Q. What if my child's behavior does not improve or I have concerns about the use of physical restraint with my child?

Should you have concerns about your child's behavior or interventions being used, you should contact the school administrator(s) or school counselors and ask to schedule a meeting.

Q. What should I ask the school about my child's behaviors?

Some questions you may want to ask the school include:

- When is the behavior occurring?
- What is happening before my child's behavior escalates to the point that my child is an imminent threat to the physical safety of self or others?
- What positive behavior supports/interventions have been tried with my child?
- How did my child respond to each of these supports/interventions?
- What can we do at home to help my child to be successful at school?

Training for Complex Area and School Personnel

School personnel who use restraints are being trained and will be recertified annually. Staff are being trained to implement effective evidence-based practices to prevent and reduce the use of physical restraints and how to perform them safely when required. The department will continue providing state-wide training to provide staff with tools and support that address: 1) concepts of reinforcement, functional assessment, differential reinforcement; 2) de-escalation procedures, 3) physical procedures designed to be effective and particularly gentle to avoid any stress of joints, pain or skin damage; and, 4) practical methods for preventing, minimizing, and managing behavioral crisis.

Maintaining Records and Annual Data Review

There will be an annual review of data of students who were physically restrained to analyze the effectiveness of interventions applied.

Policies and Procedures Alignment and Notification

The department's guidelines for restraint and seclusion practices have been established in accordance with Chapter 302A; prohibiting the use of seclusion, chemical restraints, or mechanical restraints in all public schools and establishing criteria for when physical restraints may be imposed.

Should there be any changes to the policies or procedures on the use of restraints during the school year, the department will post the changes on its website immediately.

What Parents Should Know About the Use of Restraints and Seclusion

The purpose of Hawaii Revised Statute §302A-1141.3 and §302A-1141.4 is to prohibit the use of seclusion and reduce and prevent the use of restraint in public schools. It is to ensure the safety of all students and personnel in public schools and promote a positive school culture and climate. This law applies to all students.

Hawaii State Department of Education
Office of Curriculum, Instruction
and Student Support

RS 18-1163, (Rev. of RS 16-1300) April 2018

Purpose

The purpose of this law is to protect students from (1) physical and mental abuse; (2) aversive behavioral interventions that compromise health and safety; and (3) any restraint imposed solely for purposes of discipline or convenience.
It prohibits the use of seclusion, mechanical restraints, and chemical restraints for all students.

Q. Does this law apply to all students?

Yes, this law applies to all students, both general education students and students with disabilities.

Q. How will this law apply to my child?

This law prohibits schools from using seclusion, mechanical restraints or chemical restraints as disciplinary measures to control students' behaviors. Its purpose is to protect your child from:

- Physical and mental abuse,
- Use of aversive behavioral interventions that compromise health and safety, and
- Any restraint that is solely used for discipline or convenience.

Q. What are seclusion, a mechanical restraint, and a chemical restraint?

"Seclusion" is defined as the confinement of a student alone in a room or structure from which the student is physically prevented from leaving.
"Seclusion" should not be confused with "timeout" which is a behavior management technique that is part of a student's behavior program and involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming the student.

A **"mechanical restraint"** is the use of a device that restricts a student's freedom of movement or the ability to communicate in his/her primary language or mode of communication. Mechanical Restraint is not meant to include assistive technologies or orthopedic supports prescribed by a medical professional to allow a student with a disability access to the curriculum or participation in educational activities.

A **"chemical restraint"** is the use of a drug or medication to control a student's behavior or to restrict freedom of movement that has not been prescribed by a licensed physician or another qualified health professional for the treatment of a student's medical or psychiatric condition.

Q. What is a physical restraint and what is its purpose?

A **"physical restraint"** is the use of physical force that restricts the student's ability to move his/her arms, legs, or head freely.

A **"physical restraint"** is not a teaching procedure or behavioral intervention. It should not be administered as punishment to address dangerous or non-emergency behaviors such as noncompliance, disrespect, disobedience, misuse or destruction of property, or disruption.

The purpose of a **"physical restraint"** is to manage dangerous behaviors to prevent a student from causing substantial property damage, self-harm or injury to others in the environment.

Q. What are the conditions around which a physical restraint is applied?

School staff may only use physical restraint on a student when it is immediately required to ensure the safety of the student or others. A physical restraint is only imposed after all attempts of less restrictive/intrusive interventions have failed or been determined inappropriate for this individual; and the student poses imminent risk of physical harm to self or others or in the event of substantial property damage.

Q. If my child is physically restrained, how will I be informed?

Should your child be physically restrained, you can expect the following actions from the school:

- The school will call or electronically notify you immediately .
- The school will send to you a written parent notification within 24 hours of the incident.

Q. What are the procedural safeguards for me and my child?

The school will be able to share with you what interventions have been tried, and how your child has responded to those interventions. You have the right to meet with the school to discuss additional, less intrusive interventions that may be available to support the specific needs of your child. Always discuss any concerns you have with the school principal.