

# Regulations Governing Seclusion and Restraint in Public Schools

## Top 15 Things to Know



This document provides a brief list of **15 key provisions** in Virginia's new *Regulations Governing the Use of Seclusion and Restraints in Public Schools*. For more information and detail, you can view the final regulations at <http://register.dls.virginia.gov/details.aspx?id=8093>

1. The Regulations go into effect on January 1, 2021.
2. The Regulations apply to all public and secondary schools in Virginia and all public-school students and staff.
3. Seclusion is defined as the involuntary confinement of a student alone in a room/area from which the student is prohibited from leaving. Time out in when a student is not prevented from leaving the room/area is not considered seclusion.
4. Restraint is defined as mechanical, pharmacological, and physical restraint. There are specific definitions for each of these types of restraint.
5. Physical restraint and seclusion can only be implemented in emergency situations when other interventions are deemed ineffective and only to prevent imminent physical harm or injury to the student or others, obtain possession of controlled substances or paraphernalia, or obtain weapons or other dangerous objects.
6. Property damage by itself does not constitute an imminent risk of serious physical harm or injury and is not a justification for seclusion or physical restraint unless the damage to property creates an imminent risk of injury or harm to self or others.
7. Prohibited actions: Mechanical, pharmacological, and prone (face down) restraints or any restraint that restricts the breathing or harms a student; aversive stimuli; corporal punishment, seclusion that restricts breathing or harms the student; seclusion rooms that don't meet standards; physical restraint or seclusion that is used in any way other than how allowed by the regulations.
8. Physical restraint or seclusion must be discontinued as soon as the imminent risk of serious personal harm to the student or others presented by the emergency situation has gone away.



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9. School divisions that use seclusion must have local policies and procedures that explain appropriate use of seclusion including duration based on student age and development; size and content of the room; visibility; and continuous monitoring.
10. There are strict notification requirements in place for when school staff need to notify their principal and when the school needs to notify the parents that an incident of seclusion and restraint has occurred (and any related first aid). Reasonable efforts must be made to notify parents on the same day as the incident. Written incident reports are required.
11. Following an incident of seclusion and restraint a meeting must be held to determine how to prevent or reduce the need for future use of seclusion and physical restraint through behavioral assessments and behavioral support plans, among other strategies.
12. There are training requirements for all school staff and advanced training requirements for school administrators and other staff working with students whose IEP or 504 team feels may be likely to be secluded or physically restrained. All training must be evidence-based.
13. All schools must develop, implement, and annually review policies and procedures that comply with the regulations. Policies and procedures must be posted on the web and available to the public.
14. School divisions must report on the frequency of use of seclusion and restraint to the State Superintendent of Public Instruction.
15. School divisions which use school resource officers must have a Memorandum of Understanding with local law enforcement dealing with the use of seclusion and restraint by these officers in the school setting.



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