

Dyer County Board of Education

Descriptor Term:

Descriptor Code:

Board Approved:

Special Education Behavioral Supports Act

IDDF

11/03/2020

Rescinds:

IDDF

Board Approved:

6/8/10

1 These policies and procedures shall apply only to students with disabilities who are eligible for
2 special education and related services, as defined by TCA 49-10-102.

3 These requirements do not apply to students who are eligible only under Section 504 or general
4 education students.

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6 1. Physical Contact¹ – School personnel may physically contact a special education student in the
7 following circumstances:

8
9 (a) Brief holding by an adult in order to calm or comfort;

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11 (b) Minimum contact necessary to physically escort a student from one area to another;

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13 (c) Assisting a student completing a task or response if the student does not resist, or resistance
14 is minimal in intensity or duration; or

15
16 (d) Holding of a student for a brief time in order to prevent any impulsive behavior that threatens
17 the student's immediate safety.

18
19 School personnel are not required to notify the student's parent or guardian in any of the circumstances
20 listed above.

21
22 2. Physical restraint or Isolation² – A student receiving special education services may be restrained or
23 isolated only in emergency situations where the child's behavior poses a threat to the physical safety of
24 the student or others nearby and only if such isolation or restraint is provided in the student's IEP in
25 emergency situations. Individualized Education Programs that provide for the use of restraint or
26 isolation in emergency situations shall also contain a data driven functional behavior assessment and a
27 plan for modification of the behavior developed and implemented by a qualified team of professionals.
28 In the event that restraint or isolation is imposed on a student, it shall be imposed by school personnel
29 who have been certified for completing a behavior management program or other school personnel
30 when trained personnel are not immediately available.

31
32 If school personnel impose restraints or isolation in an emergency situation, the school shall immediately
33 contact appropriate school personnel who are designated under Department of Education rules to
34 authorize the isolation or restraint. Such school personnel authorized by Department of Education rules
35 shall see and evaluate the student's condition within a reasonable time after the intervention.

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37 If the student's individualized education program does not provide for the use of isolation or restraint
38 for the behavior precipitating such action or if school personnel are required to use isolation or restraint
39 longer than five (5) minutes, then an individual education program meeting shall be convened within
40 ten (10) days following the use of the isolation or restraint. If the behavior precipitating such action
41 also warrants a change of placement, the child will have all rights provided under applicable state and
42

1 federal law.

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3 3. Impermissible Restraint/Isolation³: The following types of physical restraint/isolation are
4 prohibited:

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6 (a) Administering chemical restraint to a student receiving special education services, except when
7 administered for therapeutic purposes under the direction of a physician and with the consent of the
8 student's parent/guardian;

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10 (b) Administering a noxious substance to a student receiving special education services, including but
11 not limited to Mace or other defense spray;

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13 (c) The use of any mechanical restraint;

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15 (d) Any form of life threatening restraint, including restraints that restrict the flow of air into a person's
16 lungs, whether by chest compressions or other means;

17
18 (e) The use of isolation or a physical holding restraint as a means of coercion, punishment, convenience
19 or retaliation on any student receiving special education services;

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21 (f) Removing or disabling any equipment or device that a student receiving special education services
22 requires, including, but not limited to, a power wheelchair, brace, augmentative communication device,
23 or walker, as a means of coercion, punishment, convenience, or retaliation on any student; and

24
25 (g) The use of a locked door, or any physical structure, mechanism, or device that substantially
26 accomplishes the function of locking a student receiving special education services in a room, structure,
27 or area.

28
29 Notwithstanding the above, actions undertaken by school personnel to break up a fight or to take a
30 weapon from a student receiving special education services are not prohibited; however, these acts shall
31 be reported.

32
33 Any space used as an isolation room shall be unlocked and incapable of being locked; free of any
34 condition that could be a danger to the student; well ventilated and temperature controlled; sufficiently
35 lighted for the comfort and well-being of the student; where school personnel are in continuous direct
36 visual contact with the student at all times; at least forty square feet (40 sq. ft.); and in compliance with
37 all applicable state and local fire, health, and safety codes.

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39 4. Law Enforcement⁴

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41 (a) School personnel report a suspected crime by calling a law enforcement official;

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43 (b) School personnel may file a juvenile petition against a student receiving special education, only after
44 conducting a manifestation determination that results in a determination that the behavior that resulted
45 in the act requiring disciplinary action was not caused by the student's disability; or

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47 (c) A school resource officer (SRO), as defined by TCA 49-6-4202, may, upon witnessing an offense,
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take the student into custody.

5. Notice to Parent⁵ The parent or guardian of a student receiving special education services shall be notified by school personnel, orally or by written or printed communication, the same day the isolation or restraint was used. School personnel shall be held harmless for failure to notify if reasonable effort has been made to notify the student’s parent or guardian.

6. Reporting to Administration⁶ School personnel who must isolate or restrain a student receiving special education services shall report the incident to the school principal or the principal’s designee who shall record the use of the isolation or restraint and the facts surrounding such use.

7. Reporting to DCS⁷ If school personnel have reason to believe that an incident of isolation or restraint was unreasonable, unsafe, or unwarranted, and such isolation or restraint caused injury to the student, the incident shall be reported to the Department of Children Services pursuant to TCA 37-1-403.

Legal References:

1. TCA 49-10-1305(e)(3)(A)
2. TCA 49-10-1304; TRR/MS 0520-12-01-.14
3. TCA 49-10-1305
4. TCA49-10-1304(d)(3)
5. TCA 49-10-1304(d)(1)
6. TCA 49-10-1304(e)
7. TRR/MS 0520-12-01-.14