

Variance Request

Director:	Bob Tranas	Board of Directors, Chairperson/Owner:	Wendy Balo
Facility Name:	Children's Developmental Services of Campbell County	Facility Name:	Children's Developmental Services of Campbell County
Mailing Address:	1801 S. 4-J Road	Mailing Address:	1801 S. 4-J Road
City:	Gillette	City:	Gillette
Email Address:	bac70@ccgov.net	License expiration date:	August 6, 2018

The facility may submit a written request to Department of Family Services for a variance to a rule when the facility is unable to meet full compliance with a standard in the Certification of Child Care Facilities rules.

Please describe the compelling reason the facility is unable to meet the particular rule and what accommodations the facility will make to ensure that the safety and well being of children served will not be compromised.

Variance Request for Rule (Chapter and Section) :	Compelling Reason and Accommodations:	Request Approved or Denied and Time Frame for Variance:
<p>Chapter 4: General Requirements</p> <p>Section 2: Discipline and Guidance Requirements</p> <p>(d) The following behavior shall be prohibited in all child care settings: (vi) Any form of confining a child's movement or restraining a child as a means of punishment.</p>	<p>We are requesting permission to carry out our approved policy and accompanying procedures on Physical Control, Restraint, and Seclusion. This policy is not meant to be a form of "punishment". The policy is in place to maintain compliance with Department of Health and Education rules and regulations; with a purpose to ensure the safety and well-being of others and to eliminate the risk of harm or safety to the student or others in an emergency situation.</p> <p>See attached policy for more information.</p>	

If you have questions regarding this matter, please contact the facility Program Manager or listed below.

Program Manager	Nichole Anderson		
Address:	2300 Capitol Ave., Hathaway Building, 3 rd Floor		
City:	Cheyenne	State:	WY
Telephone:	307-777-8539	Zip Code:	82002

(Facility Director)

(Date)

(Program Manager)

(Date)

cc: Child Care Licensor

Compelling Reason and Accommodations:

CHILDREN'S DEVELOPMENTAL SERVICES OF CAMPBELL COUNTY
POLICY AND PROCEDURE ON

PHYSICAL CONTROL, RESTRAINT, and SECLUSION

Policy:

It is the guiding principle that restraint and seclusion should not be used. Early Childhood Educators will use physical control of a child only after other response strategies have been attempted unsuccessfully to eliminate the risk of harm or safety to the student or others in an emergency situation.

Purpose:

To ensure the safety and well-being of all children and adults attending CDS-CC.

Procedure:

I. Definitions

Definitions are consistent with the definition in the Rules outlined in the Chapter 42 Seclusion and Restraint in Schools. The Wyoming rules are authorized by Wyoming Statute 21-2-202(a)(xxxii) and W.S. 21-3-110(a)(xxxi).

1. **Emergency** - a situation constituting an imminent risk to health or safety.
2. **Imminent Risk** - an immediate and impending threat of a person causing substantial physical injury to self or others.
3. **Prohibited Practices** - certain activities or objects are **prohibited from being utilized with students under any circumstances.**

Prohibited elements include:

- a. **Aversives** - an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.
- b. **Locked Seclusion** - a seclusion room with a locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact, which upon release immediately permits the door to be opened from the inside.
- c. **Mechanical Restraints** - include devices or equipment designed or utilized to restrict the free movement of all or a portion of a student's body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which such devices or equipment were designed and prescribed.
- d. **Prone Restraints** - include holding a student in a face down position or in any position that will:
 - a) Obstruct a student's airway or otherwise impair the ability to breath;
 - b) Obstruct a staff member's view of a student's face;
 - c) Restrict a student's ability to communicate distress;
 - d) Place pressure on a student's head, neck, or torso; or
 - e) Straddle a student's torso.
- e. **Time-Out** - a behavior management technique which provides the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment, and the student is not physically prevented from leaving the "time out" area. Time-out must only be used in conjunction with an array of positive behavior intervention techniques and must be included in the child's individualized education program (IEP) and/or

positive behavior support plan (PBS). It must be utilized on a recurrent basis to increase or decrease a targeted behavior; and must not be implemented in a fashion that precludes the ability of a child to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the child's IEP.

4. **Restraint** - the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student's body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight or using an assistive or protective device prescribed by an appropriately trained professional or professional team. The term does not encompass any of the prohibited practices described in this rule. CDS-CC has identified the Handle with Care Behavior Management System® as the evidence-based program to be used in the event restraint is deemed necessary.
5. **Seclusion** - removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. There are two distinct categories:
 - a. **Seclusion from the Learning Environment** - means visually or auditorily isolating the student from the classroom or other school activity, away from peers in an area that obstructs the student's ability to participate in regular classroom or school activities. The student is prevented from rejoining the learning environment or school activity until directed by staff.
 - b. **Isolation Room** - purposefully placing the student in an enclosed room built in compliance with all relevant health and safety codes and in compliance with Wyoming Department of Education Physical Space Requirements for Isolation Rooms. The student is not released from the Isolation Room and permitted to rejoin the learning environment or school activity until directed by staff. **An Isolation Room is prohibited in all Child Development Centers.** The term does not include a student-requested break or other appropriate disciplinary measure.

II. Staff Training

1. Annual training on positive behavior management will be required of all staff with documentation of such training to the EIEP.
2. All staff shall receive training in the prevention of physical restraint and seclusion, including skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management. Professional development in this area will be ongoing.
3. Classroom staff shall be trained consistent with the Handle with Care® model for the safe and appropriate use of physical restraint.
4. The certified trainer(s) shall be recertified annually according to Handle with Care® standards.
 - a. The initial training for each staff member shall be completed in accordance with the minimum amount of training necessary to obtain certification by the evidence-based training program. Annual training is required by the Handle with Care® program for certification purposes.
 - b. The ongoing training shall be completed in accordance with the model program.
 - c. In addition to the ongoing training for all staff referred to above, all staff shall also annually receive training regarding the implementation of this policy.

III. Seclusion and Restraint Procedures

Restraint Procedures:

1. Non-emergency situations: only trained, certified staff pursuant to paragraph II.3 above shall be permitted to utilize restraint as part of a planned behavior intervention.
2. Emergency situations: Any staff member may intervene for purpose of restoring safety in an emergency situation, as defined above, constituting an imminent risk to the health or safety of students, staff or others. Such staff member shall notify a trained staff member as soon as reasonably possible.

To prevent or de-escalate a child's dangerous behavior, a "first response" will be used. First responses may include:

1. The outlined Sit and Watch protocol by R.A. McWilliam:
 - 1) Verbal response – tell the child what you want him/her to do.
 - 2) Warning- Give the child two warnings.
 - 3) Take the child to the side of the activity. Very briefly, say, "Sit here and watch until you are ready to (play) nicely."
 - 4) Return to the activity, welcome him or her. Don't be concerned with the amount of time in sit and watch.
 - 5) If the child leaves to do something else appropriate, it's fine.
 - 6) If the child resumes undesired behavior, return him or her to sit and watch.
 - 7) Do this as often as you can stand.
 - 8) Again, do not insist on the child's staying in Sit and Watch.
 - 9) If it isn't working this time, redirect the child to another activity that is not highly desirable but that is unlikely to be problematic.
2. Physical Response – position yourself between children, move disruptive child away from other children, physically guide the child's action (i.e. guide their fist to drop the shovel), guide the child in getting other's attention (i.e. touch and talk).
3. Environmental Response – change room arrangement using Creative Curriculum and Engagement practices as guidelines, put a physical barrier between children.
4. Implementation of the Tension/Tension Reduction Cycle: Support & Setting Limits as outlined in Handle with Care Behavior Management System®.
5. If prevention or de-escalation of a child's dangerous behavior is ineffective a Primary Restraint Technique will be used as outlined from the Handle with Care Behavior Management System®.
Handle with Care's Primary Restraint Technique® model is dedicated to the reduction of violence through:
 - Tension reduction;
 - Staff use of preventative actions that result in a decrease in the need for the use of physical intervention;
 - The use of prompt skillful and appropriate intervention when restraint is necessary, to minimize injuries to clients, children and staff; and
 - Creating a universal perception of physical and psychological safety.
6. If team members deem physical control ineffective a 'room sweep' may be implemented. In the event of a 'room sweep':
 - Staff will take children to one area of the classroom, or an alternative environment, leaving a teacher and the child displaying dangerous behaviors at the opposite end of the classroom. If another staff member is needed an 'all call' will be sent out requesting assistance.

- Staff tending to the child displaying dangerous behaviors will only intervene if the child brings harm to him/herself or the staff member.
- Once the situation has de-escalated, the child will be responsible for picking up/repairing any school property with assistance from the teacher.
- A debriefing will follow.

Seclusion Procedures:

1. There are two regulated seclusion categories:

- a. Isolation Rooms

The use of isolation rooms are prohibited. Classroom staff must be able to see and hear the students in seclusion at all times. Separation in an area where the student is prevented from leaving is always considered seclusion.

- b. Seclusion from the Learning Environment

The following requirements apply:

- 1) Durational guidelines: These durational guidelines are to be followed when implementing a Seclusion from the Learning Environment. Seclusion should not be used any longer than necessary to allow a student to regain control of his/her behavior. Initial Seclusion from the Learning Environment and any additional exclusion shall be in accordance with the training and recommended durational guidelines from the evidence-based model.
- 2) All instances of Seclusion from the Learning Environment shall be reported to the parent.
- 3) Every instance of removal from the Learning Environment must be documented via the Early Intervention and Education database in the student's file. All data on seclusion is reported to the Office of Special Education Program via Wyoming Department of Education reporting.

Parent Notification:

Parents shall be notified of each use of regulated seclusion or restraint procedure according to the following schedule:

1. An attempt shall be made to contact the parent by phone as soon as reasonably possible after the event.
2. Written notification of the regulated procedure should be sent to the parent within twenty-four (24) hours of the regulated procedure unless the parent and school have agreed to an alternative time frame.

IV. Enforcement Procedures:

Complaint Process:

The following process for the receipt of complaint from any individual or entity regarding use of restraint or seclusion shall be utilized:

1. Parent Notification: Parent shall be directed to provide written notice of their complaint to the Executive Director, specifically including the following:
 - 1) the conduct of the complained of
 - 2) a statement as to whether they felt the conduct violates this seclusion and restraint policy and, if so, how;
 - 3) a statement of other options or alternatives that the complainant

believes should have been utilized in lieu of the restraint or seclusion procedure

- 4) a statement as to the remedial action being requested.
2. Subsequent to receipt of the written complaint, the investigation process shall be initiated by the Executive Director. The investigation process shall include the following requirements:
 - 1) the Executive Director or his administrator designee shall immediately conduct an investigation, including meeting with the complainant and with all staff involved separately, interview witnesses, gather information regarding the event being complained of.
 - 2) the administrator in his/her discretion may elect to have a meeting involving the complainant and the staff being complained about or may elect to rely solely on his/her investigation.
 - 3) after the investigation is complete, and after meeting with the parties collectively, if desired, the administrator shall provide a written determination regarding the findings of his/her investigation and determination of any actions recommended to be taken pursuant to the investigation. If the administrator determines corrective or disciplinary actions against a staff member involved in the seclusion or restraint, such information is confidential by law and cannot be included in the administrator's written determination required herein.
 - 4) a copy of the decision shall be provided to the complainant and the staff being complained about and Part B/619 Coordinator.
 - a. In the event the complainant is not satisfied with the decision of the responsible administrator, the complainant may appeal that determination to the Part B/619 Coordinator, who in his/her sole discretion, may elect to conduct an additional investigation or, alternatively, review the information provided by the complainant, the staff complained about, and the investigating Coordinator shall be submitted in writing to the complainant, the staff complained about, and the original investigating administrator.
 - b. In the event the complainant is not satisfied with the decision of the Part B/619 Coordinator, the complainant may appeal the decision to the Wyoming Department of Education's Dispute Resolution Coordinator.

V. Data Reporting Requirements

1. All occurrences of seclusion and restraint shall be reported to the Part B/619 Coordinator via the BHD data system within 3 business days of the occurrence.
2. A copy of the Incident Report and any subsequent complaints will be uploaded into the data system.