ask your school for a copy of its restraint policies and its training documentation.

Find out if and how your child's teachers are properly trained in restraint and, more importantly, in prevention, de-escalation and positive behavioral intervention strategies.

Request an IEP meeting to proactively and vigorously plan how the school is going to address your child's behavior. If your child does not already have one in place, request that a behavior plan be developed.

The use of restraint should not be included in your child's IEP or behavior plan. Restraint is NOT a planned intervention. Restraint is a response used in emergency situations when other planned interventions have failed. If you include restraint in your child's IEP, you are planning to fail.

If your child is restrained, attend the debriefing session. Consider whether the school properly followed your child's IEP and/or behavior plan leading up to the restraint. Convene an IEP meeting to make necessary changes to your child's IEP.

Selected Resources

U.S. Dept. of Education – various resources

- <http://www2.ed.gov/policy/seclusion/index.html>

Alabama State Department of Education

- *Seclusion and Restraint for ALL Students Regulations*
<https://docs.alsde.edu/documents/70/seclusion%20and%20restraint%20working%20code%20290-3-1.pdf>
- *Guidance Document*
<https://docs.alsde.edu/documents/70/guidance%20seclusion%20and%20restraint%20al%20guide.pdf>
- WEBEX training
<https://alsde.webex.com/alsde/lsr.php?AT=pb&SP=TC&rID=58041867&rKey=3de224e48e8a854c&act=pb>

Alabama Disabilities Advocacy Program (ADAP) 2009 Report on Seclusion and Restraint in Alabama Schools

- <http://www.adap.net/Seclusion%20&%20Restraint%20Final.pdf>

National Disability Rights Network (NDRN) reports on Seclusion and Restraint

- <http://www.napas.org/en/media/publications.html>



Reference Guide for Parents to Seclusion and Restraint in Alabama Schools

Summary of Ala. Admin. Code
290-3-1-.01 et seq.
“Seclusion and Restraint for ALL Students”



Introduction

Alabama adopted regulations on the use of seclusion and restraint in its public schools in December 2011.

While the regulations apply to all students, such practices have historically been used disproportionately on children with disabilities.

As a parent of a child with a disability, you should become aware of the state's new rules, your own school district's policies and procedures, your and your child's rights under these rules, and advocacy steps you can take to work proactively with your child's school to ensure his behavioral needs are met and that he is safe.

This Reference Guide will help. For further information or for advocacy help, contact the Alabama Disabilities Advocacy Program (ADAP).

Alabama Disabilities
Advocacy Program

Box 870395
University of Alabama
Tuscaloosa, AL 35487
205-348-4928 (main)
205-348-3909 (fax)
<http://adap.ua.edu>
adap@adap.ua.edu



Not Allowed:

- Seclusion
- Chemical Restraint
- Mechanical Restraint
- Physical Restraint (except when your child or others are in immediate danger and your child has not responded to de-escalation techniques)

The Big Picture

The U.S. Department of Education emphasized the following important points in its May 2012 Resource Document on seclusion and restraint:

- *Restraint and seclusion can have very serious consequences, including, most tragically, death.*
- *There is no evidence that using restraint or seclusion is effective in reducing the occurrence of problem behaviors among children.*
- *Schools must make every effort to structure safe environments and provide a behavioral framework, such as the use of positive behavior interventions and supports that applies to all children, all staff, and all places in the school so that restraint and seclusion techniques are unnecessary.*

Seclusion and Other Removal Activities

Seclusion is not allowed in Alabama schools. Your child may not be placed in a room or closed area that is locked and that he is physically prevented from leaving.

Unlocked, accompanied segregation is allowed. That is, your child may be placed

in an unlocked room with a teacher properly trained in de-escalation techniques or restraint.

Time-out is allowed. Time-out is a behavioral intervention where your child is temporarily removed from the learning activity. Time-out must be in an unlocked area that is properly lighted, ventilated, and heated or cooled. The space must be free of dangerous objects. An adult must be in reasonable physical proximity to your child and must have sight of him during the time-out. The time-out must be limited to a reasonable amount of time but should not exceed 45 minutes.

In-school suspension, detention, or a student-requested break in a different room or area are allowed.

Restraint and Other Restrictive Activities

Chemical restraints are medications used to control a student's movement or behavior.

Chemical restraints are not allowed in Alabama schools. Chemical restraints do not include medications prescribed by your child's doctor and used according to the prescription. Schools may not increase the dosage of your child's medication in order to control his behavior.

Mechanical restraints are any device attached to your child or next to him that restrict his movement. **Mechanical restraints are not allowed in Alabama schools.** Adaptive or protective devices recommended by a clinician and when used as prescribed to promote normative body positioning, physical functioning or to prevent self-injurious behavior are not considered mechanical restraints. Seatbelts and other safety equipment used during the transportation of students are not considered mechanical restraints.

Physical restraint is any direct physical contact from an adult that prevents or significantly restricts your child's movement. **Physical restraints are not allowed in Alabama schools except in situations where your child is in immediate danger to himself or others and has not responded to de-escalation techniques.** In no case may a physical restraint be used that restricts the flow of air to your child's lungs. Physical restraint cannot be used as a form of punishment or discipline. Physical restraint must be stopped when your child is no longer a danger to himself or others or if he is in severe distress.

Physical restraint does not include providing limited physical contact to promote your child's safety or prevent self-injurious behavior; teach a skill; redirect attention; provide guidance to a location; provide comfort to your child; or as reasonably

needed to prevent imminent destruction to school or another person's property.

Parent Rights

You must be provided copies of your school's restraint policies via, at least, the school's code of conduct or student handbook.

You have the right to request documentation that the teachers at your child's school are properly trained in restraint techniques, including prevention, de-escalation and positive behavioral intervention strategies.

You must be notified in writing by the school within one (1) school day if your child is restrained or secluded and receive a copy of the report used to document the incident.

You must be invited to attend a debriefing session with relevant school staff if your child is restrained or secluded. The purpose of the debriefing session is to plan to prevent the reoccurrence of the use of restraint or seclusion. This meeting must occur no later than five (5) school days of the incident unless you and the school agree otherwise.

You must be notified immediately if your child is injured during a restraint or if your child is removed from school by law enforcement personnel or medical personnel.