

Limitations on the Use of Restraint and Isolation in Washington State Public Schools

Restraint and isolation are allowed only as emergency measures.

"Restraint" means physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement.

"Isolation" means restricting a student alone within a room or any other form of enclosure, from which the student may not leave.

Schools in Washington State are not allowed to use restraint or isolation as a form of discipline or punishment, or as a way to try to correct a child's behavior. Restraint and isolation are **only** allowed as emergency measures, to be used if necessary to keep a student or others safe from serious harm. They can continue only as long as the emergency continues.

Restraint and Isolation:
**For use ONLY
in an Emergency**

Restrictions on the use of restraint and isolation apply to all students, in all of Washington's public schools, and in specialized schools that contract with school districts to serve students receiving special education services.

Follow up is required after every use of restraint or isolation.

Whenever restraint or isolation is used, schools must notify parents verbally and in writing. Schools must also debrief or review each incident with staff, students and families.

Data is available on schools' use of restraint and isolation.

School districts are required to collect and report data on the use of restraint and isolation. That data is posted on OSPI's website, on the school safety section, here: <https://www.k12.wa.us/student-success/health-safety/school-safety-center/z-index/restraint-and-isolation-data-reporting>.

This data can be used to support efforts to reduce or eliminate the need for these extreme measures in schools.

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The use of restraint and isolation carries risks to students and staff. It takes away valuable instructional time, can undermine the trust between students and teachers, and can lead to trauma, physical injury and even death. Given the risks associated with restraint and isolation, and the shared desire for school to be a safe place for everyone, it makes sense for schools and families to work together to reduce the need for these extreme measures whenever possible.

The FAQs below are intended to help you understand what the rules say about restraint and isolation in schools in Washington State, and to provide ideas and resources for problem-solving if a child is restrained or isolated.

These FAQs include information about laws and rules in public schools in Washington State. While they include information about the law, it is not legal advice and is not in any way intended to be a substitute for legal advice or representation. If you need legal advice, please contact a lawyer who can look at the specifics of a particular situation and apply the law. Also keep in mind that laws and rules change, and it is important to check for updates. This page was most recently updated October 2019.

We have included some citations to Washington state rules (“WACs”) and Washington state laws (“RCWs”). Both are available online, through www.leg.wa.gov.

A Note regarding “Parents”

School rules often refer to the rights of students and their “parents.” When education rules refer to a “parent or guardian” that includes someone acting as a parent, in the absence of a parent or guardian, like a family member providing kinship care, or a foster parent.

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The State Law, Rules, and Definitions

1. What are the rules regarding restraint and isolation in Washington State public schools?

Washington State law **prohibits the use of restraint or isolation** in public schools **except** when it is **"reasonably necessary to control spontaneous behavior** that poses an **imminent likelihood of serious harm."**
RCW 28A.600.485.

Any use of restraint or isolation must be **closely monitored to prevent harm** to the student, and must be **stopped as soon as the likelihood of serious harm has ended.**

Schools must notify parents any time a student is restrained or isolated at school.

Schools have to try to inform parents verbally within 24 hours of the restraint or isolation.

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Schools also have to send parents written notice of each incident of restraint or isolation within 5 business days of the incident.

This **written notice should be translated** into the parents' primary language for parents who do not read or speak English.

The protections and requirements of the law apply to **all students**, including students with disabilities and without.

You can find the state law on restraint and isolation in public schools in the Revised Code of Washington, at [RCW 28A.600.485](#) at www.leg.wa.gov/LawsAndAgencyRules/.

The Washington State Special Education regulations include additional rules relating to the use of restraint and isolation for students receiving special education. You can find those rules in the Washington Administrative Code, at [WAC 392-172A](#), at www.leg.wa.gov/LawsAndAgencyRules.

2. What is "restraint"?

"Restraint" means physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement.

It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.

3. What is "isolation"?

"Isolation" means restricting a student alone within a room or any other form of enclosure, from which the student may not leave.

It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from the regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

4. What does imminent likelihood of serious harm mean?

Imminent means: likely to occur at any moment, or near at hand. Not distant or remote.

Likelihood of serious harm means: a substantial risk that a person will cause physical harm to themselves or another person, or substantial loss or damage to another person's property. Evidence that there is a likelihood of serious harm might include:

- threats or attempts to commit suicide or harm themselves;

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- behavior that has physically harmed someone in the past, or makes a person reasonably fear they will be physically harmed;
- behavior that has caused substantial damage in the past; or
- a threat to someone else’s physical safety, if the person making the threat has a history of one or more violent acts.

You can find definitions for “isolation,” “restraint” and “restraint device” in the Revised Code of Washington at RCW 28A.600.485, online at: <https://app.leg.wa.gov/RCW/default.aspx?cite=28A.600.485>.

You can find definitions for “imminent” and “likelihood of serious harm” in the state Special Education Regulations, in the Washington Administrative Code, at [WAC 392-172A](http://www.leg.wa.gov/LawsAndAgencyRules), at www.leg.wa.gov/LawsAndAgencyRules.

Notice Requirements to Parents after Restraint or Isolation

5. Should I expect a call or letter from the school if my child is restrained or isolated?

Yes, you should receive both a call and a written report.

Schools are required to make a reasonable effort to notify parents **verbally within 24 hours** if a child is restrained or isolated.

Schools are also required to provide written notice regarding any use of restraint or isolation.

The **written notice must be sent no later than 5 business days** after the use of restraint or isolation.

If English is not your primary language, and you cannot read English well, the school should translate the notice into your language.

If you hear that your child was restrained or isolated, but you do not get a written notice within about a week, you can try calling or emailing your child’s principal to ask for the written notice.

6. What information should I expect to see in the written notice?

The written notice should include:

- (a) The date and time of the incident;
- (b) The name and job title of the individual who administered the restraint or isolation;
- (c) A description of the activity that led to the restraint or isolation;
- (d) The type of restraint or isolation used on the student, including how long it lasted;

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(e) Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and

(f) Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

If you get a written notice, but it does not include these details, you can ask the school to provide a more complete notice.

7. Is the school required to notify me if a School Resource Officer (SRO) restrains my child at school?

Yes. The law requires that the schools give parents written notice when any school employee, resource officer or school security officer uses restraint or isolation on a student during school-sponsored instruction or activities.

Follow Up Steps after Restraint or Isolation

8. What follow up steps are required after the use of restraint or isolation?

Schools have to take follow up steps after each incident of restraint or isolation. That includes reviewing the incident with the:

- student and parent or guardian; and
- staff member who administered the restraint or isolation.

Sometimes the review with the student will seem informal and happen shortly after the restraint or isolation has ended. School staff might be able to tell you (the parent) about what happened when you pick up your child, and some might consider that enough to meet the review requirement. However, it can be difficult to gather all of the important information that quickly. That can also be a difficult time to make sense of the information.

You can ask the school for a meeting to review the incident together.

Here are some questions that might be useful to discuss with the staff involved in the incident:

- Can you describe how the day started, and when you first started to notice an escalation in my child's emotions or behavior?
- Can you walk me through the steps you took to respond when you first noticed the escalation?
- What did you see or hear happening that led to your decision that restraint or isolation was necessary?
- What did you notice about how my child responded once the restraint or isolation started?
- Can you describe what happened after the restraint or isolation ended?

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- Do you have ideas for things we could try or resources and supports that might be available to avoid the chance that this might happen again?

9. If the school staff meet to review a restraint or isolation incident, should I (the parent) be invited to that meeting?

Not necessarily. Part of the required follow up procedures after a restraint or isolation incident is for the school to review the incident with the staff involved.

As the parent, you should have the chance to talk with the school staff about what happened, and what could be done differently to avoid the need for any further restraints or isolation. At the same time, it is important that schools check in with their staff involved in the incident. This debriefing with staff is an important and recommended part of plans to reduce the use of restraint and isolation.

If the school staff identify a need for more training or supports to avoid further restraint or isolation incidents, that should be included in the written notice to the parents.

If your child has an IEP, or a 504 Plan, you can ask the IEP team or 504 team to meet to review the restraint or isolation incident. An IEP team might need to review and update a Behavior Intervention Plan (BIP), or develop a new one. A 504 team can similarly meet to review the incident and consider adding behavioral supports and accommodations to your child's 504 Plan.

You can read more about strategies to address behavior, including functional behavior assessments and behavior intervention plans on OEO's [Functional Behavior Assessments and Behavior Intervention Plans](https://oeo.wa.gov/en/education-issues/supports-students-disabilities/functional-behavioral-assessments-behavior) page: <https://oeo.wa.gov/en/education-issues/supports-students-disabilities/functional-behavioral-assessments-behavior>.

10. What can we do to address the emotional and traumatic impact of restraint or isolation?

An incident of physical restraint or isolation can be an emotional and traumatic experience for all involved.

Students may need extra support as they recover from the incident.

In 2016, the U.S. Department of Education's Office for Civil Rights (OCR) wrote to school districts to provide guidance on how the use of restraint and seclusion may result in discrimination against students with disabilities in violation of Federal laws that prohibit disability discrimination, including Section 504. OCR explained that restraint or seclusion can have a traumatic impact on a student, and if the school does not address the impact of the trauma, it can get in the way of the student's access to education. You can find the letter and guidance from OCR online at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>.

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Some things to watch for after there has been an incident of restraint or isolation:

- Is your child having new struggles with academics or behavior?
- Is your child reluctant to go, or refusing to go to school?
- Is your child having a hard time concentrating or paying attention in class?
- Is your child trying to avoid other students or adults at school?

If you see signs of trauma in your child, or if your child shares that they are afraid to be at school, or to interact with certain adults at school, ask for a meeting with the school.

Consider asking that a school social worker, school counselor, school psychologist or other person familiar with trauma participate in the meeting and work with you to develop a plan to help your child.

Resolving Concerns or Complaints regarding Restraints or Isolation

11. What can I do if I disagree with the use of restraints or isolation?

An important first step is to try to learn as much as you can about what happened.

Watch for the written notice from the school regarding the incident. Review it to see if it includes all of the required information (Review [Question 6](#) on what to expect in the written notice).

Consider asking the school for a meeting and invite an administrator from the school district office to join you for a review of the incident. Before the meeting, write a list of your questions and concerns. (Review [Question 8](#) above for some suggestions).

Consider reaching out for help. You can call our office at 1-866-297-2597 or submit an online intake at: <https://services.oeo.wa.gov/oeo> to see if we can help.

You can also contact the Program Supervisor for Special Education Outcomes/Restraint and Isolation at the state Office of Superintendent of Public Instruction (OSPI). His contact information is here:

Lee Collyer, MSW

Program Supervisor, Special Education Outcomes/ Restraint and Isolation

Office of Superintendent of Public Instruction (OSPI)

P.O. Box 47200

Olympia, WA 98504-7200

Office: 360-725-6075

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lee.collyer@k12.wa.us

<https://www.k12.wa.us/student-success/health-safety/school-safety-center/z-index/restraint-and-isolation-data-reporting>

If your concerns are not resolved, there are also options for formal complaints.

12. What are my options for a formal complaint if I disagree with the school's use of restraint or isolation?

There are different types of complaint processes that might be available if a person disagrees with a school's use of restraint or isolation. These include general complaint processes, discrimination complaint options, and special education dispute resolution options for children who are eligible for special education services.

General Complaint Processes:

Most districts have a policy and procedure that covers general complaints regarding staff or programs. You can also check your district's policy and procedure regarding the use of restraints and isolation, to see if it includes a complaint process. Districts' policy manuals are generally posted on their websites, or you should be able to receive a copy of policies and procedures from your district office.

You can read more about addressing [Complaints regarding School or District Staff or Programs](#) in [OEO's Toolkit](#), on our [Publications](#) page.

Discrimination Complaint Options:

Any person who believes that a student has been inappropriately restrained or isolated because of the student's disability, race, gender, national origin, sexual orientation or other protected category, can file a discrimination complaint.

Every school district is required to have a discrimination complaint process, and you should be able to find a copy of your district's Non-Discrimination Policy and Procedure on the district website, or by calling the district office. If the complaint is not resolved at the district level, or if the district does not respond, a person can appeal to OSPI's Office of Equity and Civil Rights. You can find information about that complaint process on OSPI's website, at: <https://www.k12.wa.us/about-ospi/contact-us/complaints-about-discrimination>.

Discrimination complaints can also be filed with the U.S. Department of Education's Office for Civil Rights (OCR). OCR reviews complaints of discrimination on the basis of race, color, national origin, sex or disability. You can find information about their complaint process on their website at: <https://www2.ed.gov/about/offices/list/ocr/index.html>.

In 2016, the OCR sent a "Dear Colleague Letter" to school districts explaining how the use of restraint or isolation may result in discrimination on the basis of disability, in violation of Section 504. You can find that letter on the U.S. Department of Education's website in their Policy Guidance section or at this link: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

You can also find an overview of discrimination complaint options in our [Toolkit on Discrimination](#), on our website: <https://oeo.wa.gov/sites/default/files/public/Discrimination-Toolkit-06.27.17.pdf>.

Special Education Dispute Resolution Options:

For students eligible for special education services, who have an IEP (Individualized Education Program), a parent can also use the special education dispute resolution options to raise a complaint regarding the use of restraint or isolation.

Washington state special education rules include sections on restraint and isolation in WAC Chapter 392-172A. They explain the limited circumstances when restraint or isolation can be used. They also include required safety precautions if restraint or isolation is used. (You can find the special education rules online at <https://apps.leg.wa.gov/wac/default.aspx?cite=392-172a&full=true>).

If a parent, a teacher, or other concerned person believes that a school has not followed the special education rules, including the rules relating to restraint and isolation, they can file a Special Education Citizen Complaint with the Office of Superintendent of Public Instruction (OSPI). Information about the citizen complaint process is posted on OSPI's website, in the Special Education section, under Dispute Resolution, at <https://www.k12.wa.us/student-success/special-education/dispute-resolution>.

A parent also has the option of requesting mediation or a due process hearing to address concerns relating to special education, including concerns about restraint or isolation. Information about those options is also available on OSPI's Special Education pages, under Dispute Resolution, at <https://www.k12.wa.us/student-success/special-education/dispute-resolution>.

You can read more about options for resolving disputes relating to special education in [OEO's Parent's Guide to Protecting the Educational Rights of Students with Disabilities in Public Schools](#), on our [Publications](#) page.

Problem-solving when a Child is Restrained or Isolated Repeatedly

13. What can I do if my child is being restrained or isolated repeatedly?

Restraint and isolation are emergency measures, not educational interventions. The risks of restraint and isolation include emotional trauma, physical injury and death.

If restraint or isolation become a frequent occurrence at school, the benefits of school can be lost: during a restraint or isolation incident, a student is not receiving any instruction or educational benefit.

Data on incidents of restraint and isolation show that students with disabilities have been subjected to restraint and isolation at rates that far exceeded those of other students. As the U.S. Department of Education's Office for Civil Rights has explained, the cumulative impact of repeated isolation or restraints of a student with a disability can result in a denial of a Free Appropriate Public Education (FAPE). (See <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf> at p.16-17).

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If your child has been experiencing repeated incidents of isolation or restraint, and your child has an IEP or a Section 504 plan, the IEP team or Section 504 team will need to work together to try to prevent further incidents. If initial attempts to reduce the use of restraint or isolation are not successful, schools will need to continue working with the student and family to try something else. The district may need to seek additional help from specialists familiar with the child, the child's disabilities, and with experts on reducing the need for restraints and isolation.

For a child eligible for special education, a parent may want to consider asking for an Independent Educational Evaluation (IEE) if the district's own evaluation does not seem to provide enough information or insight to support the team in addressing the child's behavior. (For more information on IEEs, see [OEO's Parent's Guide to Protecting the Educational Rights of Students with Disabilities in Public Schools](#), on our [Publications](#) page).

If a child without disabilities has been subjected to repeated incidents of restraint or isolation, a parent might ask the school principal, together with district staff responsible for overseeing school safety matters to meet to review the incidents and develop a plan to prevent future incidents.

This can be difficult, emotional work. If you are working through these issues and would like to see if we can help, please call 1-866-297-2597 or submit an online intake at: <https://services.oeo.wa.gov/oeo>.

14. Should a child who has been restrained or isolated have a "Behavior Intervention Plan" (BIP)?

In most cases, likely yes, unless the use of restraint or isolation was an isolated event, unlikely to occur again. For a child with an IEP, a Section 504 plan, or with identified behavior challenges, a team can work together to develop a plan for positive behavioral interventions. The team can consider environmental factors that may be triggering challenging behaviors, and can identify and reinforce skills to support positive behaviors.

A Functional Behavior Assessment (or FBA) and other evaluation may be needed to understand the underlying factors influencing the child's behavior. If you think a behavior assessment or other evaluation is needed, it is helpful to make that request in writing.

If an FBA has already been done, and the child already has a Behavior Intervention Plan (BIP), those should be reviewed to see if they are sufficient to understand the child's behavior and to guide the adults working with the child.

For a child with an IEP or a Section 504 plan, a parent can request a team meeting to discuss these issues.

For a child with an IEP, if the team decides to do an FBA, or to change parts of the IEP, including a Behavior Intervention Plan, the school district should follow up with the parent with a "Prior Written Notice" reflecting those decisions and the reasons for them. Check out our toolkit on [Prior Written Notices](#), and our web page on [Functional Behavior Assessments and Behavior Intervention Plans](#): <https://oeo.wa.gov/en/education-issues/supports-students-disabilities/functional-behavioral-assessments-behavior>.

15. What is an “Emergency Response Protocol”?

An Emergency Response Protocol is a plan that can be developed for a student eligible for special education, if the district and parents agree that advance planning for possible emergencies is needed.

An Emergency Response Protocol could include information about the student’s health, medical or sensory needs, and any special precautions that would need to be taken if restraint or isolation were considered necessary.

In 2015, Washington state law changed to prohibit IEP and 504 teams from planning ahead to use restraint or isolation, unless a student's individual needs require more specific advanced educational planning and the student's parent or guardian agrees. Families and educators were concerned that allowing schools to plan on using restraint and isolation might increase the possibility of overuse.

Currently, the law allows for advance planning for the use of these emergency measures only if a school district and a parent both agree that it is necessary.

The district cannot require a parent to consent to an Emergency Response Protocol.

A parent’s refusal to sign or consent to an Emergency Response Protocol does not necessarily mean a child will not be restrained or isolated. A school could still use restraint or isolation, if necessary, in an emergency, to prevent an imminent likelihood of serious harm.

If a parent and a district do agree to develop an Emergency Response Protocol, the parent must give signed written consent for these protocols to be used. Even if the parent and district agree to an Emergency Response Protocol, the use of restraint or isolation is still only allowed when necessary to prevent an imminent likelihood of serious harm. Also, the school must still notify the parents of every incident of restraint or isolation within 24 hours (verbally) and within 5 business days (in writing).

An Emergency Response Protocol cannot take the place of a positive Behavioral Intervention Plan.

Any student whose IEP includes an Emergency Response Protocol should also have a Behavioral Intervention Plan. The student’s IEP team should be actively working to reduce or eliminate any need for restraint or isolation. If restraint or isolation does occur, the team must take the follow up steps to review the incident and talk about how any further need for restraint or isolation could be prevented.

See [Question 13](#) for ideas on problem-solving when a student is repeatedly restrained or isolated.

OSPI has developed a model **Emergency Response Protocol** form. You can find it on [OSPI’s Model forms for Special Education](#) page, here: <https://www.k12.wa.us/student-success/special-education/program-review/model-forms-services-students-special-education>.

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You can read more about strategies to address behavior, including functional behavior assessments and behavior intervention plans on OEO's [Functional Behavior Assessments and Behavior Intervention Plans](https://oeo.wa.gov/en/education-issues/supports-students-disabilities/functional-behavioral-assessments-behavior) page: <https://oeo.wa.gov/en/education-issues/supports-students-disabilities/functional-behavioral-assessments-behavior>.

Efforts to Eliminate or Reduce the Need for Restraints or Isolation

16. Are schools required to collect or report data on how often they use restraint or isolation?

Yes. Each school district in Washington State is required to collect data on the use of restraint and isolation. They must summarize the written reports completed for each use of restraint or isolation and submit the summaries to OSPI each year.

For each school, the district must include:

- the number of individual incidents of restraint and isolation,
- the number of students involved in the incidents,
- the number of injuries to students and staff, and
- the types of restraint or isolation used.

OSPI is required to publish the data on its website.

OSPI may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

You can find the data on OSPI's website, here: <https://www.k12.wa.us/student-success/health-safety/school-safety-center/z-index/restraint-and-isolation-data-reporting>

The U.S. Department of Education's Office for Civil Rights [Civil Rights Data Collection](#) also includes data regarding uses of restraint or isolation, and that data can be found at <http://ocrdata.ed.gov/>.

Accurate, reliable data is a critical tool to support efforts to reduce or eliminate the need for and use of restraint and isolation in schools. With timely access to reliable data, school communities can identify needs and target proactive and preventative supports for students and staff.

17. How can I support my school district's effort to reduce or eliminate the need for restraint and isolation?

With a committed effort, some schools and other institutions have substantially reduced their use of restraint and isolation, with benefits for both students and staff. For example, institutions that have reduced their use of restraint and isolation also saw reductions in staff injuries.

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Successful efforts to reduce the need for restraint and isolation require the collaboration and commitment of many people. Take a look at these Six Core Strategies for Reducing Seclusion and Restraint Use from the National Association of State Mental Health Program Directors, and consider how you might be able contribute to an effort in your area:

1. Leadership toward Organizational Change, to set the vision and expectation that restraint and isolation use will be reduced;
2. Use of Data to Inform Practice;
3. Workforce Development, to develop best practices including trauma-informed care;
4. Use of Restraint and Seclusion Prevention Tools, including individualized assessments and interventions;
5. Full Inclusion of Families and Advocates, with notice and involvement in review of policies; and
6. Debriefing, including a thorough analysis of every restraint and isolation event.

You can read more about these strategies at

<https://www.nasmhpd.org/sites/default/files/Consolidated%20Six%20Core%20Strategies%20Document.pdf>.

The use of restraint and isolation carries risks to students and staff. It takes away valuable instructional time, undermines the trust between students and teachers that is so critical to support learning, and can lead to trauma, physical injury and even death. Given the risks associated with restraint and isolation, and the shared desire to have school be a safe place for everyone, it makes sense for schools and families to work together to reduce the need for these extreme measures whenever possible.

This FAQ is also on our webpage: <https://oeo.wa.gov/en/education-issues/restraint-and-isolation-students>.