

Restraint & Seclusion Legislation Summary

OVERVIEW

[Idaho House Bill 581](#) was introduced as an amendment to [Idaho House Bill 281](#). The purpose of the amendment was to provide a more specific definition of the term "physical escort." Apart from this change, no other modifications were made to the bill. The bill continues to include definitions for managing severe classroom behavior, outlines the use and prohibition of restraint, seclusion, and corporal punishment, specifies required staff training, and outlines the requirements for the adoption of board policy related to restraint and seclusion.

USE OF RESTRAINT OR SECLUSION

PROHIBITED PRACTICES	CONDITIONS FOR USE
Districts and charters SHALL NOT: <ol style="list-style-type: none"> 1. Use corporal punishment 2. Use chemical restraint 3. Use restraint or seclusion as a form of discipline or punishment. 	Restraint and/or Seclusion may only be deployed when: A student's behavior places the student, staff, or others in imminent danger of serious bodily harm.
USE OF RESTRAINT OR SECLUSION FAQs	
<p>What constitutes imminent danger? Imminent danger means that it is reasonably likely that serious bodily harm to self or others is likely to occur.</p> <p>Can restraint or seclusion be used to avoid serious property destruction? No. Restraint or seclusion can only be used when the student or others are in imminent danger of serious bodily harm.</p> <p>Does this mean that we must wait until a student inflicts harm on self or others before restraint or seclusion can take place? No. Imminent danger does not mean that staff must wait until serious bodily harm has already been inflicted. Less restrictive options such as removing staff and other students from the student's proximity or utilizing de-escalation strategies are always an option for responding to escalating behavior. Restraint or seclusion may be used as a response to imminent danger of serious bodily harm when all other options have been exhausted.</p> <p>Does restraint or seclusion have to be in a "plan" to use it? No. Situations where imminent danger of serious bodily harm may occur are not always predictable. Restraint and seclusion should always be a last resort option and should only be listed in a student's plan as a last resort option rather than as a go-to strategy for behavior management under any circumstances. Repeated use of restraint or seclusion should trigger further conversation (such as the consideration for a Functional Behavior Assessment, a Behavior Intervention Plan and/or revisions to existing plans) and team planning related to the student's behavioral support needs.</p> <p>Are there time and duration limits on the use of restraint and seclusion? Yes. Restraint or seclusion should not exceed 30 minutes except under extreme circumstances. In these cases, more than one staff member should be involved and contact with parent and administrator should be made immediately.</p> <p>Is it considered seclusion if a student is placed in a room by themselves and not allowed to leave? Yes. If the student is in the room alone and is not allowed to leave, or perceives that they aren't allowed to leave, then it is considered seclusion.</p> <p>If a teacher refuses to allow a student into class because of behavior, is this seclusion? No. However, this is a type of "informal removal" and must be documented as a removal or suspension.</p>	

Does picking up and/or carrying a student count as restraint?

Yes. Picking up and/or carrying a student is a type of restraint that is unsafe, poses unnecessary risk, and should not be used. It is not a type of physical escort (This does not include lifting and carrying students for disability-related transfers conducted as directed by a professional).

DEFINITIONS

Corporal Punishment	Knowingly and purposely inflicting physical pain on a pupil as a disciplinary measure.
Physical Escort	Temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of directing a student to a safe location. <i>Physical escorting that involves methods used to immobilize a student's movement should be considered a physical restraint.</i>
Physical Restraint	Personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.
Mechanical Restraint	The use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as <ul style="list-style-type: none">• Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;• Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;• Restraints for medical immobilization; or• Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
Chemical Restraint	Using drugs or medication to control behavior; not including those prescribed by and administered in accordance with the directions of a qualified health professional.
Seclusion	The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

DEFINITIONS FAQs

Is it a chemical restraint if medication that is prescribed by a doctor is used?

Possibly. Medication should only be given to students at school with appropriate physician documentation and parental consent and only in accordance with physician's directions for use or application. Schools should never administer medication to students except under these specific circumstances.

When can a physical escort be used?

Physical escort may be used to remove a student from the classroom when it has been determined that the student's behavior is severely disrupting the learning of other students or when physical escort is identified as an appropriate intervention in the student's individualized education program.

When does physical escort become restraint?

A physical escort becomes a restraint when it results in more than a brief, temporary immobilization of the student or substantially restricts the student's freedom of movement.

What are some examples of devices used in schools that would not be considered mechanical restraints?

When used for their intended purposes, devices such as highchairs, changing tables, standers, desk chairs, wheelchairs, swings, seatbelts, harnesses, and related devices are not considered mechanical restraints.

PROFESSIONAL DEVELOPMENT

Who	Required Training
All staff All public and charter school staff <i>directly assigned to students or classrooms</i>	Annual training to include the following topics: Positive behavior supports De-escalation techniques Classroom behavior management
Specialized staff All public and charter school staff <i>directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors</i>	Annual training to include the following topics: Crisis management De-escalation techniques Correct use of restraint and seclusion Functional behavior assessment Behavior intervention plans Crisis plans

PROFESSIONAL DEVELOPMENT FAQs

When will this law go into effect? Does this training have to be done annually?

The training requirements of Idaho Code 33-1224, as outlined above, went into effect on July 1, 2023, and require annual training thereafter.

Does our training have to be approved or delivered by the Idaho Department of Education or Idaho SESTA?

No. LEAs may choose their own training providers and format. Training related to the *correct use of restraint & seclusion* will not be provided by the Idaho Department of Education or Idaho SESTA and should be provided by a qualified individual or agency. The Idaho Department of Education and SESTA will continue to provide training opportunities on topics such as behavior and discipline.

Is there a required length of time for these trainings?

No. LEAs must ensure that the training(s) provided are sufficient to educate staff on the required topics.

Is there a recertification or certificate renewal requirement connected to these training requirements?

No.

Will we need to provide verification to the Idaho Department of Education that we have completed this requirement?

No. However, the LEA must retain documentation of the training and be able to produce it upon request.

Does this training requirement include paraprofessionals?

Yes. Paraprofessionals must be trained as part of the *all-staff* requirement. Additionally, paraprofessionals directly serving or assigned to classrooms with students who demonstrate aggressive or dangerous behaviors must be trained as part of the *specialized staff* requirement.

Does this training requirement include secretaries and other administrative or clerical staff?

No. However, it is recommended.

Can the “specialized staff” receive part of their training with the “all staff” group, or do they need to complete all different training?

Specialized staff must receive all the training that the rest of the staff receives in addition to the more specialized topics. However, if some or all of those additional topics are addressed in the all-staff training, then there is no need to repeat those topics in the specialized training.

Should general education teachers be considered specialized staff for the purpose of this training requirement?

Possibly. LEAs must carefully consider which general education teachers should participate in *specialized staff* training based on the students assigned to their classrooms. All general education teachers must participate in the *all-staff* training.

Does the all-staff training requirement include PE, music, art, or other “specials” or “electives” teachers?
Yes.

Will the Idaho Department of Education keep a list of options for training?

Yes. The Idaho Department of Education will provide options for training as well as a list of recommended providers for training related to *correct use of restraint and seclusion*. LEAs are not required to use Idaho Department of Education-provided training.

Will there be financial support for providing this training?

No. The opportunity for mini-grants to help support the cost of restraint and seclusion training was only offered during the 2023-2024 school year.

BOARD POLICY

All school district boards of trustees and directors of public charter schools shall adopt a Restraint & Seclusion Policy to include the following:

1. Applies to disabled and nondisabled students
2. Definitions of *Physical Restraint*, *Mechanical Restraint*, *Chemical Restraint*, and *Seclusion*
3. Guidelines for use and prohibitions for use of restraint and seclusion.
4. Reporting requirements for documenting each incident of restraint or seclusion
5. Reporting requirements for informing parents and administrator(s) of each incident of restraint or seclusion
6. Requirements for periodic review of instances of restraint or seclusion and practices related to restraint and seclusion by the board of trustees and directors of public charters.

BOARD POLICY FAQs

When must this policy be in place?

Idaho Code 33-1224, which includes the provision requiring LEAs to adopt a Restraint and Seclusion Policy with the specified information above, became effective on July 1, 2023. While there was some flexibility for LEAs to have a policy in place by July 1, 2023, it is expected that all LEAs will have a policy implemented by July 1, 2024, in order to comply with the Idaho Code.

Will the Idaho Department of Education provide a sample board policy and sample reporting forms?

Yes.

How will we verify to the Idaho Department of Education that our LEA has adopted a policy that meets these requirements?

The Idaho Department of Education will reach out with an assurance form for LEAs to complete. LEAs will be asked to verify that they have adopted a policy and provide a link to the policy.

Will Idaho Department of Education need to approve our policy? Will Idaho Department of Education review it if we ask?

No. The Idaho Department of Education does not need to review or approve your policy. You will provide assurance that the policy meets the requirement of this legislation. The Idaho Department of Education will provide a sample policy for LEAs but will not review and approve individual LEA policies that differ from the sample provided. However, we are always happy to respond to questions about the process and requirements.

RESOURCES

Related Resources
<p>Student Discipline and Removals:</p> <ul style="list-style-type: none">▪ Student Removal Quick Guide (Idaho SESTA)▪ The Educator’s Guide to Student Discipline and Support (Idaho Department of Education)▪ Out from the Shadows: Informal Removal of Children with Disabilities from Public Schools (National Disability Rights Network)▪ Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 (U.S. Department of Education)▪ Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions (U.S. Department of Education)▪ Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders (U.S. Department of Education) <p>Restraint & Seclusion:</p> <ul style="list-style-type: none">▪ Restraint and Seclusion: Resource Document (U.S. Department of Education) <p>SESTA Training & Resources:</p> <ul style="list-style-type: none">▪ Restraint & Seclusion Training and Resources List (Idaho SESTA)