

# Definitions of Terms Used in the Preventing Harmful Restraint and Seclusion in the Schools Act and Recommendations for Change

TERM	Preventing Restraint Act	Mandt System® Recommendations
Mechanical Restraint	<p><i>(from Public Health Service Act)</i> The use of devices as a means of restricting a student's freedom of movement.</p>	<p><i>(from US Department of Justice)</i> Mechanical restraint means any device attached or adjacent to an individual's body that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. The term does not include any device prescribed to achieve functional body position or proper balance or to prevent injury due to involuntary movement</p>
Physical Restraint	<p><i>(from Public Health Service Act)</i> A personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely.</p>	<p><i>(from US Department of Justice)</i> Physical restraint is any manual method that restricts freedom of movement or normal access to one's body, including hand or arm holding to escort an individual over his or her resistance to being escorted. Physical restraint does not include brief, limited, and isolated use of: physical guidance, positioning or prompting techniques that are used to redirect an individual or assist, support, or protect the individual during a functional therapeutic or physical exercise activity; response blocking and brief redirection used to interrupt an individual's limbs or body without the use of force so that the occurrence of challenging behavior is prevented; holding an individual, without the use of force, to calm, or comfort, or hand-holding to escort an individual from one area to another; and response interruption used to interrupt an individual's behavior, using Facility-approved techniques.</p>
Physical Escort	<p><i>(from Public Health Service Act)</i> The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.</p>	<p>Same, with one word added (in bold)</p> <p>The temporary touching or holding of the hand, wrist, arm, shoulder, <b>hip</b> or back for the purpose of inducing a student who is acting out to walk to a safe location. <b>Rationale: holding someone while moving below the elbow could result in hyper-extension, holding their back could cause imbalance. As the center of movement of the body, the hip is the safest place to induce someone to walk to a safe location.</b></p>
Seclusion	<p><i>(from Public Health Service Act)</i> A behavior control technique involving locked isolation, not including a time out.</p>	<p><i>(From US Department of Justice)</i> The involuntary confinement of an individual in an area from which egress is prevented</p>
Time Out	<p><i>(from Public Health Service Act)</i> A behavior management technique that is part of an approved treatment program and may involve the separation of the student from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.</p>	<p><i>From Kentucky Department of Education Letter Concerning Use of Time Out</i> <b>Note: references to seclusion have been removed</b> Time-out is a procedure that involves denying a student access to all sources of reinforcement (e.g., teacher and peer attention, participation in ongoing activities) as a consequence of undesired behavior. The purpose is to reduce future occurrences of such behavior. Time-out may be implemented on two levels: (a) contingent observation; (b) exclusionary. Contingent observation requires the student to remain in a position to observe the group without participating or receiving reinforcement for a specified period. Exclusionary time-out denies access to reinforcement by removing a student from an ongoing activity.</p>

<p><b>Positive Behavior Support</b></p>	<p>The term “positive behavior supports” means a systematic approach to embed evidence-based practices and data driven decision-making to improve school climate and culture, including a range of systemic and individualized strategies to reinforce desired behaviors and diminish reoccurrence of problem behaviors, in order to achieve improved academic and social outcomes and increase learning for all students, including those with the most complex and intensive behavioral needs”.</p>	<p>A Positive Behavior Support Plan (“PBSP”) is a comprehensive, individualized plan that contains intervention strategies designed to modify the environment, teach or increase adaptive skills, and reduce or prevent the occurrence of target behaviors through interventions that build on the individual’s strengths and preferences and that exclude aversive or punishment contingencies. The PBSP is a component of the Individual Support Plan (“ISP”) and includes: <b>A.</b> The objective delineation of target behaviors, including baseline levels of behavior; <b>B.</b> Training to acquire or increase replacement behaviors that are selected on the basis of an accurate structural assessment (i.e., an assessment of the antecedents of behaviors) and functional assessment (i.e., an assessment of the consequences of behaviors), and specific implementation procedures from such training; and <b>C.</b> Target behavior reduction strategies, based on accurate structural and functional assessments, and specific implementation procedures for such strategies. <b>Rationale: This definition comes from DOJ and provides a measurable definition that can be used to train staff. It also excludes the use of aversive interventions and/or punishment contingencies consistent with the work of Drs. Horner, Sugai, Turnbull, and others.</b></p>
	<p>Throughout the document, the word “imminent is used to describe the process of assessing whether or not the potential for behavior harmful to self or others exists.</p>	<p>The word “<b>Immediate</b>” is preferred, and is used by DOJ in settlement agreements. There are many examples of cases where students engaged in harmful behavior, then responded to directions to desist, and were restrained because the potential for aggressive behavior was “imminent”. DOJ uses the word “immediate” to indicate that the threat of harm must be immediate, as it provides a stronger legal framework from which to justify the use of force.</p>