



Route: [Ohio Administrative Code](#) » [3301 Department of Education - Administration and Director](#) » [Chapter 3301-35 Standards for Kindergarten through Twelfth Grade](#)

## **3301-35-15 [Effective 8/1/2013]Standards for the implementation of positive behavior intervention supports and the use of restraint and seclusion.**

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(A) Notwithstanding rule [3301-35-01](#) of the Administrative Code, the following definitions apply for purposes of this rule:

(1) "Aversive behavioral interventions" means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant or taste.

(2) "Chemical restraint" means a drug or medication used to control a student's behavior or restrict freedom of movement that is not:

(a) Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition; and

(b) Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under Ohio law.

(3) "Mechanical restraint" means:

(a) Any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body by using an appliance or device manufactured for this purpose; but

(b) Does not mean a device used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purpose for which the device was designed and, if applicable, prescribed, including:

(i) Restraints for medical immobilization;

(ii) Adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or

(iii) Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(4) "Parent" means:

(a) A biological or adoptive parent;

(b) A guardian generally authorized to act as the child's parent, or

authorized to make decisions for the child (but not the state if the child is a ward of the state);

(c) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

(d) A surrogate parent who has been appointed in accordance with paragraph (E) of rule [3301-51-05](#) of the Administrative Code; or

(e) Any person identified in a judicial decree or order as the parent of a child or the person with authority to make educational decisions on behalf of a child.

(5) "Physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

(6) "Physical restraint" means the use of physical contact in a way that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely. Such term does not include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does not include brief physical contact for the following or similar purposes:

(a) To break up a fight;

(b) To knock a weapon away from a student's possession;

(c) To calm or comfort;

(d) To assist a student in completing a task/response if the student does not resist the contact; or

(e) To prevent an impulsive behavior that threatens the student's immediate safety (e.g. running in front of a car).

(7) "Positive behavior intervention and supports" means

(a) A school-wide systematic approach to embed evidence-based practices and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students, and that

(b) Encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

(8) "Prone restraint" means physical or mechanical restraint while the individual is in the face-down position for an extended period of time.

(9) "School district" means a local, exempted village, city, joint vocational or cooperative education school district as defined in Chapter 3311. of the Revised Code or an educational service center that operates a school or educational program. For purposes of this rule, the term does not include schools operated in facilities under the jurisdiction of the department of rehabilitation and corrections or the department of youth services.

(10) "Seclusion" means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

(11) "Student" means a child or adult aged three to twenty-one enrolled in a school district.

(12) "Student personnel" means teacher, principal, counselor, social worker, school resource officer, teacher's aide, psychologist, bus driver, or other school district staff who interact directly with students.

(13) "Timeout" means a behavior intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

(B) Implementation of positive behavior intervention and supports. Each school district shall implement positive behavior intervention and supports on a system-wide basis.

(C) Prohibition on certain practices. The following practices are prohibited by school personnel under any circumstance:

(1) Prone restraint;

(2) Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:

(a) Involves the use of pinning down a student by placing knees to the torso, head, or neck of the student;

(b) Uses pressure point, pain compliance, or joint manipulation techniques; or

(c) Otherwise involves techniques that are used to unnecessarily cause pain.

(3) Corporal punishment;

(4) Child endangerment, as defined in section [2919.22](#) of the Revised Code;

(5) Deprivation of basic needs;

(6) Seclusion or restraint of preschool children in violation of paragraph (D) of rule 3301-37-10 of the Administrative Code;

(7) Chemical restraint;

(8) Mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);

(9) Aversive behavioral interventions; or

(10) Seclusion in a locked room or area.

(D) Physical restraint.

(1) Prone restraint is prohibited.

(2) Physical restraint may be used only if

(a) A student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;

(b) The physical restraint does not obstruct the student's ability to breathe;

(c) The physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication; and

(d) By school personnel who are trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

(3) Physical restraint may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control.

(E) Seclusion

(1) Seclusion may be used only

(a) If a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;

(b) As a last resort to provide an opportunity for the student to regain control of his or her actions;

(c) For the minimum amount of time necessary for the purpose of protecting the student and others from physical harm;

(d) In a room or area that:

(i) Is not locked;

(ii) Does not prevent the student from exiting the area should staff become incapacitated or leave the area; and

(iii) Provides adequate space, lighting, ventilation, and the ability to observe the student; and

(e) Under constant supervision by staff who are trained to be able to detect indications of physical or mental distress that require removal and/or immediate medical assistance and who document their observations of the student.

(2) Seclusion may not be used for punishment or discipline, for the convenience of staff, or as a substitute for other less restrictive means of assisting a student in regaining control.

(F) Reporting and notification. Any incident of seclusion or restraint shall be immediately reported to building supervision and the parent. Any incident of seclusion or restraint shall be documented in a written report that is made available to the parent within twenty-four hours and that is maintained by

the school district.

(G) Training and professional development. A school district shall ensure that an appropriate number of personnel in each building are trained in crisis management and de-escalation techniques. The school district shall maintain written or electronic documentation on training provided and lists of participants in each training. Training on positive behavior intervention and supports is encouraged.

(H) Policies and procedures. A school district shall develop written policies and procedures concerning the use of seclusion and restraint that are consistent with the policy on positive behavior interventions and support, restraint and seclusion, as adopted by the state board of education January 2013 (education.ohio.gov). A district's complaint procedures shall include

(1) A procedure for a parent to present written complaints to the superintendent of the school district to initiate a complaint investigation by the school district regarding an incident of restraint or seclusion; and

(2) A requirement that the school district shall respond to the parent in writing within thirty days of the filing of a complaint regarding an incident of restraint or seclusion.

These policies and procedures shall be accessible on the district's website, and each district shall be responsible for notifying all parents annually of its policies and procedures concerning seclusion and restraint.

(I) Monitoring. A school district shall establish a procedure to monitor the implementation of this policy and the district's policy on restraint and seclusion. Each school district shall make its records concerning restraint and seclusion available to staff from the Ohio department of education upon request.

(J) Reporting. A school district shall annually report information regarding its use of restraint and seclusion to the Ohio department of education in the form and manner as prescribed by the department.

Effective: 08/01/2013

R.C. [119.032](#) review dates: 08/01/2018

Promulgated Under: [119.03](#)

Statutory Authority: [3301.07\(D\)\(2\)](#), [\(D\)\(3\)](#)

Rule Amplifies: [3301.07\(D\)\(2\)](#), [\(D\)\(3\)](#)



*Module 1:  
Policy  
Requirements  
and  
Background*

**Positive Behavior Intervention & Supports  
Restraint & Seclusion**

# Background

- Executive Order 2009-135;
- [15 principles](#) issued by USDOE
- The [adopted policy](#) on Positive Behavior Intervention Supports (PBIS) Restraint & Seclusion.
- [Rule 3301-35-15](#) adopted Feb. 27, 2013

# Purpose

- Protects all children and adults
- Builds positive behavior interventions and supports
- Prevents use of restraint and/or seclusion

# Application

Applies to all Ohio school districts  
beginning 2013- 2014 school year

# Decision: Will the District Use Restraint and/or Seclusion?

Any school employing physical restraint and/or seclusion must have:

- A [policy and procedure](#);
- Specific training related to the use of restraint and seclusion;
- A process for documenting each incident.

# Positive Behavior Intervention and Supports (PBIS)

## Premise:

A safe, positive culture **minimizes and prevents** the use of restraint or seclusion.

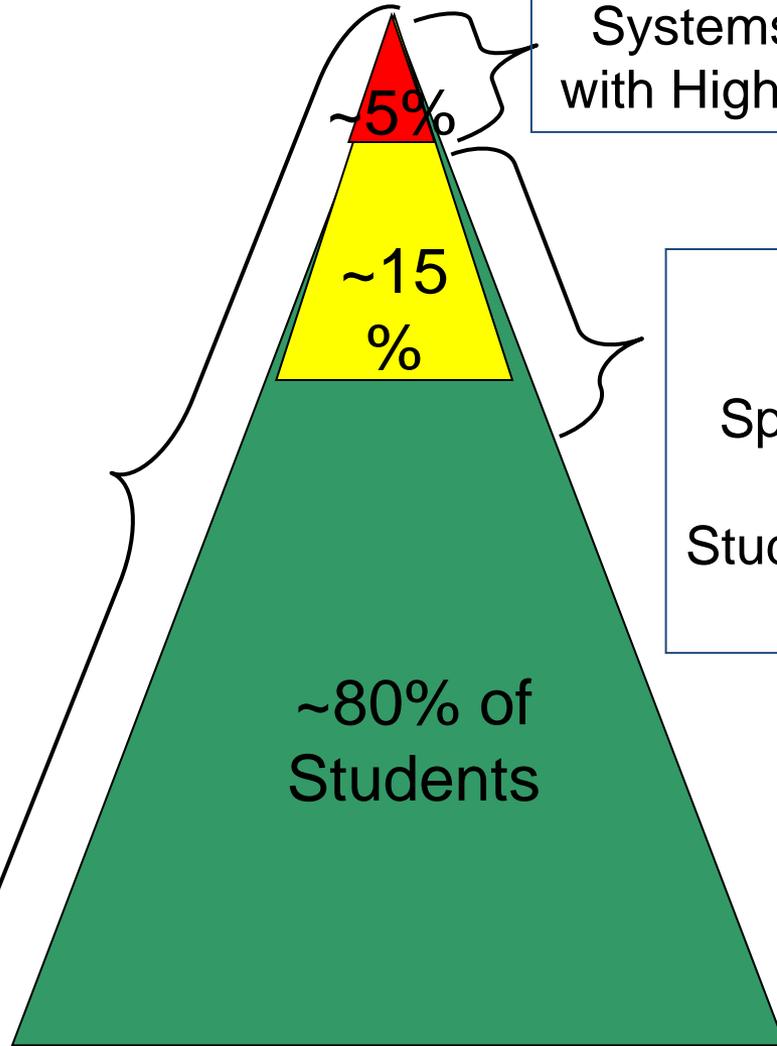
- pbis **promotes** a *positive learning environment* and
- **enhances** *academic and social behavioral outcomes* for all students.

**SCHOOLWIDE  
POSITIVE  
BEHAVIOR  
SUPPORT**

Specialized  
Individualized  
Systems for Students  
with High-Risk Behavior

Targeted:  
Prevention:  
Specialized Group  
Systems for  
Students with At-Risk  
Behavior

universal  
Prevention:  
School-  
/Classroom-  
Wide Systems  
for  
All Students,  
Staff, & Settings



# PBIS: Core Components

**Components of a positive behavior intervention system include:**

- An analysis of school data regarding behavior
- Modifications of environmental factors that escalate inappropriate behavior
- Support for the attainment of appropriate behavior
- Use of verbal de-escalation to defuse potentially violent and dangerous behavior.
- Family involvement as an integral part of the system.

# PBIS: Essential Practices

- Establishing clear school-wide expectations
- Providing comprehensive instruction in expected behaviors
- Establishing a system for providing consistent encouragement of expected behaviors and correction of behavior errors
- Building community connections

# For more information

- [Education.ohio.gov](http://Education.ohio.gov)
- [www.PBIS.org](http://www.PBIS.org)
- Your [State Support Team](#)
- [PBIS\\_Restraint\\_Seclusion\\_Questions@education.ohio.gov](mailto:PBIS_Restraint_Seclusion_Questions@education.ohio.gov)
- Michael Petrasek @  
[michael.petrasek@education.ohio.org](mailto:michael.petrasek@education.ohio.org)



# References

Governor's Executive Order 2009-13S:

<http://www.olrs.ohio.gov/sites/olrs.ohio.gov/files/u5/executive-order-ban-prone-restraints.pdf>

State of Ohio Policy on Restraint and Seclusion Practices (May 17, 2010):

<http://education.ohio.gov/Topics/Other-Resources/School-Safety/Building-Better-Learning-Environments/Policy-Positive-Behavior-Interventions-and-Support>

USDOE Restraint and Seclusion: Resource Document:

<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

National PBIS: <http://www.pbis.org/>



## Module 2: Restraint

**Ohio Policy and Rule on Positive Behavior  
Intervention & Supports and  
Restraint & Seclusion**

# Physical Restraint

**The use of physical contact in a way that immobilizes or reduces the ability of an individual to move the his or her arms, legs, body, or head freely**

# Conditions for Use of Physical Restraint

Staff must be **appropriately trained** to protect the *care, welfare, dignity and safety* of the student.

# Conditions for use of Physical Restraint

Use physical restraint only when:

- ***There is immediate risk of physical harm to students or others;***
- ***no other safe & effective intervention is possible;***

# Conditions for use of Physical Restraint

- *Use only in a manner that is age & developmentally appropriate;*
- *Implement only in accordance with local policy.*

# Prohibited Practices

- ***Prone restraints***
- ***Corporal punishment***
- ***Child endangerment*** as defined in [R.C. 2919-22](#)
- ***Pre-school seclusion or restraint*** violate Ohio [Adm. Code Rule 33-37-10\(D\)](#);
- ***Deprivation of basic needs***

# Prohibited Practices

- *Any restraint that unduly risks serious harm or needless pain*
- *Mechanical or chemical restraint;*
- *Aversive behavioral interventions;*
- *Seclusion of students in locked rooms.*

# Conditions for Use of Physical Restraint

## Prior to restraint:

- **use verbal strategies/de-escalation techniques to keep student calm or gain control**

# Conditions for Use of Physical Restraint

## During restraint:

- **continually observe student** *for mental & physical distress;*
- **remove physical restraint** *when harm to self & others has dissipated*

# Conditions for Use of Physical Restraint

## After physical restraint:

- **conduct a debriefing & evaluation** of incident triggers, staff responses & methods to address the student behavioral needs;
- **complete all required reports and document staff observations** of the student and the crisis procedure.

# Conditions for Use of Physical Restraint

## Repeated incidents of physical restraint:

- **conduct *functional behavior assessment* (FBA)**
- **identify *needs and effective ways* to address those needs.**

# Conditions for Use of Physical Restraint

## Positive Supports:

- Teaching the child replacement behaviors
- Rewarding the child for using socially acceptable behavior
- Teaching the child to avoid the behavior "triggers"
- Teaching the child to identify emotions
- Changing the responses of the adults
- Changing negative stimuli in the environment
- Identify a caring adult to give positive time at school
- Supporting the child at problematic times

# For more information

- [www.education.ohio.gov](http://www.education.ohio.gov)
- [www.PBIS.org](http://www.PBIS.org)
- [State Support Team](#)
- [PBIS\\_Restraint\\_Seclusion\\_Questions@education.ohio.gov](mailto:PBIS_Restraint_Seclusion_Questions@education.ohio.gov)
- Michael Petrasek @ ODE  
([michael.petrasek@education.ohio.gov](mailto:michael.petrasek@education.ohio.gov))



# References

[Governor's Executive Order 2009-13S:](#)

[State of Ohio Policy on Restraint and Seclusion Practices \(May 17, 2010\):](#)

[Restraint and Seclusion: Resource Document:](#)



## Module 3: Seclusion

### Ohio Policy and Rule on Positive Behavior Intervention & Supports and Restraint & Seclusion

# Seclusion

- Seclusion is a ***last resort safety procedure*** for providing an opportunity for the student to gain self-control;

# Conditions for use of seclusion

Seclusion may be **used only** when:

- There is *immediate risk of physical harm* to the student and/or others;
- **No** other safe & effective intervention is possible

# Conditions for use of seclusion

- Shall **never** be used as **punishment or to force compliance**;
- Used only in a manner that is **age & developmentally appropriate**;
- **Only** in accordance with LEA policy & requirements of this policy.

# Seclusion room

A seclusion room or area must  
provide:

- Adequate *space*;
- Adequate *lighting*;
- Adequate *ventilation*;
- Clear *visibility*;
- *Safety* for the student

Room CANNOT be locked

# Prohibited Seclusion Practices

Seclusion **shall not** be used as:

- A convenience for staff;
- Discipline or punishment;
- A means to coerce, retaliate, or endanger a student.

# Prohibited Seclusion Practices

Seclusion **shall not** be used as a substitute for

- educational program and behavior intervention;
- a less restrictive alternative;
- inadequate staffing;
- staff training in PBIS and crisis prevention & intervention

# Requirements when Staff Use Seclusion

**Staff must be appropriately trained** to protect the *care, welfare, dignity & safety* of the student

- Staff must:
- *Continually observe;*
- Use verbal *strategies/de-escalation techniques;*
- Debrief;
- *Complete all required reports*

# For more information



- [www.education.ohio.gov](http://www.education.ohio.gov)
- [www.PBIS.org](http://www.PBIS.org)
- [State Support Team](#)
- [PBIS\\_Restraint\\_Seclusion\\_Qu  
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- Michael Petrasek @ ODE  
([michael.petrasek@education.ohio.gov](mailto:michael.petrasek@education.ohio.gov))

# References

[Governor's Executive Order 2009-13S:](#)

[State of Ohio Policy on Restraint and Seclusion Practices \(May 17, 2010\):](#)

[Restraint and Seclusion: Resource Document:](#)

Module 4



*Training and  
Reporting  
Requirements*

**Ohio Policy and Rule on Positive  
Behavior Intervention & Supports and  
Restraint & Seclusion**

# Training & Professional Development

Have a plan for training school-wide system of *pbis* for 2013-2014

# Train staff *annually* on:

- Ohio Adm. Code 3301-35-15;
- Requirements of the state policy;
- Restraint and seclusion policies & procedures of the LEA
- Systemwide pbis

# Training & Professional Development

Ensure an adequate number of personnel are trained in:

- Crisis management
- De-escalation techniques.

# Required reporting

# Required Reporting and Timeline

- Document use of seclusion & restraint
- Report to parent;
- Written reports available to parents within 24 hours.

# Required Reporting and Timeline

- Districts must annually report incidents of seclusion and restraint as requested by ODE
- Records regarding restraint and seclusion available to ODE upon request

# For more information

A close-up photograph of a person's hand, palm facing up, with the index finger pointing towards the text on the right. The background is a soft, warm light.

[www.education.ohio.gov](http://www.education.ohio.gov)

[www.PBIS.org](http://www.PBIS.org)

[PBIS Restraint Seclusion Questions@education.ohio.gov](mailto:PBIS_Restraint_Seclusion_Questions@education.ohio.gov)

# References

[Governor's Executive Order 2009-13S:](#)

[State of Ohio Policy on Restraint and Seclusion Practices \(May 17, 2010\):](#)

[Restraint and Seclusion: Resource Document:](#)

## Module 5

# *Monitoring and Complaints*

## **Ohio Policy and Rule on Positive Behavior Intervention & Supports and Restraint & Seclusion**

# State Monitoring

- Responsibilities of the State Department of Education:
  - The periodic review of the state policy on PBIS.
  - Review of district records concerning this policy.

# District monitoring

- Responsibilities of educational agencies:
  - Establish a monitoring procedure as part of their restraint and seclusion policy.
  - Make all records concerning the use of restraint and seclusion available to the Ohio Department of Education.

# School District Complaint Procedures

LEA policies & procedures must include:

- ✓ A **procedure** for a parent to present written complaints to the superintendent to initiate investigation regarding an incident of restraint or seclusion;
- ✓ The district is required to **respond** to the parent's complaint **within 30 days**.

# IDEA Complaint Process for Students with Disabilities

A parent of a student with a disability may choose to file a complaint with the Ohio Department of Education, *Office for Exceptional Children* consistent with complaint procedures available concerning students with disabilities.

# For more information



- [www.education.ohio.gov](http://www.education.ohio.gov)
- [www.PBIS.org](http://www.PBIS.org)
- [State Support Team](#)
- [PBIS\\_Restraint\\_Seclusion\\_Questions@education.ohio.gov](mailto:PBIS_Restraint_Seclusion_Questions@education.ohio.gov)
- Michael Petrasek @ ODE  
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# References

Governor's Executive Order 2009-13S:

<http://www.olrs.ohio.gov/sites/olrs.ohio.gov/files/u5/executive-order-ban-prone-restraints.pdf>

State of Ohio Policy on Restraint and Seclusion Practices (May 17, 2010):

[https://share.education.ohio.gov/Seclusion%20%20Restraint/OHIO%20RS%20POLICY%205-17-10%20FINAL%20\(2\).doc](https://share.education.ohio.gov/Seclusion%20%20Restraint/OHIO%20RS%20POLICY%205-17-10%20FINAL%20(2).doc)

Restraint and Seclusion: Resource Document:

<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

# Restraint and seclusion incident reporting for school year 2013-2014

District name

IRN

Name of person completing the survey

Email address

Phone number

## General:

Does your district have an evidence-based school wide system or framework of positive behavioral interventions and supports?

Does your district have a board adopted policy?

What specific crisis intervention training did your staff receive?

How many staff members are trained to respond to immediate risk of physical harm?

## Restraint:

Number of incidents of restraint:

- Of the reported number of incidents of restraint, understanding that some may have involved the same student multiple times, how many individual students were restrained ( do not include multiple incidents)?
  - Grade level of the students involved?
    - K-3
    - 4-6
    - 7-8
    - 9-12
  - Of the count how many restraints involved general education students?
  - What was the number of restraints per disability category?
    - 01 Multiple Disabilities (other than Deaf-Blind)
    - 02 Deaf-Blindness
    - 03 Deafness (Hearing Impairment)
    - 04 Visual Impairments
    - 05 Speech and Language Impairments
    - 06 Orthopedic Impairments
    - 08 Emotional Disturbance (SBH)
    - 09 Cognitive Disabilities (Formerly Mental Retardation or Developmentally Handicapped)
    - 10 Specific Learning Disabilities
    - 12 Autism
    - 13 Traumatic Brain Injury (TBI)
    - 14 Other Health Impaired (Major)

## Restraint and seclusion incident reporting for school year 2013-2014

- 15 Other Health Impaired (Minor)
- 16 Developmental Delay – Preschool only

- Number of restraints per race/ethnic category?
  - Asian
  - Black/African American
  - Hispanic
  - Alaskan Native
  - Bi/Multiracial
  - Native Am./Am.Indian
  - Native Hawaiian/Other Pacific Islander
  - White
  - Unknown
- Of the reported restraints how many resulted in a reportable injury to a student?
- Of the reported restraints how many resulted in a reportable injury to a staff?
- What was the number of incidents of restraint per duration category?
  - 1 minute to 5 minutes
  - 5-10 minutes
  - 10-15 minutes
  - Greater than 15 minutes
- Outcomes:
  - How many resulted in Functional Behavioral Assessment (FBA)?
  - How many resulted in Positive Behavioral (PB) support plan?
  - How many resulted in a review of an existing FBA or PB plan?
  - How many resulted in suspension?
  - How many resulted in Expulsion?
  - How many had no further action?

### **Seclusion:**

Please report the number of incidents of seclusion in your district this school year?

- Of the reported number of incidents of seclusion, understanding that some may have involved the same student multiple times, how many individual students were secluded ( do not include multiple incidences)?
  - Grade level of the students involved?
    - K-3
    - 4-6
    - 7-8
    - 9-12

## Restraint and seclusion incident reporting for school year 2013-2014

- Of the count, how many seclusion incidents occurred with general education students?
- What was the number of seclusion incidents per disability category?
  - 01 Multiple Disabilities (other than Deaf-Blind)
  - 02 Deaf-Blindness
  - 03 Deafness (Hearing Impairment)
  - 04 Visual Impairments
  - 05 Speech and Language Impairments
  - 06 Orthopedic Impairments
  - 08 Emotional Disturbance (SBH)
  - 09 Cognitive Disabilities (Formerly Mental Retardation or Developmentally Handicapped)
  - 10 Specific Learning Disabilities
  - 12 Autism
  - 13 Traumatic Brain Injury (TBI)
  - 13 Other Health Impaired (Major)
  - 15 Other Health Impaired (Minor)
  - 16 Developmental Delay – Preschool only
- Of the reported number of seclusion what was the number of restraints per race/ethnicity category?
  - a. Asian
  - b. Black/African American
  - c. Hispanic
  - d. Alaskan Native
  - e. Bi/Multiracial
  - f. Native Am./Am.Indian
  - g. Native Hawaiian/Other Pacific Islander
  - h. White
  - i. Unknown
- Of the reported seclusion incidents how many resulted in an injury to a student?
- Of the reported seclusion incidents how many resulted in an injury to a staff?
- What was the number of incidents of seclusion per duration category?
  - 1 minute to 5 minutes
  - 5-10 minutes
  - 10-15 minutes
  - Greater than 15 minutes
- Outcomes:
  - How many resulted in Functional Behavioral Assessment?
  - How many resulted in Positive Behavioral (PB) support plan?
  - How many resulted in a review of an existing FBA or PB plan?

## Restraint and seclusion incident reporting for school year 2013-2014

- How many resulted in suspension?
- How many resulted in Expulsion?
- How many had no further action?

DRAFT