1. Purpose

1.1. The purpose of this policy is to provide information to all persons working with children within the Fauquier County Public School Division on how violent and aggressive behaviors in emergency situations are to be managed. This policy addresses the School Division’s philosophy, expectations, and procedures for the systematic management of the full range of student behaviors. The policy focuses on the processes to occur when extreme behaviors are presented, and the procedures staff must follow to ensure that incidents are properly documented, recorded, and reported to appropriate school officials and parents. Fauquier County Public Schools will utilize and document the least restrictive measures as a first attempt to control dangerous and aggressive behaviors. Physical and mechanical restraint and/or seclusion should be utilized in emergency situations, when other less intrusive alternatives have failed. An emergency situation means a situation that requires a person(s) to take immediate action to avoid harm, injury, or death to a student or to others, or to avoid substantial property damage.

1.2. All federal and state statutes and implementing procedures have been considered in setting forth school policy in the areas of physical restraint, mechanical restraint, and seclusion. Virginia’s public schools are guided by the Code of Virginia relative to discipline and by regulations set forth in the Board of Education relative to students with disabilities. Neither the statutes nor the regulations authorize the use of any abusive techniques or interventions with students in Virginia’s public schools.

1.3. These policies and procedures ensure that when behaviors need special intervention, students are free from the unreasonable use of physical restraint, mechanical restraint, seclusion, and other intervention methods that may not be the least restrictive in the public schools of Virginia and Fauquier County Public Schools. Corporal punishment is expressly prohibited by law.

2. Definitions

2.1. “Aversive Intervention” is defined as any action used to punish a student or eliminate, reduce, or discourage the problem behavior by use of the prohibited techniques.

2.2. “Behavior Intervention Plan (BIP)” is defined as a plan that uses positive behavioral intervention and supports to address behaviors that interfere with the learning of the student, the learning of others, or require disciplinary action.

2.3. “Corporal Punishment” is defined as the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

2.4. “Electro-stimulation Therapy” is defined as the use of any electrified instrument applied to the student’s body to deliver painful shocks.

2.5. “Emergency” is defined as a situation that requires a person(s) to take immediate action to avoid harm, injury, or death to a student or others, or to avoid substantial property damage.

2.6. “Exclusion” is defined as the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

2.7. “Functional Behavior Assessment (FBA)” is defined as the systematic process of gathering information to guide the development of a positive, effective, and efficient behavior intervention plan for a challenging behavior. The process includes:
2.7.1. A description of the challenging behavior;

2.7.2. The identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time; and

2.7.3. The determination of the underlying cause or functions of a student’s behavior that impedes the learning of the student or the learning of the student’s peers.

2.8. “Mechanical Restraint” is defined as the use of any object to restrict the student’s ability to move freely. This includes the use of ties, belts, shirts, sand bags, straight-jackets, or adaptive equipment such as Rifton Chairs and standing tables. The use of adaptive equipment as prescribed by an Occupation and/or Physical Therapist is not included in this restriction.

2.9. “Physical Restraint” is defined as the use of approved physical intervention techniques or “hand-on” holds by trained staff to prevent a student from moving his/her body to engage in a behavior that places him/her or others at risk of physical harm. Physical restraint does not include:

2.9.1. Briefly holding a student in order to calm or comfort the student; or

2.9.2. Holding a student’s hand or arm to escort the student safely from one area to another.

2.10. “Seclusion” is defined as the confinement of a student alone in a room from which the student is physically prevented from leaving.

3. Physical Restraint, Mechanical Restraint

3.1. The use of physical and/or mechanical restraint in managing severe student behavior is prohibited for all personnel employed by the School Division or any other person working in the School Division unless one or more of the following circumstances apply:

3.1.1. There is an emergency situation and physical restraint is necessary to protect the student or another person after other less intrusive interventions have been attempted and failed to manage that particular behavior, and there is substantial explanation for why other interventions were deemed inadequate or inappropriate;

3.1.2. A Functional Behavior Assessment (FBA) has been completed an analyzed;

3.1.3. The student’s parents/guardians have been informed and have provided voluntary consent in writing for the use of physical restraint; and/or

3.1.4. The student’s behavior is such that it poses an immediate threat of physical injury to himself or others, or severe property damage, however, the physical restraint is to be used only for the period of time that it is necessary to contain the behavior of the student so that the student no longer poses an immediate threat to himself or others or of causing severe property damage.

3.2. In the event that one (1) or more of the above subdivisions (3.1.1.) through (3.1.4.) apply, the use of physical and/or mechanical restraint in managing severe student behavior shall only be used if:

3.2.1. The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of physical restraint;
3.2.2. The school personnel implementing the physical restraint have been trained in nonviolent crisis intervention methods and techniques; and

3.2.3. The following practices are completed and documented within five (5) school days:

3.2.3.1. An antecedent analysis;

3.2.3.2. Development or review of a Functional Behavior Assessment (FBA);

3.2.3.3. Development or review of a Behavior Intervention Plan (BIP);

3.2.3.4. A meeting with the parents/guardians of the student; and

3.2.3.5. A review and approval in writing of all documentation by the building administrator and a copy of such documentation provided to the Director of Special Education, Diagnostic and Counseling Services within five (5) school days.

4. Seclusion

4.1. The use of seclusion in managing severe behavior is prohibited for all personnel employed by the School Division or any other person working in the School Division unless one or more of the following circumstances apply:

4.1.1. There is an emergency situation and seclusion is necessary to protect a student or another person, after less intrusive interventions have been attempted and failed to manage that particular behavior, and there is substantial explanation for why other interventions were deemed inadequate or inappropriate;

4.1.2. A Functional Behavior Assessment (FBA) has been completed and analyzed;

4.1.3. A behavior Intervention Program (BIP) exists that states the seclusion may be used;

4.1.4. And/or the student’s parents/guardians have been informed and have provided voluntary consent in writing for use of seclusion; and/or

4.1.5. The student’s behavior is such that it poses an immediate threat of physical injury to himself or others, or severe property damage; however, the physical restraint is to be used only for the period of time that it is necessary to contain the behavior of the student so that the student no longer poses an immediate threat to himself or others or of causing severe property damage.

4.2. In the event that one or more of subdivisions (4.1.1.) through (4.1.5.) apply, the use of seclusion shall only be used if:

4.2.1. Members of the school staff are trained in behavior management programming;

4.2.2. The use of force in the application of seclusion does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of seclusion; and

4.2.3. The following practices are completed and documented within five (5) school days:

4.2.3.1. An antecedent analysis;
USE OF MECHANICAL AND PHYSICAL RESTRAINT

4.2.3.2. Development or review of a Functional Behavior Assessment (FBA);
4.2.3.3. Development or review of a Behavior Intervention Plan (BIP);
4.2.3.4. A meeting with the parents/guardians of the student; and
4.2.3.5. A review and approval in writing of all documentation by the building administrator and a copy of such documentation provided to the Director of Special Education, Diagnostic and Counseling Services within five (5) school days.

5. **Prohibited Use of Aversive Interventions**

5.1. The use of the following aversive interventions is strictly prohibited in any situation or in any location:

5.1.1. Water and other mists or sprays (therapeutic misting);
5.1.2. Electro-stimulation therapy; noxious odors and tastes;
5.1.3. Corporal punishment as defined in Section 22.1-279 of the Code of Virginia; blasts of air;
5.1.4. Verbal and/or mental abuse;
5.1.5. Deprivation of oxygen;
5.1.6. Substitutions of food, denial of liquids, or deprivation and delay of food and liquids, delay of medications, or the use of the restroom;
5.1.7. Deliberate embarrassment;
5.1.8. Placement of a student alone in a room where the door is locked or held shut and the student is thus prevented from leaving the room; and
5.1.9. Forced exercise where the student’s behavior is related to his or her disability, the use of exercise would have a harmful effect on the student’s health, or the student’s disability prevents participation in activities.

**LEGAL REFERENCE:** Code of Virginia, 1950 as amended, § 22.1-276 et seq.; 22.1-279; 8VAC20-81-10 et seq.