

RESTRAINT AND TIME-OUT

Authorities: Texas Education Code; 19 TAC Chapter 89; Texas Penal Code

	Additional Resources
	FEDERAL AND STATE REQUIREMENTS
Practice	<p>It is the policy of this state to treat with dignity and respect all children, including children with disabilities who receive special education services.</p> <p>Citations: 89.1053(a) TEC 37.0021(a)</p>
Practice	<p>Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of a child and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive a child of basic human necessities.</p> <p>Citations: 89.1053(j)</p>
	APPLICABILITY
Practice	<p>This framework applies to all school employees, volunteers, and independent contractors.</p> <p>Citations: 89.1053</p>
Practice	<p>This framework applies to a peace officer only if the peace officer:</p> <p>Citations: 89.1053(l) TEC 37.0021(h)</p>
Practice	<ul style="list-style-type: none"> • Is employed or commissioned by a school district; or <p>Citations: TEC 37.0021(h)(1)</p>
Practice	<ul style="list-style-type: none"> • Provides, as a school resource officer, a regular police presence on a school district campus under a memorandum of understanding between the district and a local law enforcement agency. <p>Citations: 89.1053(l) TEC 37.0021(h)(2)</p>

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<u>Practice</u>	<p>However, the data reporting requirements in this framework apply to the use of restraint by any peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity.</p> <p>Citations: 89.1053(l) TEC 37.0021(h) 89.1053(k)</p>
<u>Practice</u>	<p>This framework does not apply to juvenile probation, detention, or corrections personnel; or an educational services provider with whom the child is placed by a judicial authority, unless the services are provided in an educational program of a school district.</p> <p>Citations: 89.1053(m) TEC 37.0021(g)(2)</p>
PROHIBITED AVERSIVE TECHNIQUES	
<u>Practice</u>	<p><i>Aversive technique</i> means a technique or intervention that is intended to reduce the likelihood of a behavior reoccurring by intentionally inflicting on a child significant physical or emotional discomfort or pain. The term includes a technique or intervention that:</p> <p>Citations: TEC 37.0023(a)</p>
<u>Practice</u>	<ul style="list-style-type: none"> Is designed to or likely to cause physical pain, other than an intervention or technique permitted under the use of corporal punishment; <p>Citations: TEC 37.0023(a)(1) TEC 37.0011</p>
<u>Practice</u>	<ul style="list-style-type: none"> Is designed to or likely to cause physical pain through the use of electric shock or any procedure that involves the use of pressure points or joint locks; <p>Citations: TEC 37.0023(a)(2) TEC 37.0011</p>

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<u>Practice</u>	<ul style="list-style-type: none"> • Involves the directed release of a noxious, toxic, or otherwise unpleasant spray, mist, or substance near the child’s face; <p>Citations: TEC 37.0023(a)(3)</p>
<u>Practice</u>	<ul style="list-style-type: none"> • Denies adequate sleep, air, food, water, shelter, bedding, physical comfort, supervision, or access to a restroom facility; <p>Citations: TEC 37.0023(a)(4)</p>
<u>Practice</u>	<ul style="list-style-type: none"> • Ridicules or demeans the child in a manner that adversely affects or endangers the learning or mental health of the child or constitutes verbal abuse; <p>Citations: TEC 37.0023(a)(5)</p>
<u>Practice</u>	<ul style="list-style-type: none"> • Employs a device, material, or object that simultaneously immobilizes all four extremities, including any procedure that results in such immobilization known as prone or supine floor restraint; <p>Citations: TEC 37.0023(a)(6)</p>
<u>Practice</u>	<ul style="list-style-type: none"> • Impairs the child’s breathing, including any procedure that involves: <p>Citations: TEC 37.0023(a)(7)</p>
<u>Practice</u>	<ul style="list-style-type: none"> ○ applying pressure to the child’s torso or neck; or <p>Citations: TEC 37.0023(a)(7)(A)</p>
<u>Practice</u>	<ul style="list-style-type: none"> ○ obstructing the child’s airway, including placing an object in, on, or over the child’s mouth or nose or placing a bag, cover,

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	<p style="text-align: center;">or mask over the child’s face;</p> <p>Citations: TEC 37.0023(a)(7)(B)</p>
Practice	<ul style="list-style-type: none"> • Restricts the child’s circulation; <p>Citations: TEC 37.0023(a)(8)</p>
Practice	<ul style="list-style-type: none"> • Secures the child to a stationary object while the child is in a sitting or standing position; <p>Citations: TEC 37.0023(a)(9)</p>
Practice	<ul style="list-style-type: none"> • Inhibits, reduces, or hinders the child’s ability to communicate; <p>Citations: TEC 37.0023(a)(10)</p>
Practice	<ul style="list-style-type: none"> • Involves the use of a chemical restraint; <p>Citations: TEC 37.0023(a)(11)</p>
Practice	<ul style="list-style-type: none"> • Constitutes a use of timeout that precludes the child from being able to be involved in and progress appropriately in the required curriculum and, if applicable, toward the annual goals included in the child’s individualized education program (IEP), including isolating the child by the use of physical barriers; or <p>Citations: TEC 37.0023(a)(12)</p>
Practice	<ul style="list-style-type: none"> • Deprives the child of the use of one or more of the child’s senses, except that this aversive technique may be used if the technique is executed in a manner that: <p>Citations: TEC 37.0023(a)(13)</p>

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	TEC 37.0023(c)
Practice	<ul style="list-style-type: none"> ○ Does not cause the child discomfort or pain; or <p>Citations: TEC 37.0023(c)(1)</p>
Document	<ul style="list-style-type: none"> ○ Complies with the child’s IEP or behavior intervention plan. <p>Citations: TEC 37.0023(c)(2)</p>
Practice	<p>A school district or school district employee or volunteer or an independent contractor of a school district may not apply an aversive technique, or by authorization, order, or consent, cause an aversive technique to be applied, to a child.</p> <p>Citations: TEC 37.0023(b)</p>
CONFINEMENT	
Practice	<p>A child with a disability, who receives special education services, must not be confined in a locked box, locked closet, or other specially-designed locked space as either a discipline management practice or a behavior management technique.</p> <p>Citations: TEC 37.0021(a)</p>
Practice	<p>This section does not prevent a child's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:</p> <p>Citations: TEC 37.0021(f)</p>
Practice	<ul style="list-style-type: none"> • The child possesses a weapon; and <p>Citations: TEC 37.0021(f)(1) TEC 37.007(a)(1) Tex. Penal Code 46.01(3) Tex. Penal Code 46.01(6) Tex. Penal Code 46.01(1) Tex. Penal Code 46.05</p>
Practice	<ul style="list-style-type: none"> • The confinement is necessary to prevent the child from causing bodily harm to the child or another person. <p>Citations:</p>

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	TEC 37.0021(f)(2)
RESTRAINT	
Practice	<p><i>Restraint</i> means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a child's body.</p> <p>Citations: 89.1053(b)(2) TEC 37.0021(b)(1)</p>
Practice	<p><i>Emergency</i> means a situation in which a child's behavior poses a threat of imminent, serious:</p> <p>Citations: 89.1053(b)(1)</p>
Practice	<ul style="list-style-type: none"> • Physical harm to the child or others; or <p>Citations: 89.1053(b)(1)(A)</p>
Practice	<ul style="list-style-type: none"> • Property destruction. <p>Citations: 89.1053(b)(1)(B)</p>
Practice	<p>A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:</p> <p>Citations: 89.1053(c) 89.1053(b)(1)</p>
Practice	<ul style="list-style-type: none"> • Restraint must be limited to the use of such reasonable force as is necessary to address the emergency; <p>Citations: 89.1053(c)(1)</p>
Practice	<ul style="list-style-type: none"> • Restraint must be discontinued at the point at which the emergency no longer exists; <p>Citations: 89.1053(c)(2)</p>
Practice	<ul style="list-style-type: none"> • Restraint must be implemented in such a way as to protect the health and safety of the child and others; and <p>Citations: 89.1053(c)(3)</p>

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<u>Practice</u>	<ul style="list-style-type: none"> Restraint must not deprive the child of basic human necessities. <p>Citations: <u>89.1053(c)(4)</u></p>
<u>Practice</u>	<p>Training for school employees, volunteers, or independent contractors must be provided according to the following requirements:</p> <p>Citations: <u>89.1053(d)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> A core team of personnel on each campus must be trained in the use of restraint, and the team must include a campus administrator or designee and any general or special education personnel likely to use restraint; <p>Citations: <u>89.1053(d)(1)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint; <p>Citations: <u>89.1053(d)(2)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint; and <p>Citations: <u>89.1053(d)(3)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint. <p>Citations: <u>89.1053(d)(4)</u></p>
<u>Practice</u>	<p>The following documentation requirements must be met in a case in which restraint is used by school employees, volunteers, or independent contractors:</p> <p>Citations: <u>89.1053(e)</u></p>

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Document	<ul style="list-style-type: none"> On the day restraint is utilized, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint; <p>Citations: 89.1053(e)(1)</p>
Document	<ul style="list-style-type: none"> On the day restraint is utilized, a good faith effort must be made to verbally notify the parent regarding the use of restraint; <p>Citations: 89.1053(e)(2)</p>
Document	<ul style="list-style-type: none"> Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint; <p>Citations: 89.1053(e)(3)</p>
Document	<ul style="list-style-type: none"> Written documentation regarding the use of restraint must be placed in the child's special education eligibility folder in a timely manner so the information is available to the admission, review, and dismissal (ARD) committee when it considers the impact of the child's behavior on the child's learning and/or the creation or revision of a behavioral intervention plan (BIP); and <p>Citations: 89.1053(e)(4)</p>
Document	<ul style="list-style-type: none"> Written notification to the parent and documentation to the child's special education eligibility folder must include the following: <p>Citations: 89.1053(e)(5)</p>
Document	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Name of the child; <p>Citations: 89.1053(e)(5)(A)</p>
Document	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Name of the staff member or staff members administering the restraint; <p>Citations: 89.1053(e)(5)(B)</p>

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Document	<ul style="list-style-type: none"> ○ Date of the restraint and the time the restraint began and ended;
	<p>Citations: 89.1053(e)(5)(C)</p>
Document	<ul style="list-style-type: none"> ○ Location of the restraint;
	<p>Citations: 89.1053(e)(5)(D)</p>
Document	<ul style="list-style-type: none"> ○ Nature of the restraint;
	<p>Citations: 89.1053(e)(5)(E)</p>
Document	<ul style="list-style-type: none"> ○ A description of the activity in which the child was engaged immediately preceding the use of restraint;
	<p>Citations: 89.1053(e)(5)(F)</p>
Document	<ul style="list-style-type: none"> ○ The behavior that prompted the restraint;
	<p>Citations: 89.1053(e)(5)(G)</p>
Document	<ul style="list-style-type: none"> ○ The efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
	<p>Citations: 89.1053(e)(5)(H)</p>
Document	<ul style="list-style-type: none"> ○ Information documenting parent contact and notification; and.
	<p>Citations: 89.1053(e)(5)(J)</p>
Document	<ul style="list-style-type: none"> ○ <u>One of the following:</u>
	<p>Citations: 89.1053(e)(5)(K)</p>
Document	<ul style="list-style-type: none"> ▪ <u>if the studentchild has a BIP, whether the BIP may need to be revised as a result of the behavior that led to the restraint and, if so, identification of the staff member responsible for scheduling an ARD</u>

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	<p style="text-align: center;"><u>committee meeting to discuss any potential revisions;</u> <u>or</u></p> <p>Citations: <u>89.1053(e)(5)(K)(i)</u></p>
<u>Document</u>	<ul style="list-style-type: none"> ▪ <u>if the studentchild does not have a BIP, information on the procedure for the student'schild's parent or person standing in parental relation to the studentchild to request an ARD committee meeting to discuss the possibility of conducting a functional behavioral assessment (FBA) of the studentchild and developing a plan for the studentchild.</u> <p>Citations: <u>89.1053(e)(5)(K)(ii)</u></p>
<u>Practice</u>	<p>For children who are homeless or in substitute care, the local educational agency must also provide notice to a child's educational decision-maker and caseworker regarding reports of restraint.</p> <p>Citations: <u>TEC 25.007(b)(10)(F)</u></p>
<u>Practice</u>	<p>Restraint does not include the use of:</p> <p>Citations: <u>89.1053(f)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning; <p>Citations: <u>89.1053(f)(1)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Limited physical contact with a child to promote safety (e.g., holding a child's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, or provide comfort; <p>Citations: <u>89.1053(f)(2)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Limited physical contact or appropriately prescribed adaptive equipment to prevent a child from engaging in ongoing, repetitive self-injurious behaviors, <u>with the expectation that instruction will be reflected in the IEP to promote student learning and reduce and/or prevent the need for ongoing intervention;</u> or

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	<p>Citations: 89.1053(f)(3) 300.324(a)(2)(i)</p>
Practice	<ul style="list-style-type: none"> • Seat belts and other safety equipment used to secure children during transportation. <p>Citations: 89.1053(f)(4)</p>
Practice	<p>Cumulative data regarding the use of restraint by school employees, volunteers, independent contractors, and by peace officers must be electronically reported through the Public Education Information Management System.</p> <p>Citations: 89.1053(k) TEC 37.0021(i) 89.1053(f)</p>
TIME-OUT	
Practice	<p><i>Time-out</i> means a behavior management technique in which, to provide a child with an opportunity to regain self-control, the child is separated from other children for a limited period in a setting:</p> <p>Citations: 89.1053(b)(3) TEC 37.0021(b)(3)</p>
Practice	<ul style="list-style-type: none"> • That is not locked; and <p>Citations: 89.1053(b)(3)(A) TEC 37.0021(b)(3)(A)</p>
Practice	<ul style="list-style-type: none"> • From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object. <p>Citations: 89.1053(b)(3)(B) TEC 37.0021(b)(3)(B)</p>
Practice	<p>A school employee, volunteer, or independent contractor may use time-out with the following limitations:</p> <p>Citations: 89.1053(g) 89.1053(b)(3)</p>

FEDERAL AND STATE REQUIREMENTS	
<u>Practice</u>	<ul style="list-style-type: none"> Physical force or threat of physical force must not be used to place a child in time-out; <p>Citations: <u>89.1053(g)(1)</u> <u>89.1053(b)(3)</u></p>
<u>Document</u>	<ul style="list-style-type: none"> Time-out must only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the child's IEP and/or BIP if it is utilized on a recurrent basis to increase or decrease a targeted behavior; and <p>Citations: <u>89.1053(g)(2)</u> <u>89.1053(b)(3)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> Use of time-out must not be implemented in a fashion that precludes the ability of a child to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the child's IEP. <p>Citations: <u>89.1053(g)(3)</u> <u>89.1053(b)(3)</u></p>
<u>Practice</u>	<p>Training for school employees, volunteers, or independent contractors must be provided according to the following requirements:</p> <p>Citations: <u>89.1053(h)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> General or special education personnel who implement time-out based on requirements established in a child's IEP and/or BIP must be trained in the use of time-out; <p>Citations: <u>89.1053(h)(1)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> Newly identified personnel called upon to implement time-out based on requirements established in a child's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out; <p>Citations: <u>89.1053(h)(2)</u></p>

FEDERAL AND STATE REQUIREMENTS	
<u>Practice</u>	<ul style="list-style-type: none"> • Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of a child to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the child's IEP; and <p>Citations: <u>89.1053(h)(3)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out. <p>Citations: <u>89.1053(h)(4)</u></p>
<u>Document</u>	<p>Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. If a child has a BIP, the school district must document each use of time-out prompted by a behavior of the child in the child's BIP, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.</p> <p>Citations: <u>89.1053(i)</u></p>
<u>Document</u>	<p>If a child has a BIP, the school district must document each use of time-out prompted by a behavior of the child in the child's BIP, including a description of the behavior that prompted the time-out.</p> <p>Citations: <u>89.1053(i)</u></p>
<u>Document</u>	<p>The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.</p> <p>Citations: <u>89.1053(i)</u></p>