

State Policies Concerning the Use of Seclusion Timeout in Schools

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Abstract

The use of seclusion timeout in school settings has again become controversial. For more than 35 years there have been recommendations that states and schools develop policies and procedures regarding the use of seclusion timeout in school settings. Recent lawsuits brought against school districts accusing them of violating student rights through the improper use of timeout procedures among a variety of other factors have again brought this issue to prominence. In addition, advocacy organizations have now begun to lobby for the elimination of seclusion timeout in all child caring agencies including schools. In order to identify whether states currently have policies in this area, the State Education Agency for each state was contacted, and their websites searched for policies on seclusion or timeout. Only 24 states were identified in the present study which have an established policy or provide guidelines to their respective school districts concerning the use of timeout procedures with students. The difficulty in locating and identifying these policies even when they do exist, indicates that they may not be viewed as a high priority by states or school systems in spite of the litigation and advocacy. These policies were then reviewed to determine whether they included a subset of the components called for in the literature. The content of these policies varied significantly, indicating that it was not likely that states were providing common comprehensive requirements or guidance to schools on this issue.

Since the procedure was first discussed in literature nearly a half century ago (Baer, 1961), timeout has been incorporated into countless classroom teachers' behavior management plans for students. Timeout has long been used to address a broad range of maladaptive behaviors across educational placement settings (Ryan, Sanders, Katsiyannis & Yell, 2007). The purpose of the study is to determine the current status of State Department of Education policies related

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to timeout and in particular to the most restrictive form of timeout—seclusion.

Defining of Timeout and Seclusion

From the perspective of behaviorist theory, timeout is defined as behavior reduction procedure or form of punishment in which students who display a predefined inappropriate behavior are suspended for a short period of time from access to all opportunities to receive positive social reinforcement (Alberto & Troutman, 2006). However, this definition may not describe the actual practice used by many teachers where control of access to reinforcement for the student may not be the primary purpose of the procedure. In practice teachers may use the term "timeout" to apply to interventions primarily aimed at other purposes such as calming a student down, removing the student from the group, or engaging the student in problem solving or self reflection. Many teachers and classrooms have grown to use a wide variety of names for this procedure. For our purpose we will use the term "timeout" to include these procedures which may have other purposes.

Timeout has also grown to be understood as an intervention which results in the student being moved from one location to another. Based upon the degree to which it separates a student from his/her peers, it is possible to categorize timeout procedures into four types: (1) inclusion, (2) exclusion, (3) seclusion, and (4) restrained timeout.

Inclusion timeout. Inclusion is the least restrictive of the four timeout procedures, and entails placing a student in an area of the classroom in which s/he can observe classroom instruction, but which presumably denies a student the opportunity to participate in activities or receive reinforcement for a given period of time (National Alliance for the Mentally Ill, 2001; Ryan, Sanders, et al. 2007). Common examples of this procedure include (a) Planned Ignoring, (b) Withdrawal of Materials, (c) Contingent Observation, and (d) Timeout Ribbon.

To date, inclusion timeouts have been the most extensively researched form of timeout. *Planned Ignoring* which involves the withdrawal of social attention for a predetermined time period has been shown to be effective in increasing prosocial behaviors among a preschool student in general education (Allen, Hart, Buell, Harris & Wolf, 1964). However, the procedure was unsuccessful in reducing inappropriate behaviors with a preschool student with E/BD (Plummer, Baer & LeBlanc, 1977). *Withdrawal of Materials*, which entails removing reinforcing materials from a student was as effective at reducing non-compliance as contingent observation for students with mental retardation (Burchard & Barerra 1972; Gresham, 1979). In addition, *Contingent Observation* which requires the student be moved to another

location in the classroom, but allowed to observe the class without participating in any way, was as effective as the more restrictive exclusion timeout in reducing disruptive behavior in a 7 year old boy with E/BD (Mace & Heller, 1990). Similarly, Gallagher, Mittelstadt & Slater, (1988) showed contingent observation could be as effective in reducing undesirable behaviors as seclusion timeout for a student with E/BD in a special day school. Lastly, *Timeout Ribbon* in which a student wears a ribbon or object as long as s/he behaves appropriately, and denied reinforcement when it is removed has proven effective in reducing talking out of turn and out of seat behavior in four general education elementary school classrooms (Fee, Matson & Manikam, 1990), elementary special education classrooms (Salend & Gordon, 1987; Salend & Maragulia, 1983) and for students with MR (Foxy & Shapiro, 1978; Huguenin & Mulick, 1981; Solnick, Rincover & Peterson, 1977; Spitalnik & Drabman, 1976).

Exclusion timeout. Exclusion is a procedure in which a student is separated in a designated area away from his/her peers, but is not physically prevented from leaving (National Alliance for the Mentally Ill, 2001; Ryan, Sanders, et al., 2007). While this procedure is similar to inclusion timeout, it is more restrictive because it denies a student the opportunity to either visually observe and/or hear what is occurring in the child's normal educational environment. Examples of exclusion timeout include having a student sit: (a) in the corner of a classroom facing the wall, (b) in their seat with their head on the desk, (c) behind a partition in the classroom, (d) outside of the classroom in the hallway, (e) in the school office, or (f) in another teacher's classroom (e.g., interclass timeout).

The efficacy of exclusion timeout has not been researched as thoroughly as inclusion timeout, however, it was shown to be effective in reducing disruptive behaviors in a general education elementary school classroom (Nau, Van Houten & O'Neil, 1981). A decade later exclusion timeout proved to be more effective at reducing noncompliance than a guided compliance technique in which the teacher helped preschool children complete a requested task using guided hand over hand movement (Handen, Parrish, McClung, Kerwin & Evans, 1992).

Seclusion Timeout. In seclusion, the student is removed from the classroom environment and, for a period of time, placed alone in a room or other environment designated for this purpose, usually in a situation in which they are prevented from leaving (Busch & Shore, 2000). This timeout procedure is commonly referred to by the name of the timeout environment such as (a) the isolation room, (b) the timeout room, (c) the quiet room, or (d) the seclusion room. Numerous other euphemisms are used for these locations as well, but these locations

can be generically described as the "timeout room." Seclusion is considered to be one of the most restrictive forms of timeout, because it completely removes the student from access to the educational environment and from his or her peers and usually entails isolation of the student from other students and staff. The theoretical framework within the psychiatric literature justifying seclusion is based on this timeout serving two primary functions, including: (a) as a therapeutic modality to establish appropriate limit setting and/or decreased stimulation from sensory overload, and (b) as a means of containing violent behavior to protect either the student or others (Busch & Shore, 2000). Decades earlier, Cotton (1989) posited seclusion served as a means of therapeutic management for children that do not learn internal control from other social interactions.

The efficacy of seclusion has also been sparsely studied in educational settings, and with mixed results. While the first study that was conducted with a single subject with E/BD demonstrated a significant decrease in aggressive behaviors (Webster, 1976), a follow on study showed seclusion timeouts had no effect on maladaptive behaviors for students with E/BD or MR (Smith, 1981).

Restrained timeout. Restrained timeout is frequently referred to as either: (a) movement suppression, or (b) therapeutic holding (Ryan & Peterson, 2004), and is actually a combination of a timeout procedures and a physical (ambulatory) restraint. Restrained timeout is often restricted to young children (e.g., pre-k & kindergarten), and consists of a staff member positioning a student into a timeout position (e.g., sitting in corner) and maintaining the student in that position through the use of physical restraint. Physical restraint entails a staff member using his/her body to position and control the student from moving out of that timeout location. This procedure prevents the student from leaving, but can occur in inclusionary, exclusionary or seclusionary settings. Similar to the other current uses of the term timeout, there is some controversy about whether this type of timeout actually deprives the student from reinforcement since the restraint itself may be reinforcing for some students. This form of timeout which is probably the least frequently used in school settings is viewed as one of the more restrictive forms of timeout because it combines both the isolation and the use of physical restraint. According to a review by Day (2002), the primary theoretical basis for restraint is based on the attachment theory. This theory posits restraint actually helps foster a positive bond between the student and adult through the physical contact of a restraint. This bonding process helps facilitate the child work toward problem solving with the adult figure.

To date, restrained timeout was shown to be effective in reducing

aggressive behaviors for a student with emotional or behavioral disorders (Noll & Simpson, 1979), and mental retardation (Luiselli, Suskin & Slocumb, 1984). It was also effective in reducing self-injurious behaviors for a student with E/BD (Rolider, 1985).

Focus On Seclusion Timeout

Although inclusionary and exclusionary timeout procedures are not entirely without controversy and subject to abuse, it has been the use of seclusionary timeout procedures which has been most often the focus of controversy. Seclusionary timeout will be the primary focus of the remainder of this report and we will use both the terms "seclusion" and "timeout" to refer to this seclusionary form of timeout.

Issues and Advocacy Related to Seclusion in School Settings

While there may be a large body of literature concerning the traditional use of "timeout from positive reinforcement," there is little research which would support the benefit of seclusionary timeout over inclusionary or even exclusionary timeout when access to positive reinforcement can be managed effectively in these more inclusive environments. The few studies that have been conducted on seclusion, have reported contradictory findings concerning the efficacy of the procedure, had single subjects (e.g., $n = 1$), and were conducted over a quarter century ago. Most times when seclusion timeout is used, "access to reinforcement" is not even part of the goal, let alone monitored as part of the procedure itself.

There is likely also very little research support for the other ways that seclusion is apparently being used in many school environments (as a disciplinary consequence; for problem solving time; for cool down time; etc) when attention to removal of positive reinforcement is not the focus. We were not able to identify any studies which examined the efficacy of seclusion for these purposes. Most times these purposes might be served with alternatives to the use of seclusion.

There are several potential problems concerning the use of timeout procedures, particularly when these procedures are used despite their lack of effect on altering maladaptive behavior. Parents, community members and professionals have had concerns about the length of time that students are in timeout, as well as the supervision and safety of students in exclusionary or seclusionary timeout settings. Some students were left in timeout for extended periods of time either because they were "forgotten" or because of conscious decisions by staff. Over the years there have also been numerous instances of students committing suicide, or suffering severe injuries or death while in "unsafe" exclusionary or seclusionary timeout settings (AACAP, 2002; Maden

1999). Also there has been concern for the basic Constitutional rights of students (freedom from incarceration; cruel and unusual punishment) as well as for basic human rights (deprivation of food or water; physical environment such as light, appropriate temperature, etc.). Finally, concerns have also been voiced regarding the possible negative developmental effects of seclusion on children (trauma created by fear and isolation; lack of access to education; modeling of punitive strategies by adults, etc.).

Another concern is that timeout procedures are frequently over used by teachers with children who are non-responders to this form of behavioral intervention. In such cases, teachers continue to send a student to timeout repetitively, despite the procedure's ineffectiveness in modifying the student's maladaptive behavior (Ryan, Peterson, Tetreault & van der Hagen, 2007). From a behavioral perspective, the continued use of seclusion despite its ineffectiveness may be explained by both the student and teacher being inadvertently reinforced through the use of these procedures. The student may be positively reinforced by timeout because s/he is removed from the classroom environment which is itself aversive. This is often rewarding if the student is attempting to escape or avoid an unpleasant task or environment (e.g., math class). In addition, teachers can be negatively reinforced by placing a student in timeout, because once the misbehaving student is removed from the classroom, the aversive behavior is also removed, providing them with a period of calm. Since both staff and student alike are being inadvertently reinforced when implementing timeout procedures, they may continue to be used excessively despite their ineffectiveness in modifying the student's maladaptive behavior. This concern applies regardless of the educator's purpose in sending the student to seclusion.

To help prevent students from abusing timeout procedures through escape or avoidance, Nelson (1999) recommends that the educational environment should provide four times as much positive reinforcement as it provides reductive consequences. This would ensure that the student is receiving sufficient positive reinforcement from the educational environment, and not when escaping or avoiding it. Of course this would revert the procedure to its original definition of being "timeout from positive reinforcement" and still may not explain why seclusion would be any more effective than inclusionary or even exclusionary "timeout."

The ineffective use of timeout also implies that students' right to least restrictive environment in education may be jeopardized, since students may be excluded from participation with their peers while in timeout settings which are not effective in serving treatment goals.

The No Child Left Behind Act (NCLB) of 2001 has also stimulated professional concerns regarding the usefulness of seclusion as an intervention. Since NCLB implies that only scientifically based interventions should be used in school settings, the lack of research support for the effectiveness of seclusion as an intervention will likely compound the controversy about its use in schools. Moreover this law has required all students to be assessed in their educational progress. When students are excluded from the instructional setting this may also prevent academic progress for these individuals.

Long Standing Concerns Regarding Seclusion

There is also a concern that seclusion is being disproportionately used among young children (Ryan, Peterson, Tetreault & van der Hagen, 2007). One hypothesis is that the use of seclusion procedures are more common among younger children, because they possess fewer mechanisms for coping with frustration. In addition, staff may believe these intrusive procedures may be more developmentally appropriate for younger children, and they may be apprehensive to employ these procedures with larger and stronger individuals (Miller, Walker & Friedman, 1989; Persi & Pasquali, 1999). While no research has been conducted to support either of these two rationales (Day, 2002), treatment staff are apparently more willing to use these procedures simply because it is physically possible (Kennedy & Mohr, 2001).

These issues are not "new." As a result there have been recommendations regarding the appropriate use of seclusionary timeout procedures by the courts and in the professional literature for more than 35 years (Cuenin & Harris, 1986; Gast & Nelson, 1977; Nelson & Rutherford, 1983; Wood & Braaten, 1984; Wyatt v. Stickney, 1972). These guidelines have typically been directed to school districts and special education professionals who might be employing these procedures. A summary of some of the recommendations for policy topics include:

- Agency statement of purpose for the use of timeout,
- Staff awareness and training requirements,
- Prior planning and inclusion in the students Individualized Education Plan (IEP), or Behavior Intervention Plan (BIP) and prior parent permission
- Description of appropriate procedures for use of seclusion timeout including the length of time students are in that setting
- Specifications for physical environment, safety features and monitoring of the seclusion timeout room or setting,
- Parental notification procedures once timeout has been employed with a child,

- Documentation and maintenance of records,
- Procedures for complaints, appeals and periodic review.

Researchers established some time ago the need for policy statements, written procedures, individual documentation of the use of seclusion, time limits for a person being placed in seclusionary settings, professional monitoring of students in seclusionary settings, use of exclusionary timeout only as a last resort, and other topics. In spite of the long standing calls for policies for the use of seclusion in schools, there has been very little evidence that such policies are widespread in the schools.

Recent Concerns Regarding Seclusion

Recent accusations concerning the abuse of these behavior management procedures in some school systems have resulted in renewed and reinvigorated efforts by advocacy groups and state agencies to call for official policies or guidelines concerning their use in schools. As reviewed by McDowell (2003) a jury in New York awarded \$75,000 in damages and attorney fees to a family in the *Peters v. Rome City School District* (2002) decision for false imprisonment and violating a student's Fourth Amendment rights by inappropriately using a timeout room. Staff members had placed a second grade student in a timeout room for excessive periods (i.e., over an hour) and physically held the door shut to lock the student in. Similar court cases have cropped up across the country including Arizona (*Rasmus v. State of Arizona*, 1996), Colorado (*Padilla v. Denver School District*, 1999), Michigan (*Sabin v. Greenville Public Schools*, 1999), Tennessee (*Covington v. Knox County School System*, 2000), and Washington (*Washougal School District*, 1999). Each of these cases was filed by parents concerned that school districts had violated the rights of their children through the use of timeout procedures. As a result educational law organizations have cautioned schools about the possibility of litigation related to seclusion, and have called on them to establish policies (LRP Publications, 2006).

Advocacy Related to Seclusion

Concurrently with these developments within the education community, a wide variety of federal agencies, professional organizations and parent or consumer organizations have made reducing the use of "seclusion" as well as the use of physical restraint a priority. These efforts have been stimulated by similar accusations of abuse and death or injury, as well as court decisions similar to those described earlier for schools have addressed violation of Constitutional rights based on this procedure. Although originally focused on reducing

the use of these procedures in hospital and mental health treatment settings, these professional and advocacy groups have quickly broadened their calls to eliminate seclusion in all settings, and to focus special attention on their use with children. Among the most prominent of these efforts include: (a) The federal Substance Abuse and Mental Health Services Administration (SAMHSA) which has indicated that it is committed ultimately eliminating the use of restraint and seclusion, (b) National Association of State Mental Health Program Directors (NASMHPD) consisting of administrators of state psychiatric hospitals has adopted a formal position state calling for the reduction and ultimate elimination of the use of restraint and seclusion, (c) the Alliance to Prevent Restraint, Aversive Intervention and Seclusion (APRAIS) which is a coalition of organizations advocating for the reduction or elimination of restraint, aversive interventions and seclusion especially in children's programs.

In response to recent incidents in the schools, as well as the changes in the acceptability of these interventions in other environments such as mental health settings, many states have now developed policies or guidelines, or are beginning to develop policies and guidelines concerning the use of seclusion and timeout procedures in school settings.

New Calls for Policy on Seclusion in Education

As a result of these more recent events there have been renewed calls for the development and implementation of policies regarding the use of timeout in school settings. Rozalski et al., (2006) have called for 10 key principles in these policies (See Figure 1 section A). These principles included having State Education Agencies require public schools districts to develop policies, training for staff, making sure these procedures are included in IEPs and behavior plans, gathering data on the use of these procedures and assessing their efficacy, administrative oversight, and reiterated calls that these procedures only be used as a last resort when less restrictive interventions have failed. They also called on schools to explore alternatives to these interventions. This call for state and district policies is similar to the elements identified in previous calls for policies (Cuenin & Harris, 1986; Gast & Nelson, 1977; Nelson & Rutherford, 1983; Wood & Braaten, 1983; Wyatt v. Stickney, 1972).

This type of approach is starkly contrasted by calls for the outright elimination of seclusion as an option for use in school and other settings (APRAISE, 2007) including a prohibition that these procedures be included in IEPs or behavior plans, and that these procedures be eliminated universally across states and agencies across the country (see Figure 1 section B).

Table 1

A. Proposed Regulation of Seclusion

A.	Principles for Developing Legally Correct Seclusion Timeout or Physical Restraint Policies (Rozalski et al., 2006)
1	State Education Agencies should require public school districts to develop policies and procedures regarding the use of seclusion timeout and physical restraint with all students.
2	Seclusion timeout and physical restraint procedures should be included in a student's IEP or Section 504 plan.
3	Seclusion timeout and physical restraint should be used only when a student's behavior poses a risk of injury to the student, to peers or staff members.
4	Seclusion timeout and physical restraint should be used only after less restrictive interventions have not been successful.
5	State education agencies, teacher training institutions, and public school districts should develop appropriate pre-service and in-service training experiences so that staff members who may be required to use seclusion timeout and physical restraint receive thorough and continuous training in the appropriate use of the procedure.
6	Teachers should continuously collect meaningful data to document the efficacy of seclusion timeout and physical restraint.
7	Teacher should keep thorough records when seclusion timeout or restraint are used.
8	Administrators should develop methods to periodically review and summarize teacher and school-level data on the use of seclusion timeout and physical restraint.
9	State education agencies should collect data on the frequency of use of seclusion timeout and physical restraints in the public schools.
10	State education agencies should explore system-wide alternatives to seclusion timeout and physical restraint and develop appropriate teacher and administer training.

B. Proposed Elimination of Seclusion

B	Mission Statement of the APRAISE Alliance (APRAISE, 2007).
1	To seek the elimination of the use of seclusion, aversive interventions, and restraint to respond to or control the behavior of children and youth.
2	To prohibit the incorporation of these practices into the education, habilitation, or other service delivery plans provided to children and youth with disabilities.
3	To promote nationwide consistency

Purpose

In this context it is important to determine the current status of policy on this topic. Since State Education Agencies (SEAs) have been called upon to provide oversight policies requiring local policies, it seems as if an analysis of existing state policies would be a first step. The purpose of this study was to determine which states currently have established policies or guidelines concerning the use of timeouts in educational settings, and determine whether these policies contained key elements which had been previously identified as important.

Methods

A search was conducted to identify any state policies and guidelines concerning the use of timeout and seclusion in public schools in all fifty states as well as the District of Columbia. The State Education Agency (SEA) for each state was contacted and asked to provide copies or references of their state policy or guidelines concerning the use of timeout and seclusion within their public schools. Multiple contacts were attempted first through e-mail, then with a follow up request conducted via telephone for those states that did not respond. If a state's SEA did not respond or was unsure of their state policy/guidelines, the authors searched the state's SEA World Wide Web site, as well as their state legislative web site in an attempt to identify policy or legislation pertaining to the use of seclusion and timeout in educational settings. Once located, state policies were copied and pasted to word for the authors to examine. Components of the policies and guidelines were then recorded and coded in excel.

The policies identified were specific to the use of timeout in school settings. It is likely that many states also have policies regulating the use of timeout or other behavioral interventions which address the use of these procedures in other agencies which provide child care or child services such as foster care, residential treatment settings, hospitals or correctional facilities. Most often these policies do not apply to public school settings. Hence, we did not attempt to identify, nor include policies which did not appear to apply to school settings.

Results

In all, we were able to identify 24 states which currently have either established an official policy, or provide suggested guidelines for their school systems to follow when utilizing timeout procedures. Table 2 provides a list of these states, identification of their having either a mandated policy or optional guideline for school districts to

follow. The table also provides a website link to those documents.

Established state policies regulating the use of timeout procedures for schools were established in 17 states, including: Arkansas, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Mexico, New York, Ohio, Oregon, Rhode Island, Texas, Utah, & Vermont. Subsequent to this analysis we have learned that state policy may exist in at least two other states (California and Nevada) which are not included in our analysis. In one more (Kansas) state regulations are pending as of this date.

In addition to the states with regulations we were able to identify an additional seven states which did not seem to have regulations, but which provided guidelines for local education agencies that utilize timeout procedures. These included: Colorado, Connecticut, Florida, Idaho, Kentucky, Virginia & Wisconsin. Like the policies identified, these technical assistance documents vary in their focus. While some are specific to timeout, others address timeout in the context of other "controversial" interventions such as physical restraint, corporal punishment or "aversive" interventions or some combination of these.

It should be noted that where we were able to identify a policy we did not search for and include other guideline or technical assistance documents which might also be available through that state. Therefore, these should be viewed from the perspective that at least some guidance is provided- additional more specific guidance may be provided in addition to the policy which is listed for a particular state (one example would be Iowa which has both a brief policy, and an extensive technical assistance document on timeout).

Where actual policies were in place, they varied as to how they were codified. Most were in regulations related to special education, but others were self standing policies related to these topics. Sometimes they appeared in an umbrella policy having to do with "aversive procedures" or interventions, some were in policies addressing "seclusion and physical restraint" together, and in some other cases there were policies which addressed "seclusion" of "timeout" only.

Because of the difficulty in identifying these policies, it appears likely that additional states may have policies or guidelines which we were not able to identify. As a result our data should not be interpreted to indicate that the other states did not have policies. Also as incidents of abuse of timeout occur, or as court or advocacy efforts proceed, additional states may be in the process of developing policies or guidelines (e.g., Kansas).

While some state policies or guidelines are relatively brief (e.g., 1 – 3 pages), others are quite extensive (e.g., 19 pages for KY & WI). Therefore, internet web links in Table 2 permit readers to access and

Table 2
WWW Locations of Current State Timeout Policies (P) / Guidelines (G) for Education

State (Note1)	Type	Web Site (Note 2)
Arkansas	P	http://arksped.k12.ar.us/documents/policy/rulesandregulations/20.00.pdf
Colorado	G	http://www.cde.state.co.us/spedlaw/download/TimeOutGuidelines.pdf
Connecticut	G	http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Special/SEDguide.pdf
Florida	G	http://www.firm.edu/doe/bin00014/pdf/y1993-3.pdf
Idaho	G	http://itcnew.idahotc.com/files/qrm/qrm_timeout.pdf
Illinois	P	http://www.isbe.net/rules/archive/pdfs/oneark.pdf
Iowa	P	http://www.legis.state.ia.us/Rules/2001/iac/281iac/281113/281103.pdf
Kentucky	G	http://www.state.ky.us/agencies/behave/bi/TO.html
Maine	P	http://www.maine.gov/education/edletsr/2005/ilet/05ilet035.htm
Maryland	P	http://www.marylandpublicschools.org/msde/nonpublicschools/nplegal/comar/comar13a_08_04.htm
Massachusetts	P	http://www.doe.mass.edu/lawsregs/603cmr46.html?section=all
Michigan	P	http://www.michigan.gov/documents/MDE-P6_1993-03_BehaviorInterventionPolicy_10347_7.pdf
Minnesota	P	http://education.state.mn.us/mdeprod/groups/Compliance/documents/Publication/011491.pdf
Montana	P	http://www.opi.mt.gov/pdf/arm/16chapter.pdf
New Mexico	P	http://www.ped.state.nm.us/seo/discipline/9.appendix.b.pdf#search=%22time-out%20policy%22
New York	P	http://www.vesid.nysed.gov/specialed/publications/policy/timeout.pdf
Ohio	P	http://odmrdd.state.oh.us/rules/RulesTab/file_2-1-02.htm#j
Oregon	P	http://www.ode.state.or.us/stateboard/meetings/012006/specialedrules011906.doc

Figure 2 contd.

State (Note1)	Type	Web Site (Note 2)
Rhode Island	P	http://www.rules.state.ri.us/rules/released/pdf/DESE/DESE_3826.pdf
Texas	P	http://www.tea.state.tx.us/rules/tac/chapter089/ch089aa.html#89.1053
Utah	P	http://www.schools.utah.gov/sars/rules/lrbimanual_02%202.pdf
Vermont	P	http://www.state.vt.us/educ/new/pdfdoc/resources/model_restrictive_behavior.pdf
Virginia	G	http://www.doe.virginia.gov/VDOE/sess/EmergBehaviorGd.pdf
Wisconsin	G	http://dpi.wi.gov/sped/doc/secrestrgd.doc

Notes: 1. Only includes policies identified related to education; other policies may exist for other human services.

2. Where policies exist, there may also be guidelines or other technical assistance documents which are not reflected here.

review each individual state policy or guideline. Note that the links provided are usually to the overall document where these policies exist, but in many cases the specific sections where policies related to timeout are not identified, and additional searching may be needed to find the pertinent sections of these documents.

In order to provide a more complete picture of these policies, we also compared the results of our search for policies with the results of the survey conducted by Rozalski et al., (2006). In that study, the authors provided operational definitions of seclusion timeout and asked the state directors of special education in the 50 states and District of Columbia to identify state and local policies and procedures. Nineteen directors or their designees provided specifics details, including California and Nevada who at the time forbid the use of locked seclusion. In comparing the states where we found policies or guidelines to the states which they found to have "procedures" the number of states with some form of policy or guidelines may be estimated more accurately, than with just our data. On Table 3 with both studies combined, it appears that as many as 28 of the 50 states have these seclusion timeout policies, guidelines or specific prohibitions against its use.

After reviewing each of the state guidelines and policies currently in place, these appear to follow some of the basic policy guidelines

contained in early discussions of needed policies (Cuenin & Harris, 1986; Gast & Nelson, 1977; Wood & Braaten, 1983) as well as the more recent request (Rozalski, et al., 2006). Although it was beyond our scope to conduct a detailed analysis of the content of these policies, a preliminary analysis was conducted on some of these topics and is depicted in Table 4.

Fifty percent (12 of the 24) policies which were identified required school systems to develop written procedures for the use of seclusion, while 16 (67%) established requirements for rooms used for seclusion. A smaller number banned the use of locked timeout rooms. Fifteen (62%) required parental notification of the use of seclusion timeout, and an even larger number (21 or 87%) required documentation of each timeout event. Fifteen (62%) also recommended or required staff training if seclusion timeout was to be employed. Fifteen of these state policies also addressed the length of time students would be in timeout. Four (17%) specified 12-15 minutes maximum (at least for elementary aged students), while six (25%) required a 20-30 minute maximum or that students must at least be reassessed after that period of time. Four more specified 55-60 minutes as the limit.

Only one state (Colorado) had in its guidelines all seven of the elements which were scanned for in our analysis. Another (New York) seemed to have all except for the time frame for seclusion, and several others had most of these elements. There were four states (Idaho, Iowa-although Iowa had an additional technical assistance document which was not scanned, Massachusetts and Michigan) whose documents only included one of the elements we scanned for. One more (Texas) which had two elements and six more which only had three of the seven elements. As a result even when states may have policies there is some question as to whether they meet the needs for guidance and oversight suggested in the literature.

Discussion

Generally we found that where regulations do exist, they permit the use of seclusion timeout. No state in the present study ruled out entirely the use of seclusion timeout in school settings, although the Rozalski et al. study (2006) identified two states (California and Nevada) which prohibit locked time out. Nevertheless more states may move in this direction if current advocacy efforts are successful.

In all cases where policy or guidelines were in place, a variety of restrictions on the use of exclusion were included which are typical of the long standing calls for policy on this topic. Unfortunately even where policies or guidelines were in place, there were none which completely addressed the seven sample elements which we scanned

Table 3
Availability of state policies, guidelines or procedures.

	State	Present Study Policy or Guidelines (Note 1)	Rozalski et al. Study- Provided Seclusion Policy and/or Procedures	Combined Studies (Note 2)
1	Alabama			
2	Alaska			
3	Arizona			
4	Arkansas	P	X	X
5	California		X ³	X
6	Colorado	G	X	X
7	Connecticut	G		X
8	Delaware			
9	District of Columbia			
10	Florida	G	X	X
11	Georgia			
12	Hawaii			
13	Idaho	G	X	X
14	Illinois	P	X	X
15	Indiana			
16	Iowa	P	X	X
17	Kansas	In development		
18	Kentucky	G		X
19	Louisiana			
20	Maine	P		X
21	Maryland	P	X	X
22	Massachusetts	P		X
23	Michigan	P	X	X

Table 3 contd.

	State	Present Study Policy or Guidelines (Note 1)	Rozalski et al. Study- Provided Seclusion Policy and/or Procedures	Combined Studies (Note 2)
24	Minnesota	P	X	X
25	Missouri			
26	Mississippi			
27	Montana	P	X	X
28	Nebraska			
29	Nevada		X ⁴	X
30	New Hampshire			
31	New Jersey			
32	New Mexico	P		X
33	New York	P	X	X
34	North Carolina			
35	North Dakota		X	X
36	Ohio	P	X	X
37	Oklahoma			
38	Oregon	P		X
39	Pennsylvania			
40	Rhode Island	P	X	X
41	South Carolina			
42	South Dakota			
43	Tennessee			
44	Texas	P		X
45	Utah	P	X	X

Table 3 contd.

	State	Present Study Policy or Guidelines (Note 1)	Rozalski et al. Study- Provided Seclusion Policy and/or Procedures	Combined Studies (Note 2)
46	Vermont	P	X	X
47	Virginia	G		X
48	West Virginia			
49	Washington		X- WAC 392-172- 394(2)a-e	X
50	Wisconsin	G		X
51	Wyoming			
	Totals	24 States	19 States	28 States

1. As before P indicates a policy statement identified, and G indicates a guideline or technical assistance document.
2. An X in this column indicates that this state has adopted policies, guidelines or procedures identified in either or both studies.
3. California. CCR 5(1)(3)(1)(5) §3052(i)(4)(A) forbids locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
4. Nevada. NRS §388.5265 aversives prohibited, including §388.5265(8) "the placement of a person alone in a room where release from the room is prohibited by a mechanism, including, without limitation, a lock, device or object positioned to hold the door closed or otherwise prevent the person from leaving the room."

for, let alone the complete array of components called for by previous literature requesting policy on these topics. Moreover, even when policies were in place, most did not appear to provide comprehensive guidance to local schools on developing their policies nor close oversight or supervision from the state.

Limitations

The authors encountered several states that did not respond to either e-mail or phone requests for copies of their state policies. While three independent searches of these state's SEA and legislative World Wide Web sites were conducted by the first author, a graduate student, and undergraduate student, it is possible that some of these states had policies that were either not identified or currently under development.

It is also important to recognize that our efforts to find and analyze these policies may have overlooked existing policies or documents. As a result our results should be interpreted with some caution- more guidance may exist than reflected in our analysis.

Table 4
Current State Policies & Guidelines on Timeout and Seclusion

State	Establishes Minimum Requirements for Timeout Room (e.g., minimum size)	Requires Schools Develop Written Procedures	Bans Locking Timeout Room	Requires Parental Notification	Recommends or Requires Staff Training	Requires Documentation of Procedure	Time Limit for Seclusion
Arkansas	*	*	*		*	*	15 minutes K-6 20 minutes 7-8
Colorado	*	*	*	*	*	*	12 minutes
Connecticut ¹	*				*	*	30 minutes ³
Florida	*	*		*	*	*	30 minutes ³
Idaho	*		*			*	15 minutes
Illinois	*	*		*	*	*	30 minutes
Iowa	*						Not in excess of hours
Kentucky	*		*	*		*	15 minutes
Maine	*	*	*	*		*	60 minutes
Maryland ⁴	*	*		*	*	*	Reassess every 30 minutes
Massachusetts			*				Not Provided

Table 4 contd.

State	Establishes Minimum Requirements for Timeout Room (e.g., minimum size)	Requires Schools Develop Written Procedures	Bans Locking Timeout Room	Requires Parental Notification	Recommends or Requires Staff Training	Requires Documentation of Procedure	Time Limit for Seclusion
Michigan			*				
Minnesota	*			*		*	Not Provided
Montana			2	*	*	*	Door must be Opened after 20 minutes
New Mexico	*	*	*	*		*	Not Provided
New York	*	*	*	*	*	*	Not Provided
Ohio	*		*	*	*	*	60 minutes
Oregon		*		*	*	*	Not Provided
Rhode Island		*			*	*	Not Provided
Texas					*	*	Not Provided
Utah				*	*	*	55 minutes
Vermont	*			*		*	30 minutes ³
Virginia		*		*	*	*	Not Provided
Wisconsin	*	*			*	*	15 minutes

Implications

The intent of this manuscript was to review existing state policies and procedures concerning the use of timeout and seclusion in public schools, and provide recommendations for those states and schools that wish to develop such guidelines. The authors found only 24 states currently had such policies or guidelines in place which we could locate, despite a recent increase in litigation concerning their misuse in schools that violated student rights. Clearly more states may be in the process of developing these kinds of guidelines soon both based on abuses of these procedures, current litigation and advocacy on this topic.

Nevertheless, the fact that many states do not have policies, and some that do are apparently not providing comprehensive policies or oversight in this area suggests that much additional work may need to be done to bring state policies up to the expectation long called for as minimal professional practice in this area. The very difficulty in finding and obtaining these state policies suggests that they may not be readily available to school systems, and that school systems have not made the development of these policies a priority.

Future research should investigate the frequency with which seclusion procedures are used in the public schools, as well as the compliance of public schools with timeout procedures for those states that have established policy or guidelines. Clearly research is also needed on whether these procedures are effective (and if so under what circumstances and with which populations), as well as what alternative interventions might be employed in lieu of these restrictive procedures.

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