



Information Sheet on Isolation & Restraint in Public Schools

There is a new law¹ in Tennessee about the use of restraint and isolation in public schools, which took effect January 1st, 2009.

Restraint means limiting a student's freedom of movement by physical contact or holding.

Isolation, sometimes called **seclusion**, means confining a student alone in a room or space from which the student is physically prevented from leaving.

"Time-out" in an area from which the student is NOT physically prevented from leaving is not considered to be *isolation*.

Schools CANNOT:

- restrain a child in any position that restricts breathing or is life-threatening, such as face down or putting weight on the chest
- use *mechanical restraint* such as straps, lap belts or ties
- use *chemical restraint*, such as misuse of prescription medication to restrict a child's freedom of movement
- use Mace, pepper spray or any other noxious (unpleasant) substance
- lock a child in a room, closet or other confined space
- restrain or isolate a child as punishment, coercion, convenience or retaliation

Schools MAY:

- use restraint or isolation in emergency situations
- use restraint or isolation if written into a child's Individualized Education Program (IEP)

Schools MUST notify parent or guardian and call an IEP meeting:

- if restraint or isolation is used when not in the child's IEP
- if restraint or isolation is used for a longer time than what the child's IEP says

The school MUST record the facts surrounding the use of isolation or restraint. If the parent or guardian asks for the record, the school MUST give it to them. However, the school is not required to give the record to the parent or guardian unless asked.

If your child has problems with behavior, the IEP team should write an individualized *positive behavior intervention plan (BIP)*, based on a *functional behavior assessment (FBA)*. Restraint or isolation should be a last resort, when there is danger of someone getting hurt.

¹ *Special Education Isolation and Restraint Modernization and Positive Behavioral Supports Act* (go to <http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode>; then select Title 49, Chapter 10, Part 13)

If members of the IEP team suggest writing restraint or isolation into your child's IEP, you should:

- ask for information about the rights and protections your child and you have under Tennessee's restraint and isolation law
- ask to see your school system's policies on restraint and isolation
- ask what training the school staff have had
- ask that the shortest time appropriate be applied
- ask in what specific circumstances restraint or isolation would be used (such as risk of injury)
- ask to see the room used for isolation (sometimes called a "quiet" or "calming" room)
- ask to be notified every time your child is restrained or isolated
- ask to bring the team back together if your child is restrained or isolated frequently
- ask that all these points be put in writing in the Behavior Intervention Plan, the Crisis Intervention/Safety Plan, and the *Prior Written Notice* you should receive at the conclusion of every IEP meeting.

If you disagree with the proposed use of restraint or isolation, you can:

- ask that the team meet again to consider your objections
- ask to talk with someone in your local special education office
- ask that the school pay for an outside evaluation, if you disagree with a behavior assessment done by the school
- talk to an advocate and
- if these steps are not successful, you can file a request for a due process hearing.

In Tennessee, if you refuse to sign an IEP which the school system presents to you, the school can start using the IEP on the 15th day after you've refused, unless you file for due process.

If you believe that your child has been harmed by the use of restraint or isolation, you can:

- seek medical attention immediately
- take photographs of any injuries
- notify the school
- contact the Disability Law & Advocacy Center (info below)
- if appropriate, make a report to Child Protective Services (toll-free #: 1-877-237-0004)
- if appropriate, make a police report

For information and/or advocacy assistance:

Disability Law & Advocacy Center of TN

Phone: **1-800-342-1660**

TTY: **1-888-852-2852**

Email: **GetHelp@DLACTN.org**

The Arc of Tennessee

Phone: **615-248-5878**

Toll Free: **1-800-835-7077**

Email: **info@thearctn.org**

Tennessee Disability Pathfinder

Phone: **1-800-640-4636**

Web site: **tnpathfinder@vanderbilt.edu**

Tennessee Disability Coalition's

Family Voices of Tennessee

Toll free family line: **1-888-643-7811**

Email: **familyvoices@tndisability.org**

STEP (Support and Training for Exceptional Parents)

Phone: **1-800-280-STEP** Espanol: **1-800-975-2919**

TTY: **423-639-8802**

Email: **information@tnstep.org**

* This Information Sheet was produced by the **Disability Coalition on Education, DCE**, a statewide alliance of families, agencies and advocacy organizations working together to improve educational outcomes for students with disabilities. If you want to learn more or to be added to DCE's mailing list, send an e-mail to **hlu1055@comcast.net**.