

# Seclusion Rooms

## A civil liberties briefing

For years, Ohio schoolchildren, many of them disabled, have been routinely isolated in cell-like seclusion rooms or physically restrained by educators with little or no oversight from the Ohio Department of Education (ODE). On April 9, 2013, the State Board of Education finally passed rule 3301-35-15, governing the implementation of Positive Behavior Interventions and Support (PBIS) and the use of seclusion and restraints practices in Ohio's traditional public schools. On June 22, 2015, the rule was revised to extend to all public schools, including charter schools or "community schools."

### What is Positive Behavior Interventions and Support (PBIS)?

PBIS is an alternative discipline system that focuses on interventions and rewarding positive behaviors.

### Under this rule, the following are banned:

- Prone restraint and any form of physical restraint that causes unnecessary pain.
- Seclusion in a locked room.
- Deprivation of basic needs.
- Use of restraint or seclusion as a form of punishment.

### Under this rule, restraint may only be used:

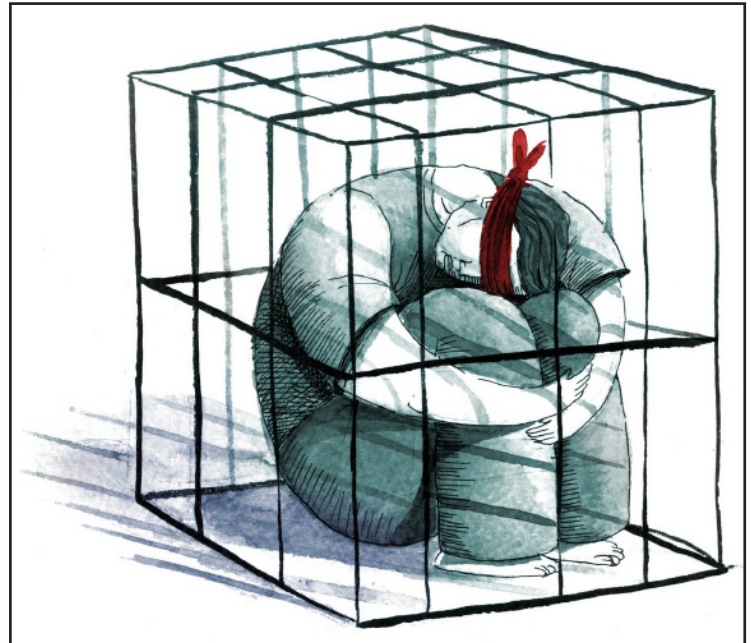
- If a child poses an immediate risk of physical harm to himself/herself or another, and no other safe or effective intervention is available.
- If it does not interfere with a student's ability to communicate in his/her primary language or mode of communication.
- By school personnel who are trained in safe restraint techniques.

### Under this rule, seclusion may only be used:

- If a child poses and immediate risk of physical harm to himself/herself or another and no other safe of effective intervention is available.
- As a last resort and for the minimum amount of time necessary for the child to regain control.
- In a room that provides adequate space, lighting, ventilation, and the ability for the student to be observed by staff, and for the student to exit if the staff becomes incapacitated or leaves the area.

### Under this rule, school districts who choose to restrain and seclude children must:

- Develop written policies and procedures consistent with those adopted by the State Board of Education.
- Develop a complaint procedure which allows parents to initiate an investigation.
- Develop a procedure to respond to parents in writing within 30 days of filing a complaint.
- Notify parents of the policy annually and post on website.
- Report all incidents to the building administrator.
- Document incidents in a report maintained at the school district, and make it available to parents within 24 hours.



- Ensure and maintain documentation that a proper number of personnel are trained in crisis management and de-escalation techniques.
- Establish a procedure to monitor the policy implementation.
- Report to the Ohio Department of Education information regarding its use of seclusion and restraint annually.

### When does this rule go into effect?

Traditional public schools were required to comply with this rule in the 2013-2014 school year. Due to the advocacy efforts of the ACLU of Ohio and other organizations, the rule was revised to include Ohio's public charter schools or "community schools." At the beginning of the 2015-2016 school year, Ohio's public charter schools will be required to comply with the rule. All of Ohio's public school students will now have equal protection and rights around seclusion and restraint.

### Parents, Know Your Rights

- Ask questions.
- Does your child's school use restraint and seclusion?
- Where is the school's policy posted?
- Do you know your school district's complaint process?
- Ask to see the seclusion room.
- Talk to your child.