



## **Positive Behavior Interventions and Support Policy and Procedure**

The Board is committed to the school-wide use of Positive Behavior Intervention and Supports ("PBIS") with students. School Personnel shall work to prevent the need for the use of restraint and/or seclusion. PBIS emphasizes prevention of student behavior problems through the use of non-aversive techniques, which should greatly reduce, if not eliminate, the need to use restraint and/or seclusion.

School personnel who are properly trained are only permitted to physically restrain and/or seclude a student if there is immediate risk of physical harm to the student and/or others, there is no other safe and effective intervention possible, and the physical restraint or seclusion is used in a manner that is age and developmentally appropriate and protects the safety of all children and adults at the event.

Training in methods of PBIS and the use of restraint and seclusion will be provided to all school personnel deemed appropriate by the Head of School. Training will be in accordance with Ohio law. Only school personnel who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Every use of restraint and seclusion shall be documented and reported in accordance with this Policy. Terms of this policy shall be defined consistent with OAC 3301-35-15.

This Policy shall be made available to parents annually and shall be published on the school's website.

### **I. Policy Rationale and Philosophy:**

Ohio Virtual Academy believes that the school environment should be one that ensures the care, safety, and welfare of all students and staff members. Efforts to promote positive interactions and solutions to potential conflict should be exhaustive. As an online school, students receive their education through the use of a computer and are typically in their own homes. The school does not have a brick and mortar building where students attend to receive their education. The only times students are together are during state-required testing administration and other sanctioned events, such as picnics, field trips and other educational events. In the event a student's behavior presents a threat of imminent harm to self or others, the student's family, if present, would be the first line of contact in order to determine how best to calm child down. If the student began to threaten to hurt self or others, the police would be notified.

The use of approved physical intervention or seclusion strategies to maintain a safe environment may be used as a last resort by school personnel who have been properly trained.

PBIS means a school-wide systematic approach to embed evidence-based practices and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students. PBIS encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors and teach appropriate behavior to students.



School personnel are prohibited from engaging in the following practices under any circumstance:

1. Prone restraint
2. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that
  - a. involves the use of pinning a student by placing knees to the torso, head or neck;
  - b. uses pressure point, pain compliance, or joint manipulation techniques; or
  - c. otherwise involves techniques that are used to unnecessarily cause pain.
  - d. Corporal punishment;
  - e. Child endangerment, as defined by ORC 2919.22;
  - f. Deprivation of basic needs;
  - g. Chemical restraint;
  - h. Unapproved mechanical restraint;
  - i. Aversive behavioral interventions (intervention intended to induce pain or discomfort for the purpose of eliminating or reducing maladaptive behavior.; or
  - j. Seclusion in a locked room or area.

#### Physical Restraint:

Physical restraint may be used only if

- a. A student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
- b. The physical restraint does not obstruct the student's ability to breathe;
- c. The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; AND
- d. By school personnel who are trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

Physical restraint is never to be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control. Because a student's parent is typically present during school sanctioned events, the parent would be consulted first as how to best calm the student down, and assist the student in regaining control. The parent is responsible for removing the student from the event before the student's conduct escalated to the point of needing to be restrained at the event. School personnel will be trained that if a student is getting to the point of removal or possible restraint, the parent is to be consulted. If the child is in need of being physically restrained consistent with this policy, the parent is responsible for performing the physical restraint. If the parent is unwilling or unable, physical restraint may be performed by school personnel consistent with this policy. For the safety of all students and school personnel, efforts will be made in advance of a testing situation to ascertain whether an alternative environment is necessary.



Seclusion may be used only

- a. If a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
- b. As a last resort to provide an opportunity for the student to regain control of his or her actions;
- c. For the minimum amount of time necessary for the purpose of protecting the student and others from physical harm; AND
- d. In a room or area that
  - i. Is not locked;
  - ii. Does not prevent the student from exiting the area should school personnel become incapacitated or leave the area; AND
  - iii. Provides adequate space, lighting, ventilation and the ability to observe the student; and
- e. Under constant supervision by school personnel who are trained to be able to detect indications of physical or mental distress that require removal and/or immediate medical assistance and who document their observations of the student.

Seclusion is never to be used for punishment or discipline, for the convenience of school personnel, or as a substitute for other less restrictive means of assisting a student in regaining control. Because a student's parent is typically present during school sanctioned events, the parent will be consulted first as to how to best calm the student down, and assist the student in regaining control. The parent is responsible for removing the student from the event before the student's conduct escalates to the point of needing to seclude the child at the event. School personnel will be trained that if a student is getting to the point of removal or possible seclusion, the parent is to be consulted. If the child is in need of being secluded consistent with this policy, the parent is responsible for implementing seclusion techniques such as removing the child from the event. If the parent is unwilling, unable or not present, seclusion may be performed by school personnel consistent with this policy. For the safety of all students and school personnel, efforts will be made in advance of a testing situation to ascertain whether an alternative environment is necessary.

## **II. Reporting and notification**

- a. Any incident of seclusion or restraint performed by school personnel shall be immediately reported to the Head of School and the parent.
- b. All such incidents shall be documented in a written report that will be made available to the parent within twenty-four hours and that is maintained by the school.

## **III. Training and professional development**

- a. The school will ensure an appropriate number of personnel at each event where students gather together are trained in crisis management and de-escalation techniques.
- b. The school will maintain written or electronic documentation on training provided and lists of participants in each training.



- c. School personnel shall be trained regularly on the requirements of this policy, Ohio Adm. Code 3301-35-15, and the school's policies and procedures regarding restraint and seclusion.
- d. The Head of School shall develop a plan regarding training school personnel as necessary to implement positive behavior intervention and supports on a system-wide basis.

#### **IV. Monitoring**

- a. The Head of School shall monitor the implementation of this policy and the school's procedures.
- b. This policy and subsequent procedures shall be accessible on the school's website.
- c. The Head of School shall be responsible for notifying all parents annually of the school's policies and procedures concerning seclusion and restraint.

#### **V. Complaint Procedures**

- A. Parent with concerns regarding an incident of restraint or seclusion must provide a written complaint to the Head of School to initiate a complaint investigation.
- B. The Head of School or designee shall investigate the complaint and respond to the parent's complaint in writing within thirty (30) days of the filing of a complaint regarding an incident of restraint or seclusion.
- C. If the parent is not satisfied with the response provided, the parent may request to meet with the Board in executive session to address the situation.

#### **VI. Alternative Complaint Procedure**

- A. The parent of a student with a disability may choose to file a complaint with the Ohio Department of Education, Office for Exceptional Children, in accordance with the complaint procedures available concerning students with disabilities.
- B. In accordance with the consent order entered in *Doe v. State of Ohio*, complaints alleging the improper use of restraint or seclusion on a student with a disability will be investigated by the Ohio Department of Education, Office for Exceptional Children, if the complaint otherwise falls within the procedures concerning state complaints under IDEA as set forth in Ohio Adm. Code Rule 3301-51-05(K) (4)-(6).
- C. Complaints alleging injuries to a student with a disability or the use of restraints or seclusion shall not be deemed insufficient on the face of the complaint if they are framed within the context of IDEA, including:
  - i. A pattern of challenging behaviors that are related to the student's disability;
  - ii. Whether the student has had or should have had a functional behavioral assessment (FBA) and a positive behavior support plan (PBSP);
  - iii. Whether the FBA and PBSP are appropriate;
  - iv. Whether the student's behavior and interventions are addressed or should have been addressed in the IEP; and
  - v. Whether staff has been sufficiently trained in de-escalation and restraint techniques.