Restraint and Seclusion, Positive Behavior Intervention and Supports (PBIS) in Ohio Schools.

What Parents Need to Know

#EachChildOurFuture

Does This Law Apply to all Students?

This law applies to all K-12 students, both general education students and students with disabilities, and requires using proven practices to reduce and eliminate restraint and seclusion practices.

As of September 2021, Ohio law requires school districts to provide yearly notice to parents about their procedures related to the requirements of positive behavior intervention and supports (PBIS) and the emergency use of physical restraint and seclusion, including the local complaint process. Part of this law requires that parents in Ohio's public schools must be given the following information at least one time per year.

What is the purpose of this law?

The purpose of this law is for Ohio school districts to provide behavior supports and training to reduce and eliminate the need for emergency physical restraint and seclusion. The law requires that Ohio school districts:

- Implement PBIS in all (K-12) schools across the district.
- Provide student personnel with professional development about PBIS.
- Deliver specific training on ways to prevent the use of restraint and seclusion and safe restraint and seclusion practices when needed for emergencies.

Ohio Coalition for the Education of Children with Disabilities

Ohio | Department of Education

This Document was developed by The Ohio Department of Education Office for Exceptional Children in collaboration with the Ohio Coalition for the Education of Children with Disabilities

Positive

Teaching students the behaviors the school wishes to see (school-wide behavior expectations) and the skills needed to demonstrate the behavior expectations

Behavior

Acknowledging and reinforcing expected behaviors

Intervention

Creating a safe and supportive environment that guides positive behavior choices

Supports

Developing organized levels (tiers) of interventions and supports to provide the behavior assistance each child needs to be successful

P B I S

What is PBIS and how does it apply to my child?

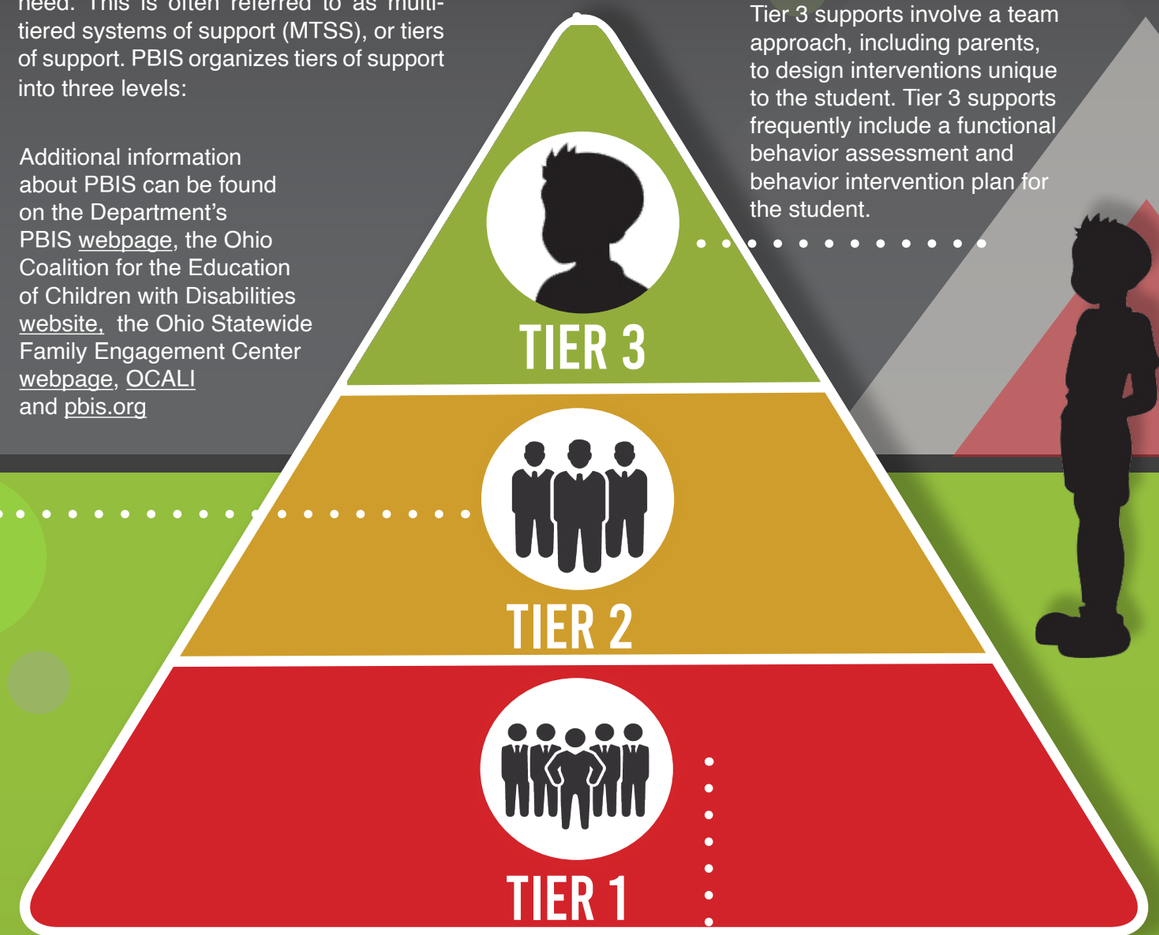
Positive Behavior Intervention and Supports (PBIS) is a process schools use to create a consistent approach for teaching and supporting positive behavior. PBIS is designed for all students and is applied in all areas of the school including the classroom, hallway, lunchroom, restroom and recreation spaces. PBIS helps to prevent or reduce challenging and unsafe behaviors that can lead to the emergency use of restraint and seclusion. The PBIS framework includes the above practices.

Do you suspect your child has a disability?

Multi-Tiered Systems of Support (MTSS)

A key practice of PBIS is offering tiers of support to match each child's level of need. This is often referred to as multi-tiered systems of support (MTSS), or tiers of support. PBIS organizes tiers of support into three levels:

Additional information about PBIS can be found on the Department's PBIS webpage, the Ohio Coalition for the Education of Children with Disabilities website, the Ohio Statewide Family Engagement Center webpage, OCALI and pbis.org



Individualized Supports

A few students are provided individualized supports based on their specific needs, in addition to Tier 1 and Tier 2 supports. Tier 3 supports involve a team approach, including parents, to design interventions unique to the student. Tier 3 supports frequently include a functional behavior assessment and behavior intervention plan for the student.

Targeted Supports

Some students are provided more instruction and opportunities for practicing behavior skills in addition to Tier 1 supports. Schools often provide Tier 2 supports to groups of students with similar needs.

Universal Supports

All students are taught the school-wide behavior expectations and the skills associated with the behavior expectations.

Physical Restraint

Restraint is the use of direct physical contact to prevent or restrict a student's movements.

- Staff must ensure the student's breathing is not restricted.
- Staff may not hold the student face down (in the prone position).

Seclusion

Seclusion is confining (or keeping) a student in a room or space to ensure safety of the child and others while being observed by an adult.

- There must be continuous observation by school staff.
- The room or area must not be locked.
- The space must provide adequate space, lighting, ventilation, and protect the safety and dignity of the student.

Physical restraint or seclusion can only be used in emergency situations

when other interventions have failed and there is great risk to the safety and well-being of the student or others. It cannot be used for staff convenience, as a form of discipline or punishment or as a substitute for something less limiting or restrictive. The use of physical restraint or seclusion may never be used for preschool students.

Prohibited Practices

- Mechanical or chemical restraint
- Face down (Prone) restraints
- Corporal Punishment
- Depriving the child of basic needs and anything that is considered child abuse
- Anything that restricts breathing
- Any intentional use of substances, activities, or items that cause physical pain or extreme discomfort

Information about physical restraint and seclusion:

If my child is physically restrained or secluded, how will I be informed?

If your child is physically restrained or secluded, the school will do the following:

- The school will call or electronically notify you immediately following the incident.
- The school will send to you a written report within 24 hours of the incident.

What if my child's behavior does not improve or I have concerns about the use of physical restraint or seclusion with my child?

If you have concerns about your child's behavior or interventions being used to address the behaviors, you should contact the school administrator(s), teacher or school counselor and ask to schedule a meeting. Parents of a child with a disability can call an Individualized Education Program (IEP) meeting.

If you suspect your child may be a student with a disability, you should ask your school to evaluate your child's needs for special education services. Requesting an initial evaluation letter writing template.

If your child has three or more incidents of restraint or seclusion, your school district is required to meet with you to discuss whether a functional behavioral assessment (FBA) or behavior intervention plan (BIP) is needed, or if an existing FBA or BIP needs revised. The school will be able to share with you what interventions it has tried and how your child has responded to those interventions. Together, you can discuss an intervention plan to help reduce the use of emergency restraint and seclusion.

What should be discussed with the school during the meeting about my child's behaviors?

Some questions you may want to ask the school include:

- When is the behavior occurring?
- What is happening before my child's behavior escalates?
- What positive behavior interventions and supports have been tried with my child?
- How did my child respond to each of these interventions and supports?
- Is there a staff member my child has a positive relationship with? Can this relationship be incorporated into the interventions?
- What can we do at home to help my child be successful at school?
- What training do staff receive for crisis management and de-escalation?
- Were the staff involved in the incidents with my child trained in crisis management and de-escalation?

What if I have a complaint about a restraint or seclusion that occurred with my child?

A Parent may file a written complaint to the District Superintendent to initiate an investigation by the school district. Parents also have the option to report concerns to other public agencies, such as law enforcement, the county department of Child Protective Services (Job and Family Services), or the Office of Professional Conduct within the Ohio Department of Education (Department). Additionally, a parent may file a complaint with the Department's Office for Exceptional Children. If a parent needs support with this they can reach out to The Ohio Coalition for the Education of Children with Disabilities or Disability Rights Ohio. The District should provide information regarding how to file a complaint with the superintendent, other agencies or the Department.

Requesting an IEP Meeting Template

Where can I find a copy of the State Regulation discussed in this notification?

This regulation can be found on the Ohio Department of Education website.The regulation can also be found on the Legislative Service Commission website. The District should be able to help direct parents if they are unable to access it.

#EachChildOurFuture Resources

Restraint and Seclusion: Resource Document, U.S. Department of Education, May 2012.

Fact Sheet: Restraint and Seclusion of Students with Disabilities, U.S. Department of Education, December 2016

Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities, U.S. Department of Education, December 28, 2016

Positive Behavioral Interventions and Supports, OSEP Technical Assistance Center

www.ocali.org
www.ocecd.org
www.disabilityrightsohio.org
Ohio Administrative Code 3301-35-15