



# Restraint and Isolation: The Special Education Behavioral Supports Act (SEBSA)

**Dr. April Ebbinger, NCSP**

*Director of Psychological and Behavioral Services*

**Taylor Jenkins**

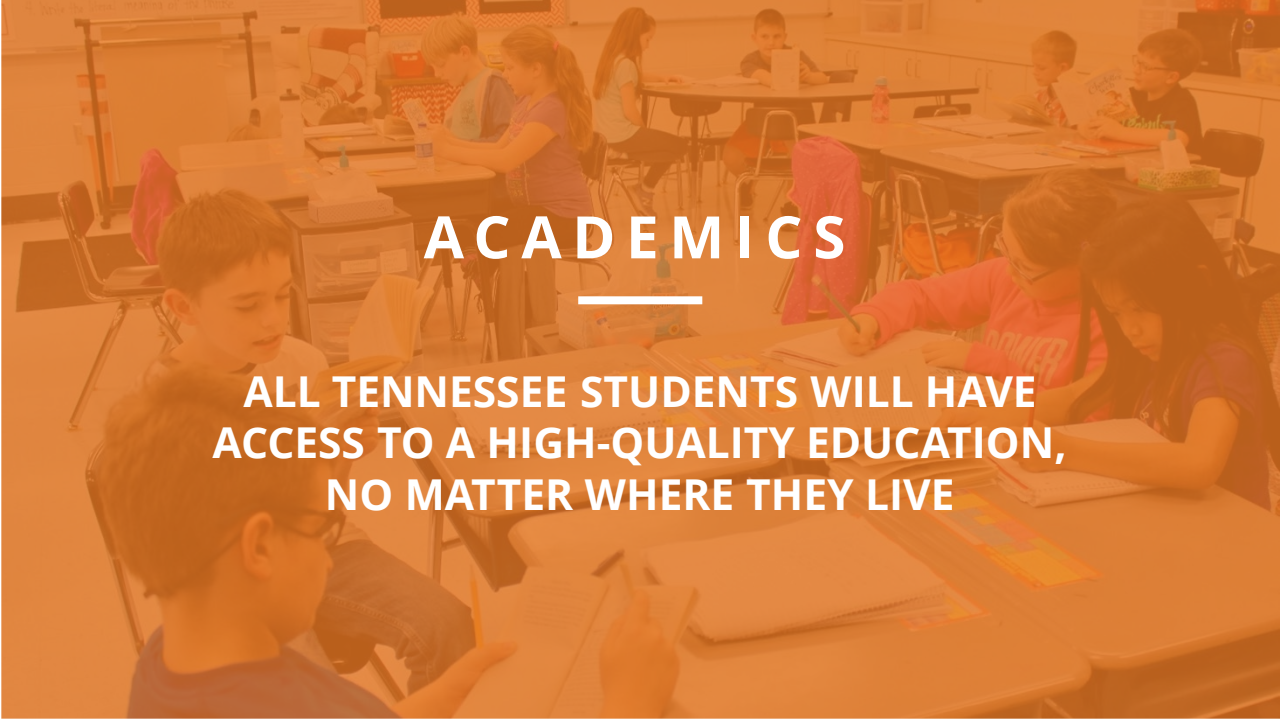
*Assistant General Counsel for Special Education*





# BEST FOR ALL

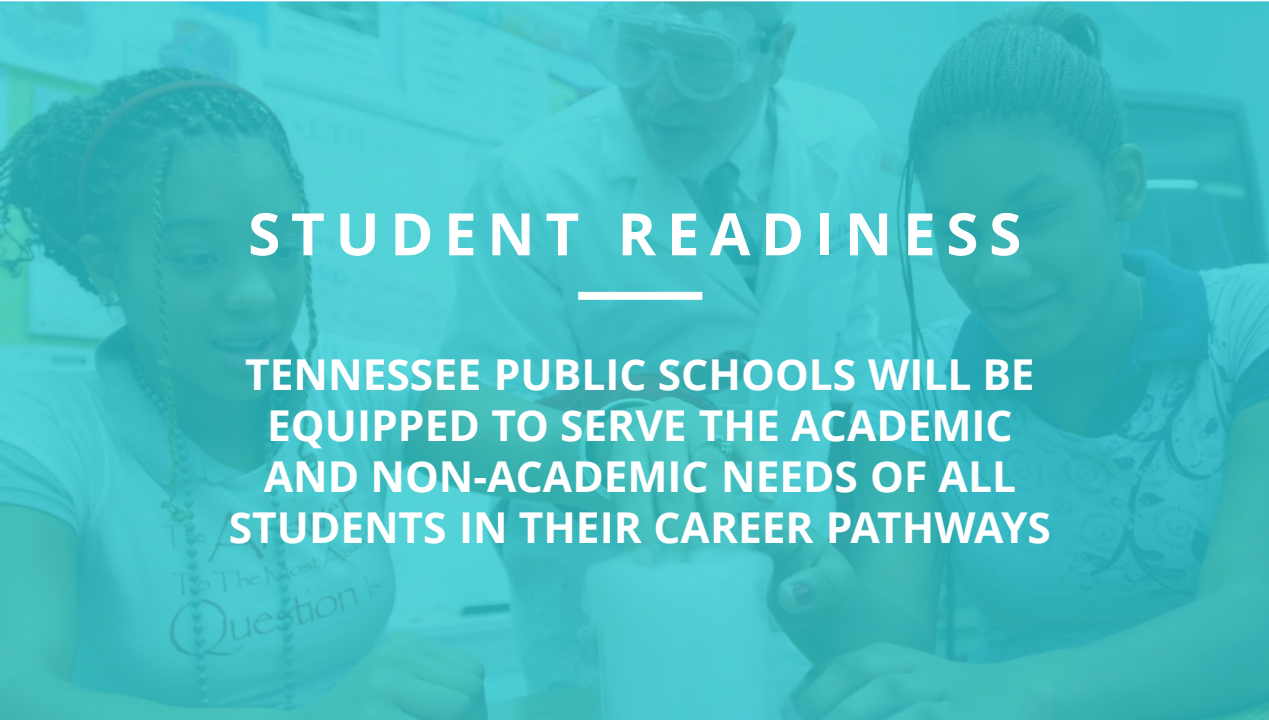
We will set all students on a path to success.



## ACADEMICS

---

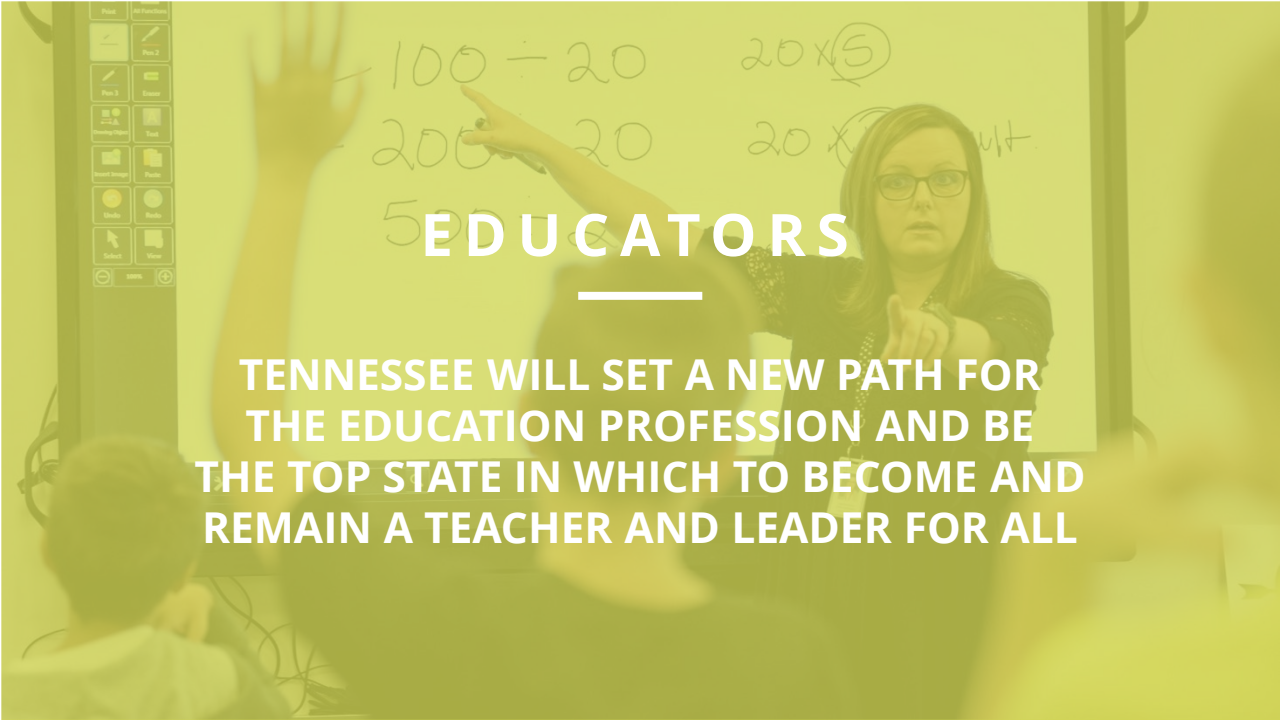
ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE



## STUDENT READINESS

---

TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS



## EDUCATORS

---

TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE IN WHICH TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL





# Agenda

- Participants will better understand SEBSA:
  - Definitions
  - Policies and Procedures
  - Requirements
- Participants will be able to identify follow-up actions after an incident of restraint or isolation



# Applicable Laws





# Applicable Tennessee Laws

Statute: T.C.A. § 49-10-1301 through 1307

Rule: Tennessee State Board of Education Rule 0520-01-09-.23  
(effective August 12, 2021)

Outline Local Education Agency (LEA) requirements regarding:

- Restrictions on use of restraint and isolation
- Training requirements
- Reporting requirements
- Parental notification
- IEP meetings
- And more



# Applicable Federal Law

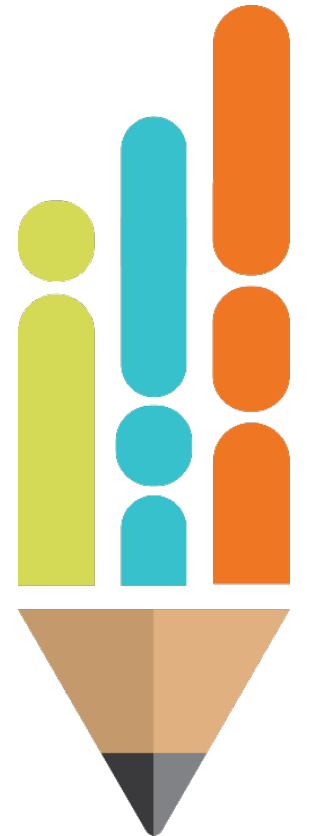
- Section 504 of the Rehabilitation Act of 1973 prohibits the discriminatory use of restraint or seclusion against students with disabilities (SWD)

- 2016 Dear Colleague Letter:

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

# Federal Complaints

- Parents may file complaints regarding restraint and isolation with Office of Civil Rights (OCR).
- OCR may require LEAs to enter into resolution agreements if they find that the LEAs use of restraint or isolation violated the student's civil rights!



# Special Education Behavioral Supports Act (SEBSA) Overview

T.C.A. § 49-10-1301 through 1307





# What is the purpose of SEBSA?

**(1)** To ensure that every student receiving special education services is free from the unreasonable, unsafe and unwarranted uses of isolation and restraint practices;

**(2)** To encourage the use of positive behavioral interventions and support methods in schools;

**(3)** To develop properly trained staff in order to promote positive behavioral supports that reduce dependence on isolation and restraint practices; and

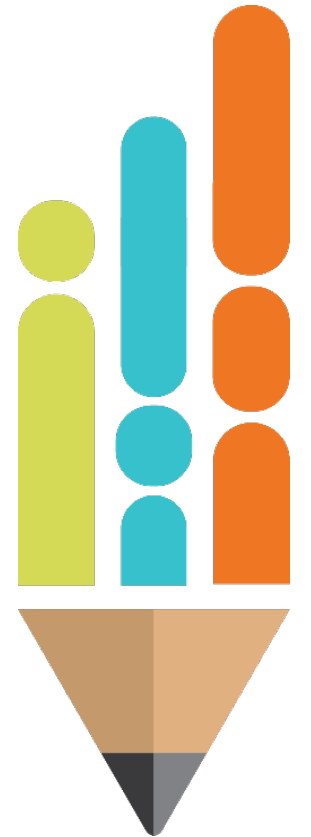
**(4)** To ensure that teachers of students receiving special education services are properly trained to protect the student, teacher and others from physical harm, if isolation or restraint is necessary.

# When is restraint or isolation allowed?

- A student receiving special education services may be restrained with physical holding restraint or isolated **only in emergency situations.**
- Mechanical restraint and chemical restraint are never allowed.

# What is an emergency situation?

- A child's behavior poses a threat to the physical safety of the student and others nearby (T.C.A. § 49-10-1303(3)).
- To determine if the situation meets these criteria, it must be a situation in which a student is at risk of **serious harm to self or others.**





# When is isolation or restraint prohibited?

Non-emergency situation

As a means of coercion, punishment, convenience, or retaliation

To protect property (e.g., student lifts the computer in an apparent effort to throw the computer against the floor)



# When is isolation or restraint prohibited?

- Removing or disabling any equipment or device that a student requires, including, but not limited to, a power wheelchair, brace, **augmentative communication device**, or walker, as a means of coercion, punishment, convenience, or retaliation.
- Any form of life-threatening restraint, including restraint that restricts the flow of air into a person's lungs, whether by chest compression or any other means.





# What are the three types of restraint?

Physical Holding Restraint

Mechanical Restraint

Chemical Restraint



# Physical Holding Restraint

The use of body contact by school personnel with a student to restrict freedom of movement or normal access to the student's body, **except for:**

The holding of a student by an adult in order to calm or comfort the student in the absence of an emergency;

Contact necessary to physically escort a student from one area to another in the absence of an emergency;

Assisting a student in completing a task or response if the student does not resist or if the resistance is of minimal intensity or duration;

Physically redirecting a student if the student does not resist or if the resistance is of minimal intensity or duration; or

School personnel blocking a student's exit or elopement by physically placing themselves in front of the student.

# Mechanical Restraint

The application of a mechanical device, material or equipment attached or adjacent to the student's body, including ambulatory restraints, which the student cannot easily remove and that restrict freedom of movement or normal access to the student's body.

Mechanical restraint does **not** include:

1. The use of restraints for medical immobilization, adaptive support, or medical protection; or
2. The use of a seat belt or other device, including, but not limited to, a belting system or harness, to secure a child with a disability during transit on a bus or vehicle operated by LEA.



# Chemical Restraint

A medication that is prescribed to restrict a student's freedom of movement for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, a student's regular drug regimen to control extreme violent physical behavior. The medications that comprise the student's regular medical regimen, including PRN medications, are not considered chemical restraints, even if their purpose is to treat ongoing behavioral symptoms.



# What is isolation?

The **confinement of a student alone**, with no other students, staff, or persons present, in a room with or without a door or other enclosed area or structure pursuant to § 49-10-1305(g) where the **student is physically prevented** from leaving because a door, object, or school personnel is blocking the student's exit.

T.C.A. § 49-10-1303(4)

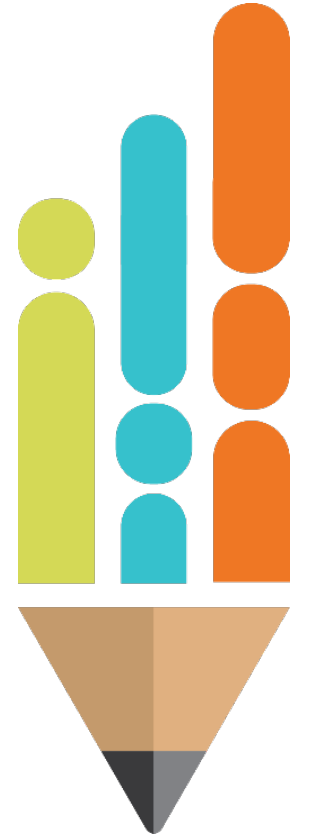




# Time-out

Isolation does **not** include time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior; provided, that time-out may involve the voluntary separation of a student receiving special education services from others.

T.C.A. § 49-10-1303(4)



# Isolation room

School district violated Social Education Behavioral Support Plan for disabled student with gym mat; although time-out, not student was outbursts; given an isolation room isolated 21 times; school personnel student at all times

Note that a student can still be “isolated” outside of the isolation room!

*I.L. through Taylor v. Knox Co. . Supp.3d 946*

# Isolation Room

Note that a student can still be “isolated” in other types of rooms, regardless of the room’s name.

Zen Room

Sensory Room

“Grumpy” Room

Gym

Cool Down Room

Cafeteria



# Who may restrain or isolate a student?

The restraint or isolation must be done by “school personnel certified for completing a behavior intervention training program.”

The restraint or isolation may only be performed by others “when trained personnel are not immediately available.”

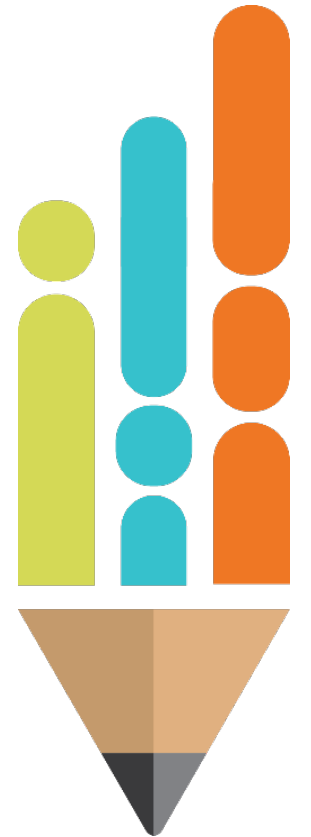
T.C.A. § 49-10-1304(c)



# What must we do after the isolation or restraint?

Remember to

**REACT!**





# What must we do after the isolation or restraint?



**Reach out** to school principal or the principal's designee immediately (0520-01-09-.23(5)).



**Evaluate** and see the student's condition within a reasonable time after isolation or restraint (this may be done by principal, principal's designee, or school nurse) (0520-01-09-.23(5)).

# What must we do after the isolation or restraint?



**Alert** the parent(s) orally or in writing the same day the isolation or restraint was used (0520-01-09-.23(5)).



**Convene** an IEP meeting if required by SEBSA (0520-01-09-.23(7)).

# What must we do after the isolation or restraint?

Last step to REACT is to turn in the reporting form:

School personnel who must isolate or restrain a student shall report each individual incident of isolation or restraint to the school principal or the principal's designee (0520-01-09-.23(10)).

*A copy of the report must be submitted to the Department of Education within five (5) calendar days of incident.*

# Scenario #1

A student has been increasing in anxiety and frustration during independent work. The teacher has provided a few choices for the student to help the student use coping strategies that they have been practicing. The student continues to escalate and begins to pace the room. A few minutes later, the student leaves the room and runs to the behavior classroom. Upon arriving in the room, the student runs into the isolation room, slams the door shut, curls up in the corner, and cries. The teacher walks by the window of the isolation room every minute or so to visually ensure the student's safety. After approximately 15 minutes, the student opens the door and comes out of the isolation room.





# IEP Meeting Requirements - Restraint

An IEP team meeting shall be held within 10 days of use of restraint **if**:

(c) If school personnel are required to use physical holding restraint that:

1. Lasts longer than 5 minutes; or
2. Lasts longer than the time provided in the child's IEP.







# IEP Meeting Requirements - Isolation

An IEP team meeting shall be held within 10 days of use of isolation **if**:

(c) If school personnel are required to use isolation that:

1. Lasts longer than 1 minute per year of the student's age; or
2. Lasts longer than the time provided in the child's IEP.



# IEP Meeting

Three things to remember about the IEP meeting...

- When the use of restraint and isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of SEBSA, state rule, and IDEA procedural safeguards. 0520-01-09-.23(6).
- The team must make a determination whether the student has a functional behavior assessment and behavior intervention plan for the behavior precipitating the use of isolation or restraint. (0520-01-09-.23(10)(a)(18)).
- IEPs that provide for the use of isolation or a physical holding restraint for certain behaviors must contain a data driven FBA and a plan for modification of the behavior developed and implemented by a qualified team of professionals. T.C.A. 49-10-1304(b).

## Scenario #2

A student has become highly escalated in a classroom. The student begins throwing chairs around the room. The teacher has the other students in the room leave and go to the neighboring classroom in a room clear procedure that has been practiced. While awaiting the arrival of the trained physical holding restraint team, the teacher stands outside the doorway and prevents the student from leaving the room. The physical holding restraint team arrives, and they take over for the teacher to ensure the student does not leave the room. After a short time, the student grabs a pencil and tries to stab his own arm. The physical holding restraint team, using an appropriate hold, restrains the student.

## Scenario #2, continued

The student calms down, and the team does a support transport hold to move the student to a different classroom. Upon arrival to the new classroom, the student is escorted into the isolation room. The adults are able to let go of the student, and the student stands against the wall, breathing in and out audibly. The student begins to breathe calmer, starts crying, leaves to get a tissue, and returns to the isolation room.

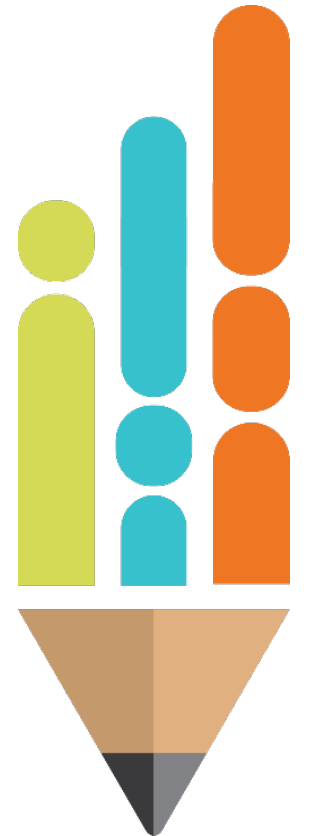
# Reporting Requirements



# Reporting Form

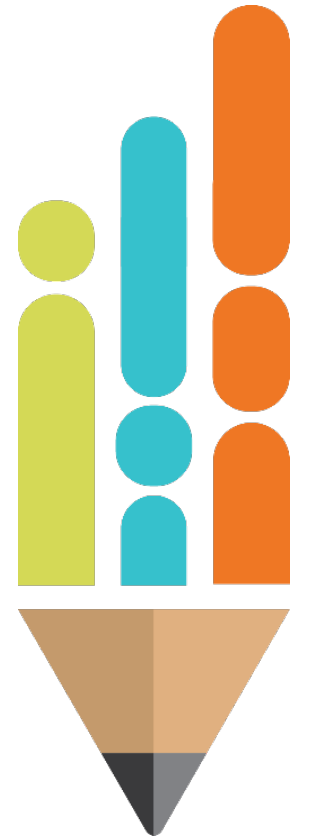
The report form shall be submitted for each individual incident and shall include the following information:

1. Student's name, age and disability;
2. Student's school and grade level;
3. Date, time and location of the isolation or restraint;
4. Length of time student was isolated or restrained;
5. Names, job titles, and signatures of the personnel who administered the isolation or restraint;
6. Whether the personnel who administered the isolation or restraint were certified as completing a behavior intervention training program;



# Reporting Form

7. Names and job titles of other personnel who observed or witnessed the isolation or restraint;
8. Name of the principal or designee who was notified following the isolation or restraint and time of notification;
9. Description of the antecedents that immediately preceded the use of isolation or restraint and the specific behavior being addressed;
10. A certification that any space used for isolation is at least forty (40) square feet;





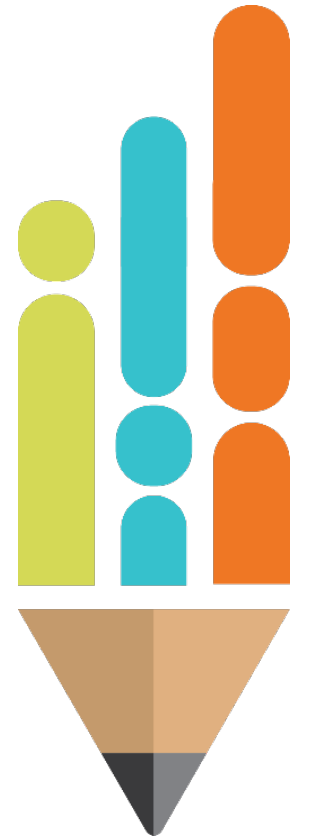
# Reporting Form

11. A certification that school personnel are in continuous direct visual contact at all times with a student who is isolated;

12. How the isolation or restraint ended, including the student's demeanor at the cessation of the isolation or restraint;

13. Physical injury or death to the student, school personnel, or both during the isolation or restraint;

14. Medical care provided to the student, school personnel, or both during the isolation or restraint;





# Reporting Form

15. Description of property damage, if relevant;

16. Date, time, and method of parent notification;

17. Whether an IEP team meeting is required pursuant to T.C.A. § 49-10-1304; and

18. A determination whether the student has a functional behavior assessment and behavior intervention plan for the behavior precipitating the use of isolation or restraint.



# New Additions to Reporting Form

- Question regarding the if personnel evaluated the student's condition and what personnel evaluated the student
- Question concerning the crisis program districts are using
- Signature box





# Report Form in TN PULSE

Student Incident History

Student: Anna Testing Test

Incident Type:

Incident School:

Date Range  
From:    
To:  

UPDATE INCIDENT TABLE

CREATE INCIDENT



# Report Form in TN PULSE



Restraint or Isolation?







Restraint    Isolation

Two red arrows originate from a single point below the form and point towards the 'Restraint' and 'Isolation' radio buttons.

Each individual incident of an isolation or restraint **must** be reported separately (i.e., each time school personnel engage in a restraint or isolate a student), even if these separate instances occur within a short timeframe.



# Date, Time, and Location

Restraint Date	<input type="text"/> 	Restraint Duration	N/A
Location in School Facility	<input type="text"/> 	Location Details	<input type="text"/>
Restraint Start	<input type="text"/>  <input type="text"/>  <input type="radio"/> am <input type="radio"/> pm	Restraint End	<input type="text"/>  <input type="text"/>  <input type="radio"/> am <input type="radio"/> pm

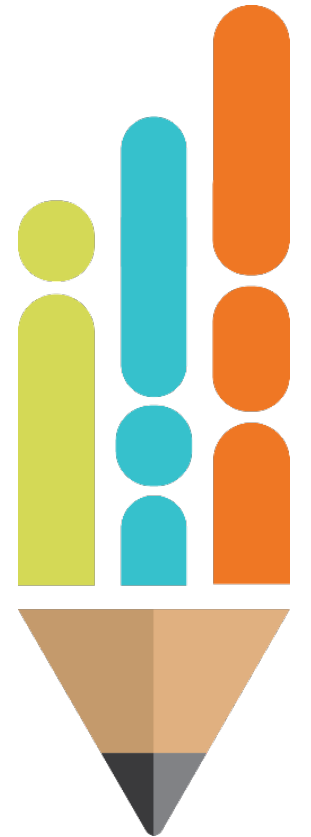
Used to calculate length of each restraint/ isolation

Pay close attention and enter the correct time period

# Antecedents

Description of the antecedents that immediately preceded the use of isolation or restraint and the specific behavior being addressed:

- Description should include behaviors leading up to and requiring the restraint/isolation, and any techniques used to help de-escalate/ prevent the restraint or isolation.
- It should indicate how this event was an emergency situation.





# Student Demeanor

- Describe the student's demeanor (observed physical and verbal behavior) at the end of the isolation or restraint:
  - How did you know the student was calm?
  - How did you know the staff could be released? Or allowed to leave isolation space?
  - What were the student's verbal and nonverbal cues?



**Student Demeanor:**

Describe the student's observed physical and verbal behavior at the end of the isolation or restraint:



# Restraint Report

Did the Student Die?:  ▾

Was the Student Injured?:  ▾

Did a Staff Member Die?:  ▾

Was Staff Injured?:  ▾

Was there Property Damage?:  ▾

Does the Student have an FBA and/or BIP?:  ▾

Is an IEP Meeting required as a result of this incident? ?  ▾

Was the student's condition evaluated by a school nurse, principal, or principal's designee after the incident?:  ▾

**Restraint Notes:**





# Isolation Report

Was the isolation space at least forty (40) square feet?

Was school personnel in continuous direct visual contact with student at all times?

Did the Student Die?:

Was the Student Injured?:

Did a Staff Member Die?:

Was Staff Injured?:

Was there Property Damage?:

Does the Student have an FBA and/or BIP?:

Is an IEP Meeting required as a result of this incident? ?

Was the student's condition evaluated by a school nurse, principal, or principal's designee after the incident?:

Isolation Notes:



# Improving Restraint & Isolation Reports

Case Manager: _____		Date Restraint and Isolation Report turned in for review: _____	
Student Name: _____		File Reviewer: _____	
Restraint & Isolation Reports			
	Meets compliance indicators (4)	May meet compliance indicators but lacks quality (2)	May not meet compliance indicators (0)
<b>Setting</b>  _____ Score	<ul style="list-style-type: none"> <li>Correctly identifies restraint or isolation.</li> <li>Provided date aligns with the date of the incident, not the creation of the report.</li> <li>Location in school facility is appropriately identified from drop down menu.</li> <li>Location details provide specific information regarding the nature of the location (i.e. north hallway or parent pick up line).</li> <li>Restraint or isolation start and end times are accurate and reflect the maximum amount of time listed in student's IEP.</li> </ul>	<ul style="list-style-type: none"> <li>Correctly identifies restraint or isolation.</li> <li>Provide date aligns with date of incident, not the creation of the report.</li> <li>Location in school facility is appropriately identified, but no additional location details are provided.</li> <li>Isolation or restraint start and end times are accurate.</li> </ul>	<ul style="list-style-type: none"> <li>Restraint or isolation is selected in error.</li> <li>No date is provided.</li> <li>Location is inaccurate or missing; no additional location details are provided.</li> <li>Start or end times are inaccurate or missing.</li> </ul>
<b>Staff*</b>  _____ Score	<b>STAFF INVOLVED</b> <ul style="list-style-type: none"> <li>Staff who isolated or restrained are correctly identified by the following: First and Last Name, title, signature and yes/no if certified to isolate or restrain.</li> <li>Staff who witnessed the incident were correctly identified by full name and title.</li> <li>The restraint or isolation is imposed by school personnel trained and certified in a behavior intervention training program or by other school personnel when a trained personnel member is not immediately available.</li> </ul> <b>PRINCIPAL NOTIFICATION</b> <ul style="list-style-type: none"> <li>Notified principal's full name included.</li> <li>Date of notifying principal is the same day as the incident.</li> <li>Time of principal notification occurred after the time the restraint and isolation ended.</li> </ul>	<b>STAFF INVOLVED</b> <ul style="list-style-type: none"> <li>Staff who isolated or restrained are listed.</li> </ul> <b>PRINCIPAL NOTIFICATION</b> <ul style="list-style-type: none"> <li>Notified principal's full name included.</li> <li>Information regarding date of notification and time of notification may not be accurate or inconsistent with the time and date of the incident.</li> </ul>	<b>STAFF INVOLVED</b> <ul style="list-style-type: none"> <li>Staff who isolated or restrained are not correctly identified, information is missing, or information is inaccurate.</li> <li>The restraint or isolation is imposed by an untrained school personnel member when a trained personnel member is immediately available.</li> </ul> <b>PRINCIPAL NOTIFICATION</b> <ul style="list-style-type: none"> <li>Principal's name was not included.</li> <li>Date of notifying principal is not the same day as the incident.</li> <li>Time of principal notification occurred before or during the incident.</li> </ul>

This tool allows administrators to review reports and identify areas of strength as well as those that require attention. Items that align with examples in the (0) column would not meet the standards of SEBSA.

# Challenging Situations



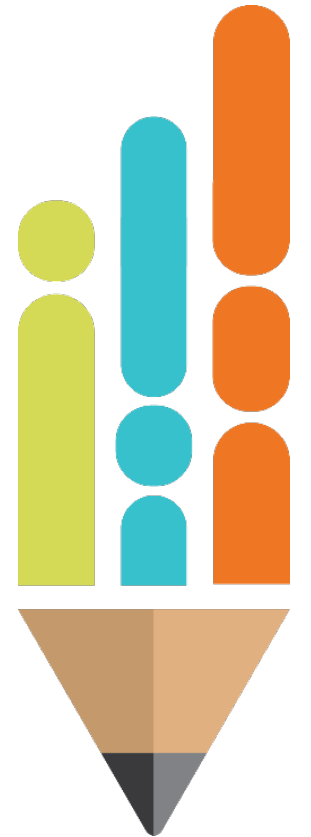
# **Is this a restraint? Is it an isolation? What should I report?**

A classroom is cleared and the only student remaining in the room is the student who was behaving dangerously. A teacher stands between them and the door.



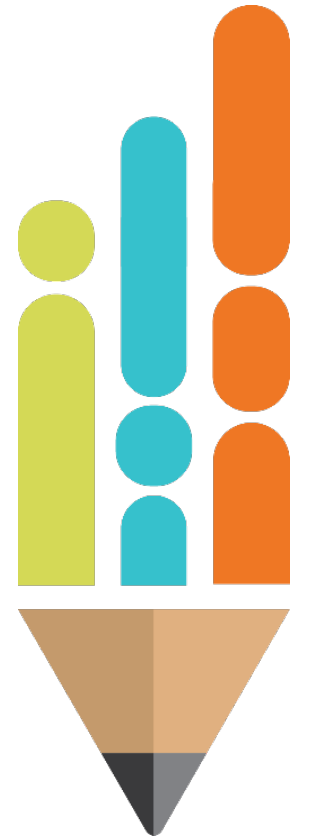
# Is this a restraint? Is it an isolation? What should I report?

A student refuses to walk to the principals' office. Members of the crisis team pick the student up off the ground and carry them down the hallway to the principal's office.



# Is this a restraint? Is it an isolation? What should I report?

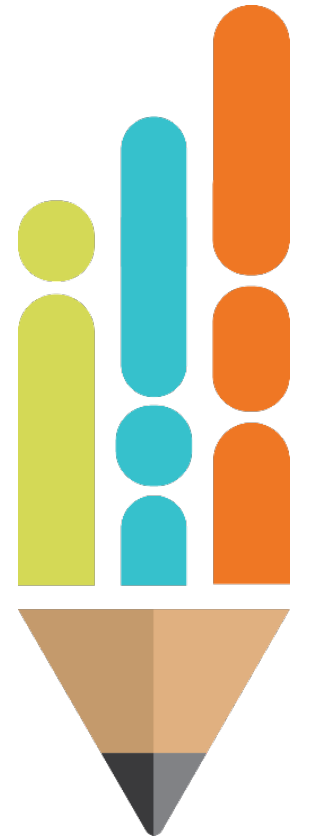
A student does not respond when a staff member tells them to wash their hands as directed verbally. A staff member guides the student's hands under the faucet while the water runs and the student does not resist.





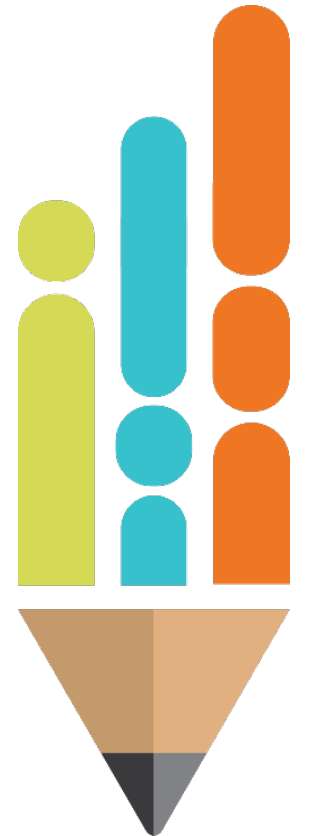
# Is this a restraint? Is it an isolation? What should I report?

A student does not respond when a staff member tells them to wash their hands as directed verbally. A staff member tries to guide the student's hands under the faucet while the water runs but the student resists. The teacher must grip both hands forcefully and keep the student from removing their hands by force.



# Is this a restraint? Is it an isolation? What should I report?

Staff members maintained a restraint for 4 minutes and 30 seconds which has been recorded in a report. The student says “My ribs hurt,” and the crisis team releases them. Within 10 seconds of the student being released, they attempt to punch and kick the nearest staff member and the crisis team resumes a restraint.



# Frequently Asked Questions



# Who should be trained in isolation and restraint?

- LEAs have discretion to determine appropriate personnel training requirements.
- Tennessee State Board of Education Rule 0520-01-09-.23 states that LEAs are authorized to determine an appropriate level of training commensurate with the job descriptions and responsibilities of school personnel.
- Staff that commonly require this training include teachers, administrators, school counselors, school psychologists, paraprofessionals, bus assistants, and classroom assistants.
- Consult your board attorney!

# Should I restrain a student who is eloping (running away)?

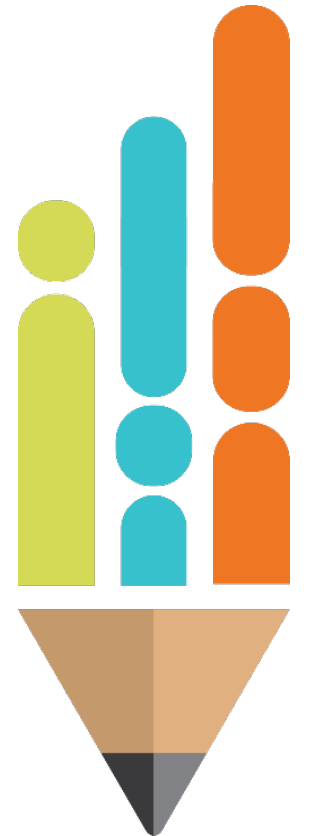
- Restraint is always allowed if a student's behavior poses a threat to their safety.
- Because student safety is always of paramount concern, if the student is running into traffic or an unsafe area—thus, creating an emergency—restraint may be appropriate.
- If the student is disruptively running within the building, or running somewhere *with no immediate threat of danger*, the student should not be restrained; instead, appropriate intervention should be implemented. The student's safety or risk of harm must be considered when determining the course of action.



# Can a seat belt be used on the school bus for safety reasons?

**Yes.**

- Use of a seat belt or other device, including a belting system or harness, is allowable for the purpose of securing a child with a disability during transit on a bus operated by a school district or a provider contracted to serve the transportation needs of a local education agency.
- T.C.A. § 49-10-1303(6) states that mechanical restraint does *not* include the use of a seat belt or other device, including, but not limited to, a belting system or harness, to secure a child with a disability during transit on a bus or vehicle operated by an LEA or a provider contracted to serve the LEA's transportation needs.



# What restrictions are there regarding students with medical conditions in cases where restraint could be harmful (e.g., a student with a documented breathing problem)?

- A restraint should **never** be used when it could pose harm to the student based on their medical condition.
- Schools must consider the **emergency situation** alongside any known medical information about the student.
- Keeping the student safe should always be top priority.



# What if the parents want a copy of the reporting form?

- Both the Family Educational Rights and Privacy Act (FERPA) and IDEA grant parents the right to review and inspect their child's education records, **which includes their child's restraint and/or isolation reporting forms.**
- If a parent wishes to view or receive copies of such forms, the LEA must follow its FERPA policy and comply the inspection request within 45 days.





# When should an LEA request a functional behavior assessment (FBA) and/or behavior intervention plan (BIP)?

- If restraint and/or isolation is frequently being used despite the use of positive behavioral interventions and supports, the IEP team should consider conducting an FBA to determine the function of the behavior and develop a BIP to reduce occurrences of the problem behavior that is leading to the use of restraint and/or isolation.
- The FBA and BIP are processes defined through the Individuals with Disabilities Education Act (IDEA) and S.B.E. 0520-01-09-.24.



# Positive behavioral supports

“Positive behavioral supports” means a systematic approach using evidence-based practices to improve school environments, and to prevent and respond to problem behavior that:

- Is proactive and instructional, rather than reactive and punitive;
- Operates on the following three (3) levels:
  - o Individual;
  - o Group or classroom; and
  - o The whole school;
- Includes a system of continual data collection;
- Utilizes data-based decision-making;
- Applies research-validated positive behavioral interventions; and
- Improves academic and social outcomes for all students, including those with the most complex and intensive behavioral needs.

# Where can I access SEBSA and rule regarding restraint and isolation for students receiving special education and related services?

- SEBSA may be found [here](#).
- State Board of Education rule may be found [here](#).



# Contact Information

Dr. April Ebbinger  
Director of School Psychology Services  
[april.ebbinger@tn.gov](mailto:april.ebbinger@tn.gov)

Taylor Jenkins  
Assistant General Counsel for Special Education  
[taylor.jenkins@tn.gov](mailto:taylor.jenkins@tn.gov)