

ATTORNEY TIP SHEET #6

WHAT CAN I DO IF MY CHILD IS BEING RESTRAINED OR SECLUDED?

I. STEP ONE: REVIEW POLICY AND RECORDS

Get a copy of your school's policy on restraint and seclusion. Ohio law requires school districts to have a policy. Get a copy of your child's IEP to see if the IEP allows for the use of seclusion or restraint. Determine if the school is following the policy and IEP.

Tip: It is **not a good idea to allow for the use of seclusion or restraint on the IEP.** The IEP should include positive behavior modification techniques instead. If the IEP allows for the use of seclusion and restraint, ask for an IEP meeting to have them removed. Ask the school to include positive behavior techniques instead.

II. STEP TWO: DETERMINE IF YOUR SCHOOL IS FOLLOWING POLICY

Ohio law requires schools to have policies on restraint and seclusion. At a minimum, the policy requires that:

Every effort be made to prevent the use of restraint and seclusion;

Prone restraint (face down) can never be used;

Schools must use positive behavior interventions and support;

Restraint and seclusion shall not occur except when there is an **immediate risk of harm to physical safety;**

Every use of restraint or seclusion **shall be documented and reported.**

Tip: The policy must comply with Ohio's rule on seclusion and restraint. **See, Ohio Admin. Code 3301-35-15**, Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.

III. STEP THREE: REQUEST AN IEP MEETING TO ADDRESS CONCERNS

Discuss your concerns about the use of restraint and seclusion at an IEP meeting. The IEP team should discuss how positive behavior modification techniques can be implemented to prevent the use of seclusion and restraint. Request a functional behavior assessment (FBA) (see, FAQ-Behavior Problems in School, tab 6) if the team does not know the reasons for your child's behavior.

Tip: **Request IEP review meetings throughout the year to review** whether the positive behavior techniques are working to prevent the use of seclusion and restraint. You are not limited to one IEP meeting per year.