

0520-01-09-.23 ISOLATION AND RESTRAINT FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES.

(1) Definitions

- (a) “Emergency situation” means that a child’s behavior places the child or others at risk of violence or injury if no intervention occurs.
- (b) “Extended isolation” means isolation which lasts longer than one (1) minute per year of the student’s age or isolation which lasts longer than the time provided in the child’s individualized education program (IEP).
- (c) “Extended restraint” means a physical holding restraint lasting longer than five (5) minutes or physical holding restraint which lasts longer than the time provided in the child’s IEP.
- (d) “Isolation room” means a space designed to isolate a student that is unlocked, cannot be locked from the inside, without structural barriers to exit, free of any condition that could be a danger to the student, well ventilated, sufficiently lighted, and where school personnel are in direct visual contact with the student at all times. Such spaces must comply with all applicable state and local fire codes.
- (e) “Noxious substance” means a substance released in proximity to the student’s face or sensitive area of the body for the purpose of limiting a student’s freedom of movement or action, including but not limited to Mace and other defense sprays.

(2) Local education agencies are authorized to develop and implement training programs that include:

- (a) Use of positive behavioral interventions and supports;
- (b) Nonviolent crisis prevention and de-escalation;
- (c) Safe administration of isolation and restraint; and
- (d) Documentation and reporting requirements.

(3) Local education agencies are authorized to determine an appropriate level of training commensurate with the job descriptions and responsibilities of school personnel.

(4) Local education agencies shall develop policies and procedures governing:

- (a) Personnel authorized to use isolation and restraint;
- (b) Training requirements; and
- (c) Incident reporting procedures.

(5) Only the principal, or the principal’s designee, may authorize the use of isolation or restraint.

(6) When the use of restraint or isolation is proposed at an IEP meeting, parents/guardians shall be advised of the provisions of T.C.A. § 49-10-1301, et seq., this rule and the IDEA procedural safeguards.

(7) An IEP meeting convened pursuant to T.C.A. § 49-10-1304(b) may be conducted on at least twenty-four (24) hours notice to the parents.

(8) State agencies providing educational services within a residential therapeutic setting to children in their legal and physical custody shall develop and adhere to isolation and restraint policies in such educational settings which conform to the TDMHDD (Tennessee Department of Mental Health and Developmental Disabilities) state standards as applicable and at least one of the following national standards: ACA (American Correctional Association), COA (Council on Accreditation), CMS (Centers for Medicare & Medicaid Services), JCAHO (Joint Commission for Accreditation of Healthcare Organizations), CARF (Commission on Accreditation of Rehabilitation Facilities), as they apply in the educational environment. Development of, and adherence to, such policies shall be overseen by a licensed qualified physician or licensed doctoral level psychologist.

Authority: T.C.A. §§ 49-10-1306. **Administrative History:** Original rule filed October 20, 2009; effective January 18, 2010.