

Positive Behavior Intervention Supports (PBIS) and the Use of Restraint and Seclusion

Frequently Asked Questions

#EachChildOurFuture



Ohio | **Department
of Education**

This document was created by the Ohio Department of Education Office for Exceptional Children in collaboration with the Ohio Coalition for the Education of Children with Disabilities.

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Preface

In 2013, the State Board of Education approved Ohio [rule](#) outlining standards for the implementation of positive behavior intervention supports (PBIS) and the use of restraint and seclusion. This rule was revised in June 2021. Revisions to the rule include additional definitions, new training and professional development requirements, and a formal complaint process for restraint and seclusion through the Ohio Department of Education (Department).

Purpose

The purpose of the rule is to ensure Ohio school districts establish consistent policies and procedures for the use of PBIS and emergency restraint and seclusion. The intent is to create safe environments for students and staff, and reduce and eliminate the need for emergency physical restraint and seclusion, through behavior supports and training. The rule establishes that school districts will:

- Implement PBIS in all schools across the district (Kindergarten-Grade 12).
- Provide professional development about PBIS to student personnel.
(Student personnel: teacher, principal, counselor, social worker, school resource officer, teacher's aide, psychologist, bus driver, related services providers, nursing staff, or other school district staff who interact directly with students.)
- Deliver specific training on ways to prevent the use of restraint and seclusion and safe restraint and seclusion practices when needed for emergencies.

General Guidance

Why do we have a rule on the emergency use of physical restraint and seclusion?

Restraint and seclusion can have negative physical and psychological outcomes for children and adults. In 2009, former Governor Strickland addressed the risks associated with restraint and seclusion by issuing an [executive order](#) which prohibited the use of prone (face down) restraint, limited the use of other physical restraint and required state agencies to collectively create an Ohio policy for the use of restraint and seclusion. The Ohio policy required each state agency to create an agency policy for the use of restraint and seclusion. Informed with suggestions and feedback from educators, parents, higher education, state agencies and community human service agencies, the State Board of Education approved the Policy on Positive Behavior Interventions and Supports, and Restraint and Seclusion in January 2013. Ohio Administrative Code was adopted the following month. The rule was revised June 24, 2021.

Why does the rule begin with the discussion of [Positive Behavior Intervention and Supports \(PBIS\)](#)?

The rule included PBIS to encourage the use of proactive, evidence and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint and increase meaningful instructional time for all pupils.

Is the rule about student discipline?

No. The rule is specific to responding to an emergency situation. Restraint and seclusion are not to be used as discipline or punishment. The rule contains very specific crisis interventions used to manage individual student behavior in emergency situations only.

When must a school district implement the updated rule, which includes updating their policy on the emergency use of seclusion and physical restraint?

Districts must update and implement their policy specific to [the revised Ohio rule](#) at the start of the 2021-2022 school year.

Must school districts develop their own policy on the use of emergency physical restraint and seclusion?

No. Districts may use the updated model policy based on the updated rule from June 2021. [The model policy can be found on the Department's website.](#)

Does the rule for the use of restraint and seclusion apply only to students with disabilities?

No. This rule applies to ALL students K-12.

Does this rule apply to preschool children?

No. Restraint or seclusion of preschool children is prohibited by Ohio [rule](#), including this rule.

Are residential facilities with an on-site school not run by a public school district required to follow this rule?

No. Residential facilities follow their own policies and procedures for restraint and seclusion.

Are school personnel in residential facilities that contract with a local district, or district, to run the education program required to follow the rule?

Yes. Student personnel from a district that contract to work within a residential facility are still required to follow the rule. It is recommended that roles, responsibilities and requirements regarding the use of restraint and seclusion are included in the contract established between a residential facility and a school district.

Are school resource officers (SROs) considered school personnel?

Yes, the rule includes school resource officers as school personnel. Districts that contract for school resource officers should include the standards for the use of restraint and seclusion in their memorandum of understanding. [Ohio Revised Code](#) outlines additional qualifications for school resource officers.

Does the rule apply to substitute teachers?

Yes. Districts are to ensure there is a support plan in place for substitute teachers if they need assistance with positive behavior intervention and supports or crisis management and de-escalation, which includes restraint and seclusion.

Is the emergency use of physical restraint and seclusion allowed to protect property?

No. The emergency use of physical restraint and seclusion is meant to protect pupils and staff. If the act of destroying property causes imminent risk of injury to the student or others and no other safe or effective method of intervention is available, emergency use of physical restraint and seclusion is permissible.

Is the parent responsible for cost of property damage during a restraint/seclusion incident?

This determination is made at the local level by each individual school district and should be noted in the district's or school's policies.

Must a district complete a functional behavioral assessment (FBA) after each incident of emergency physical restraint and seclusion?

No. However, following the third incident of restraint or seclusion, school personnel are required to meet with the parent to discuss the need to conduct or review a functional behavioral assessment and/or develop a behavior intervention plan to facilitate the reduction of restraint and seclusion.

How does the use of physical restraint and seclusion align and/or conflict with special education requirements, including a functional behavioral assessment (FBA), behavior intervention plan (BIP) and individualized education program (IEP)?

The Individuals with Disabilities Education Act (IDEA) is a federal law that defines FBA, BIP and IEP. The [rule](#) is specific to Ohio and for students with and without IEPs. For further information about special education requirements refer to the federal Office of Special Education Programs (OSEP), [Questions and Answers on Discipline Procedures](#), June 2009. There is also a "Dear Colleague" letter on the [Inclusion of Behavioral Supports in Individualized Education Programs](#) (August 1, 2016), a "Dear Colleague" letter on the [Restraint and Seclusion of Students with Disabilities](#) (December 28, 2016) and a [Fact Sheet](#) from the U.S. Department of Education, Office for Civil Rights.

Training

What training(s) or reviews does the rule require?

The rule has several different training, professional development and review requirements.

Professional Development for PBIS - Districts must provide professional development on PBIS to student personnel every three years. Additional information can be found in the [PBIS Professional Development Requirements](#) document located on the Department's PBIS [webpage](#).

Training for the Use of Crisis Management and De-escalation - Districts will ensure an appropriate number of personnel in each building are trained annually in evidence-based crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion. Additional information can be found in the Crisis Prevention and De-escalation Training Requirements and Guidelines document located on the Department's Restraint and Seclusion [webpage](#).

Review and Professional Development for Student Personnel- Districts will annually review the content of the state rule and any local policies and procedures related to the rule. Districts will also provide professional development to student personnel so they can perform the following functions:

- Identify factors such as where, under what conditions, with whom and why specific inappropriate behavior may occur; and
- Use preventative assessments that review existing data, obtain input from the family and student and examine previous behavior interventions.

Who is required to complete crisis management and de-escalation training?

The rule states that the school district will ensure an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques. The rule does not require or proscribe who completes the training. Factors to consider when selecting an appropriate number of personnel in each building include:

- Enough individuals are trained to respond to crisis events in a timely manner and complete a multi-person restraint.
- Availability of individuals trained.
- Role and relationship of the staff person to students, and the impact restraint and seclusion may have on the relationship.
- Verbal de-escalation skills may benefit all staff.

Does the rule require on-going certification or re-certification of key identified personnel for crisis management and de-escalation training?

Yes. The rule states crisis management and de-escalation training will occur annually.

Who can provide crisis management and de-escalation training for districts?

The district may use any curriculum or trainer they choose as long as the requirements listed in the rule are incorporated in the training. The Crisis Prevention and De-escalation Training Requirements and Guidelines document may help districts when selecting a curriculum or trainer.

Where can I find organizations that provide crisis management and de-escalation training?

Many crisis management and de-escalation training companies provide training calendars on their websites. Districts can also connect with the educational service center (ESC) in their area. Some ESCs provide crisis management and de-escalation training. If the ESC does not provide the training, they can assist you in finding a training.

Emergency Physical Restraint

Does the rule identify prohibited crisis management and de-escalation practices?

Yes. The following practices are prohibited under any circumstance:

- Prone restraint;
- Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:
 - Involves the use of pinning down a student by placing knees to the torso, head or neck of the student;
 - Uses pressure point, pain compliance or joint manipulation techniques; or
 - Otherwise involves techniques that are used to unnecessarily cause pain.
- Corporal punishment, as defined in [Revised Code](#);
- Child endangerment, as defined in [Revised Code](#);
- Deprivation of basic needs;
- Seclusion or restraint of preschool children;
- Chemical restraint;
- Mechanical restraint;
- Aversive behavioral interventions; and
- Seclusion in a locked room or area.

[Please see the definitions for further explanation of the terms.](#)

Does the prohibition on mechanical restraint apply to restraints used for transportation (such as seat belts or wheelchair tie-downs), or those used to assist the student with body positioning and/or physical functioning?

No. Mechanical restraint does not include a device used by trained school student personnel, or used by a student, for the specific and approved therapeutic or safety purpose for which the device was designed and, if applicable, prescribed, including:

- Restraints for medical immobilization;
- Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Are there time limits on the duration of emergency physical restraint?

A student shall be removed from physical restraint *immediately* when the risk of physical harm to self or others has dissipated.

Is it considered a physical restraint when a staff member is escorting a student out of the classroom or down the hall and has physical contact by placing their hand on the student?

The rule specifies that temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip or back for the purpose of inducing a student to move to a safe location is considered a physical escort and is not physical restraint.

Sometimes it is necessary to hold a young child in a preschool or early childhood setting. Is that considered restraint?

This rule only applies to the standards for kindergarten through twelfth grade and does not apply to preschool. To understand requirements for preschool, see Ohio [law](#) for child day-care programs.

Emergency Seclusion

When does separating a student from others constitute seclusion?

Seclusion is the *involuntary* isolation of a student in a room, enclosure, or space from which the student is *prevented from leaving* by physical restraint or by a closed door or other physical barrier.

If student personnel evacuate a room with the exception of one student and an employee of the school, is it considered seclusion?

If the student is not physically prevented from leaving the room, it is not considered seclusion.

If a student voluntarily uses a calm down area or seclusion room, is it considered seclusion?

If the student voluntarily goes to the area and is not prevented from leaving the room, it is not considered seclusion.

Is timeout considered seclusion?

Timeout is not considered seclusion. It is a behavior intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

Sometimes it is necessary to remove a young child in a preschool or early childhood setting to help them calm down. Is that considered seclusion?

This rule only applies to the standards for kindergarten through twelfth grade and does not apply to preschool. To understand requirements for preschool, see Ohio [law](#) for child day-care programs.

Can a seclusion room ever be locked?

No. The [rule](#) specifically prohibits seclusion in a locked room or area. Further, the student may never be prevented from exiting the area should staff become incapacitated or leave the area.

Can staff hold the door shut or block the door?

Ohio [rule](#) states seclusion may only be used in a way that does not prevent the student from exiting the area should staff become incapacitated or leave the area.

Are there time limits on the duration of emergency seclusion?

Seclusion can only be used for the minimum amount of time necessary for the purpose of protecting the student and others from physical harm, and the student should be removed from seclusion *immediately* when the risk of physical harm to self or others has dissipated.

Documentation and Reporting

Does a school need to collect data regarding seclusion and restraint?

Yes. Each school district shall collect data on the use of restraint and seclusion and annually report this information to the Department in the form and manner prescribed by the Department.

Is there a required Department of Education form for documenting instances of seclusion and/or restraint?

No. The Department provides a [model debriefing form](#) as a resource for districts. Districts and schools must document the incident but are not required to use the model form.

What must be documented for each episode of seclusion or restraint?

Any incident of restraint or seclusion shall be documented in a written report submitted to administration. The rule does not provide requirements for what must be documented. The [model de-briefing form](#) can assist districts in identifying recommended content to include in the report.

Can school personnel video record a student in restraint or seclusion as a means of documentation?

This determination is made at the local level by each individual school district and should be noted in their policies.

What actions should be reported as restraint?

Any action that involves physical contact in a way that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body or head freely should be reported as restraint. Physical restraint does not include brief physical contact for the following or similar purposes:

- To break up a fight;
- To knock a weapon away from a student's possession;
- To calm or comfort;
- To assist a student in completing a task/response if the student does not resist the contact; or
- To prevent imminent risk of injury to the student or others.

The list above is for brief physical contact and does not need to be reported as a restraint. If an emergency situation continues to exist once the fight has been broken up, the physical assault stopped, or the weapon taken away, any ongoing action that prevents or significantly restricts a pupil's movement would be considered restraint and is subject to all of the policy's requirements.

The document, [Key Definitions for Restraint and Seclusion Documentation and Reporting](#), located on the Department's Restraint and Seclusion [webpage](#), explains how to count incidents of restraint and seclusion for reporting.

What must be reported to the parent?

Any incident of restraint or seclusion shall be immediately reported to the parent. Within twenty-four hours a written report must be issued to the parent. The written report should provide a summary of the incident, staff members involved, the intervention used and the final outcome of the situation.

What must be reported to the state regarding use of seclusion and restraint?

Each school district will annually report information regarding the use of restraint and seclusion to the Ohio Department of Education in the form and manner prescribed by the Department. Information about the annual data collection can be found on the Department's Restraint and Seclusion webpage.

How does the district report if a student or staff are injured during a restraint?

As part of the annual data report to the Department, schools must report the number of restraint or seclusion incidents that resulted in an injury to a student or staff member. Schools and districts should incorporate this topic into their incident documentation, in order to accurately collect and report this data. Districts may have additional policies and procedures for

reporting incidents that involve injury to students or staff. It is important for staff to follow their local district policies as well.

Outside of reporting to the Department, how can districts use the restraint and seclusion data?

District and school leadership teams can review and analyze the data on a regular basis as part of their improvement process. The data can help teams determine the efficacy of the [positive behavior intervention and supports framework](#), identify areas where changes may be needed, and inform training and technical assistance needs, in an effort toward the reduction and elimination of the use of seclusion and restraint.

Informing and Debriefing

Who needs to be informed when restraint or seclusion occurs?

Any incident of restraint or seclusion shall be immediately reported to the building administration and the parent. The incident shall also be documented in a written report that is issued to the parent within twenty-four hours.

Does a phone message constitute reporting to the parent?

All reasonable means should be utilized to contact the parent immediately. In some cases, a voicemail message, text or email may be the only means of contact. It is recommended that districts maintain a log of these contacts. Be mindful of existing guidelines on privacy and parental communication preferences and home language.

What is debriefing?

After each incident of restraint or seclusion the student personnel involved will meet to review the incident and problem solve to reduce the likelihood of future harmful behavior and subsequent use of restraint or seclusion. [Debriefing](#) includes evaluating the trigger for the incident, staff response to the student's behavior and the methods used to address the behavioral need. Staff critically examine all of the factors that escalated and de-escalated the situation.

When must the school meet with a parent to address incidents of restraint and seclusion?

After the third incident of restraint or seclusion in a school year the school will meet with the parent to discuss the incidents and the need to conduct or review a functional behavior assessment and/or develop a behavior intervention plan.

For a student who has been found eligible for special education services or has a 504, the student's individualized education program (IEP) or 504 team will meet within 10 school days of the third incident. If the incident of restraint and seclusion results in the parent and or school district suspecting a disability, the school must follow the laws under IDEA.

For all other students, a team consisting of the parent, an administrator or designee, a teacher of the student, a staff member involved in the incident (if not the teacher or administrator already invited) and other appropriate staff members will meet within 10 school days of the third incident. If the incident of restraint and seclusion results in the parent and/ or school district suspecting a disability, the school must follow the laws under IDEA.

Nothing in the rule prevents the completion of a functional behavioral assessment or behavior intervention plan for any student who might benefit from these measures but has fewer than three incidents of restraint or seclusion.

Nothing in the rule is meant to prevent a school from conducting any evaluation or other obligations they feel appropriate under the Individuals with Disabilities Education Act (IDEA).

How should a school respond when a parent is not reached or unwilling to meet following the third incident of restraint or seclusion?

The school must make a good faith effort to contact parents. If parents are unreachable or unwilling to attend the meeting, the school must demonstrate and document a good faith effort to contact the parent in lieu of debriefing and consulting the parent. The school should document each date and time it attempted to reach the parent and any correspondence with the parent.

Complaint Procedures

What complaint procedures must the district provide?

A district's complaint procedures shall include:

- A written procedure for a parent to present a written complaint to the superintendent of the school district to initiate an investigation by the school district regarding an incident of restraint or seclusion;
- Information for the parent of additional options for complaints to other public agencies such as law enforcement, the county department of Job and Family Services (Child Protective Services) or the Office of Professional Conduct within the Ohio Department of Education.

The district will annually inform parents of the district's policies or procedures related to the requirements of positive behavior intervention and supports (PBIS) and the use of physical restraint and seclusion, including the local complaint process.

The district complaint process is separate from the Department's [dispute resolution process](#) for students with disabilities, or the Department's [complaint process](#) for restraint and seclusion.

What is the timeframe for the district completing an investigation?

Within thirty days of the filing of a complaint regarding an incident of restraint and seclusion, the district must make reasonable efforts to have an in-person follow up meeting with the parent. It is recommended the district respond to the parent in writing as well.

Can a parent file a complaint with the Ohio Department of Education?

The Department encourages disputes to be resolved as close to the school level as possible, but a parent may choose to file a complaint with the Ohio Department of Education. The complaint process applies to all students. More information about the complaint process can be found on the Department's restraint and seclusion [webpage](#).

If a parent files a complaint with the Department of Education, how long does the process take?

The Department will issue a decision letter within 90 days from the date the complaint was received. The Department may extend the timeline where exceptional circumstances exist.

Definitions

Aversive behavioral intervention

An intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant, or taste or other sensory stimuli such as climate control, lighting, and sound.

Behavior Intervention Plan

A comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, by strengthening replacement skills, teaching new skills, and by providing positive behavior intervention and supports and services to address behavior.

Chemical restraint

A drug or medication used to control a student's behavior or restrict freedom of movement. Chemical restraint is prohibited by school districts in accordance with paragraph D of this rule. Chemical restraint, as used under this rule, does not apply to a drug or medication that is:

- (a) Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition; and
- (b) Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio law.

De-escalation techniques

Interventions that are used to prevent violent and aggressive behaviors and reduce the intensity of threatening, violent and disruptive incidents.

Functional Behavioral Assessment

A school-based process for students with disabilities and students without disabilities that includes the parent and, as appropriate, the child to determine why a child engages in challenging behaviors and how the behavior relates to the child's environment. Consent from the parent and, as appropriate, the child is to be obtained at the initial Functional Behavioral Assessment.

Mechanical restraint

Any method of restricting a student's freedom of movement, physical activity or normal use of the student's body by using an appliance or device manufactured for this purpose; but does not mean a device used by trained student personnel, or used by a student, for the specific and approved therapeutic or safety purpose for which the device was designed and, if applicable, prescribed, including:

- (a) Restraints for medical immobilization;
- (b) Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
- (c) Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent

- (a) A biological or adoptive parent;
- (b) A guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the state if the child is a ward of the state);
- (c) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- (d) A surrogate parent who has been appointed in accordance with paragraph (E) of rule 3301-51-05 of the Administrative Code; or
- (e) Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.

Physical escort

The temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip or back for the purpose of inducing a student to move to a safe location.

Physical restraint

The use of physical contact in a way that immobilizes or reduces the ability of an individual to

move the individual's arms, legs, body or head freely. Such term does not include a physical escort, mechanical restraint or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes:

- (a) To break up a fight;
- (b) To knock a weapon away from a student's possession;
- (c) To calm or comfort;
- (d) To assist a student in completing a task/response if the student does not resist the contact; or
- (e) To prevent imminent risk of injury to the student or others.

Positive behavior intervention and supports or positive behavior intervention and supports framework (PBIS)

A multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.

Prone restraint

Physical or mechanical restraint while the individual is in the face-down position.

School district

A local, exempted village, city, joint vocational, or cooperative education school district as defined in Chapter 3311 of the Revised Code; an educational service center that operates a school or educational program; a community school as defined in Chapter 3314 of the Revised Code; a science, technology, engineering, and mathematics school as defined in Chapter 3326 of the Revised Code; or a college-preparatory boarding school as defined in Chapter 3328 of the Revised Code. For purposes of this rule, the term does not include schools operated in facilities under the jurisdiction of the Department of Rehabilitation and Corrections or the Department of Youth Services.

Seclusion

The involuntary isolation of a student in a room, enclosure or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

Student

An individual enrolled in a school district.

Student personnel

Teacher, principal, counselor, social worker, school resource officer, teacher's aide, psychologist, bus driver, related services providers, nursing staff, or other school district staff who interact directly with students.

Timeout

A behavior intervention in which a student, for a limited and specified time, is separated from

the class within the classroom or in a nonlocked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

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.
- [OCALI](#)
- [Ohio Coalition for the Education of Children with Disabilities](#)
- [Disability Rights Ohio](#)
- [Restraint and Seclusion, Positive Behavior Intervention and Supports \(PBIS\) in Ohio Schools. What Parents need to Know](#)
- [Ohio Administrative Code 3301-35-15](#)