

Frequently Asked Questions

Restraint and Isolation for Students Receiving Special Education and Related Services

Disclosure: The following is intended to guide practices but is not prescriptive. Each situation must be handled with the safety of the student and others around the student as the first priority.

1. *What is restraint?*

[T.C.A. § 49-10-1303](#) defines the various types of restraint. The only allowable type of restraint within schools is “physical holding restraint,” defined as “the use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body, except for:

- (A) The holding of a student by an adult in order to calm or comfort the student in the absence of an emergency;
- (B) Contact necessary to physically escort a student from one area to another in the absence of an emergency;
- (C) Assisting a student in completing a task or response if the student does not resist or if the resistance is of minimal intensity or duration;
- (D) Physically redirecting a student if the student does not resist or if the resistance is of minimal intensity or duration; or
- (E) School personnel blocking a student’s exit or elopement by physically placing themselves in front of the student.”

2. *What is isolation?*

[T.C.A. § 49-10-1303](#) defines “isolation” or “seclusion” as “the confinement of a student alone, with no other students, staff, or persons present, in a room with or without a door or other enclosed area or structure pursuant to § 49-10-1305(g) where the student is physically prevented from leaving because a door, object, or school personnel is blocking the student's exit.”

3. *Is time-out considered isolation or seclusion?*

No. T.C.A. § 49-10-1303(4)(B) states that “isolation” or “seclusion” does not include time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, that time-out may involve the voluntary separation of a student receiving special education services from others.

4. *When are restraint and isolation allowable?*

Physical holding restraint and isolation may be used in an ***emergency situation only***. An emergency situation is defined as a situation in which “a student’s behavior poses a threat to the physical safety of the student or others nearby.” To determine if the situation meets these criteria, it must be a situation

in which a student is at risk of **serious harm to self or others**. Neither restraint nor isolation may be used to prevent damage to property.

- **Example of an emergency situation:** Student is repeatedly punching a glass window with the intent to punch through the glass.
- **Example of a non-emergency situation:** Student lifts the computer in an apparent effort to throw the computer against the floor.

As a reminder, mechanical and chemical restraints are never allowable. Mechanical restraint means the application of a mechanical device, material or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body. Chemical restraint means a medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior.

In addition, the use of restraint or isolation as a means of coercion, punishment, convenience, or retaliation is prohibited by law. Removing or disabling any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, augmentative communication device, or walker, as a means of coercion, punishment, convenience, or retaliation is also prohibited.

5. *What is coercion?*

Coercion is the use of force or intimidation to obtain compliance. The Tennessee Special Education Behavioral Supports Act (SEBSA) prohibits the use of restraint or isolation as a means of coercion. Instead, training in positive behavior supports must include the elimination of coercive and punitive measures and should focus on positive supports, intervention strategies, and discipline procedures.

6. *Should I restrain a student who is eloping (running away)?*

Restraint is always allowed if a student's behavior poses a threat to their safety. Because student safety is always of paramount concern, if the student is running into traffic or an unsafe area—thus, creating an emergency situation—restraint may be appropriate. If the student is disruptively running within the building, or running somewhere with no immediate threat of danger, the student should not be restrained; instead, appropriate intervention should be implemented. The student's safety or risk of harm must be considered when determining the course of action.

7. *Can a seat belt be used on the school bus for safety reasons?*

Yes, use of a seat belt or other device, including a belting system or harness, is allowable for the purpose of securing a child with a disability during transit on a bus operated by a school district or a provider contracted to serve the transportation needs of a local education agency. T.C.A. § 49-10-1303(6) states that mechanical restraint does *not* include the use of a seat belt or other device, including, but not limited to, a belting system or harness, to secure a child with a disability during transit on a bus or vehicle operated by an LEA or a provider contracted to serve the LEA's transportation needs.

8. What restrictions are there regarding students with medical conditions in cases where restraint could be harmful (e.g., a student with a documented breathing problem)?

A restraint should **never** be used when it could pose harm to the student based on their medical condition. Schools must consider the emergency situation alongside any known medical information about the student. Keeping student safe should always be top priority.

9. What training are personnel required to have before isolating and restraining a student?

LEAs have discretion to determine appropriate personnel training requirements. Tennessee State Board of Education Rule 0520-01-09-.23 states that LEAs are authorized to determine an appropriate level of training commensurate with the job descriptions and responsibilities of school personnel. Pursuant to the rule, LEAs must shall develop policies and procedures governing:

- (a) Personnel authorized to use isolation and restraint;
- (b) Training requirements; and
- (c) Incident reporting procedures.

The training, to the extent possible within the LEA's funds, should include:

1. Training in evidence-based techniques shown to be effective in the prevention of isolation and physical restraint;
2. Training in evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or isolation;
3. Evidence-based skills training on positive behavioral interventions and supports, conflict prevention, functional behavior assessments, de-escalation, and conflict management;
4. Information describing state statutes, policies, rules, and procedures on restraint and isolation;
5. Training in the identification and reporting of abuse and neglect in the school setting; and
6. Certification for school personnel who have completed a behavior intervention training program which should be renewed on an **annual** basis.

Staff that commonly require this training include teachers, administrators, school counselors, school psychologists, paraprofessionals, bus assistants, and classroom assistants.

Pursuant to T.C.A. § 49-10-1304(c), restraint or isolation may only be imposed by untrained/uncertified personnel if trained personnel who have been trained and certified for completing a behavior intervention training program are not immediately available.

10. When should an LEA request a functional behavior assessment (FBA) and/or behavior intervention plan (BIP)?

If restraint and/or isolation is frequently being used despite the use of positive behavioral interventions and supports, the IEP team should consider conducting an FBA to determine the function of the behavior and develop a BIP to reduce occurrences of the problem behavior that is leading to the use of restraint and/or isolation. The FBA and BIP are processes defined through the [Individuals with Disabilities Education Act \(IDEA\)](#).

11. What is a behavior intervention training program?

“Behavior intervention training program” means a training program in evidence-based positive behavioral supports, evidence-based crisis intervention, and evidence-based techniques for the safe use of restraint and isolation.

12. What is meant by positive behavioral supports?

“Positive behavioral supports” means a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that:

- Is proactive and instructional, rather than reactive and punitive;
- Operates on the following three (3) levels:
 - Individual;
 - Group or classroom; and
 - The whole school;
- Includes a system of continual data collection;
- Utilizes data-based decision-making;
- Applies research-validated positive behavioral interventions; and
- Improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs.

13. What is the policy on notifying parents after a restraint or isolation incident?

The student’s parent or guardian must be notified orally or in writing the **same day the isolation or restraint was used**. If a parent is notified orally, it is recommended that they still be given a copy of the written restraint or isolation form. Note that both the Family Educational Rights and Privacy Act (FERPA) and IDEA grant parents the right to review and inspect their child's education records, which includes their child's restraint and/or isolation reporting forms. If a parent wishes to view or receive copies of such forms, the LEA must follow its FERPA policy and comply the inspection request within 45 days.

14. What are the required reporting procedures?

For students with an IEP, the restraint or isolation must be reported using the EasyIEP system. Each individual incident of an isolation or restraint **must** be reported separately (i.e., each time school personnel engage in a restraint or isolate a student), even if these separate instances occur within a short timeframe. A reinitiated hold should be counted as a separate hold and therefore must be reported as a separate instance of restraint. This report must be completed by the personnel involved in the incident and finalized by the special education supervisor to be submitted to the Department of Education **within five (5) calendar days** of incident.

15. What is expected in the description of the antecedent’s section of the isolation and restraint documentation?

The description provided should include information that makes it clear to any reader the preceding events and the behavior that led to the isolation or restraint. It should also clearly describe to the reader why the situation was considered an emergency situation.

16. When is an IEP meeting required following an isolation?

An IEP meeting must be convened within 10 days if:

- The student's IEP does not provide for the use of isolation;
- The student's IEP does not provide for the use of isolation for the behavior precipitating such action; or
- If school personnel are required to use isolation:
 1. Which lasts longer than one minute per year of the student's age; or
 2. Which lasts longer than the time provided in the student's IEP.

17. When is an IEP meeting required following a restraint?

An IEP meeting must be convened within 10 days if:

- The student's IEP does not provide for the use of restraint;
- The student's IEP does not provide for the use of restraint for the behavior precipitating such action; or
- If school personnel are required to use physical holding restraint that:
 1. Lasts longer than five minutes; or
 2. Lasts longer than the time provided in the student's IEP.

18. Does an administrator need to be present during the restraint/isolation or just notified when a restraint and/or isolation occurred?

A principal or designee does not need to be present; however, they must be notified immediately once a restraint and/or isolation has occurred.

19. May the use of restraint and/or isolation be written into the IEP on a student's BIP?

Yes, the IEP team can choose to write restraint and/or isolation into a student's BIP. It is important to remember that restraint and isolation are for emergency situations only and are **not** instructional strategies.

20. What are the grievance procedures available if a parent or guardian feels the school improperly isolated or restrained their student?

The IDEA Procedural Safeguards provide dispute resolution options and procedures for parents. The procedural safeguards can be found [here](#).

21. If restraint or isolation are frequently used, is the IEP team required to consider alternatives such as other placements or an FBA and BIP?

The IEP team must use data to determine the services, supports, and programming for a student, including data regarding the behavior leading up to the restraint. When a child's behavior impedes the child's learning or that of others, the IEP team **must** consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior (34 CFR §300.324(a)(2)(i)). If restraint and/or isolation is frequently being used despite the use of positive behavioral interventions and supports, the IEP team should consider conducting an FBA to determine the function of the behavior and develop a BIP to reduce occurrences of the problem behavior that is leading to the use of restraint and/or isolation.

22. Is data regarding the use of restraint or isolation reported to the department or to the public?

Yes, the data is reported to the department and includes:

- 1) The number of incidents involving the use of isolation and restraint since the previous semiannual report;
- 2) The number of instances in which the school personnel imposing physical restraint or isolation were not trained and certified;
- 3) Any injuries, deaths, or property damage that occurred;
- 4) The time at which the student's parent or guardian was notified on the day the isolation or restraint was used; and
- 5) Demographic information to determine whether disproportionate use of these interventions exists (T.C.A. § 49-10-1306(b)).

The statewide summary data is also reported publicly and can be found [here](#). The summary-level data is used in order to protect confidentiality.

23. Where can I access the Tennessee Special Education Behavioral Supports Act and rule regarding restraint and isolation for students receiving special education and related services?

SEBSA may be found [here](#) and the State Board of Education rule may be found [here](#).