

~~(3) THE STAFF APPLYING PHYSICAL RESTRAINT HAS BEEN TRAINED IN ITS SAFE APPLICATION AND HAS DEMONSTRATED SATISFACTORY KNOWLEDGE AND SAFE APPLICATION OF THE USE OF PHYSICAL RESTRAINT; AND~~

~~(4) LESS INTRUSIVE ALTERNATIVES FOR THE STUDENT HAVE FAILED OR HAVE BEEN DEEMED INAPPROPRIATE.~~

~~(C) (1) A PERSON MAY USE PHYSICAL RESTRAINT AS PART OF A FREE AND APPROPRIATE PUBLIC EDUCATION FOR A STUDENT WHO RECEIVES SPECIAL EDUCATION, AND WHOSE BEHAVIOR IMPEDES THE STUDENT'S ABILITY TO LEARN, ONLY IF INDIVIDUALLY DESIGNED POSITIVE BEHAVIOR INTERVENTION STRATEGIES AND SUPPORTS ALONE ARE NOT EFFECTIVE IN PREVENTING BEHAVIOR THAT IS HARMFUL TO THE STUDENT OR TO ANOTHER PERSON.~~

~~(2) (I) IF THE INDIVIDUALIZED EDUCATION PLAN TEAM RESPONSIBLE FOR DESIGNING A STUDENT'S INDIVIDUALIZED EDUCATION PLAN REASONABLY ANTICIPATES THAT PHYSICAL RESTRAINT OF THE STUDENT WILL BE NECESSARY, THE TEAM SHALL:~~

~~1. MAKE AN INDIVIDUALIZED DETERMINATION REGARDING THE TYPE OF PHYSICAL RESTRAINT TO BE USED; AND~~

~~2. INCLUDE THE USE OF THE PHYSICAL RESTRAINT IN THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN.~~

~~(H) BEFORE MAKING A DETERMINATION UNDER SUBPARAGRAPH (D)1 OF THIS PARAGRAPH, THE TEAM SHALL TAKE INTO ACCOUNT THE STUDENT'S:~~

~~1. MEDICAL HISTORY;~~

~~2. DISABILITY CHARACTERISTICS; AND~~

~~3. PSYCHOSOCIAL HISTORY TO THE EXTENT KNOWN.~~

~~(D) (1) IF PHYSICAL RESTRAINT IS NOT INCLUDED ON A STUDENT'S INDIVIDUALIZED EDUCATION PLAN AND THE STUDENT REQUIRES PHYSICAL RESTRAINT, THE INDIVIDUALIZED EDUCATION PLAN TEAM SHALL CONVENE AS SOON AS PRACTICABLE AFTER THE INCIDENT THAT GIVES RISE TO PHYSICAL RESTRAINT TO CONSIDER THE NEED FOR INCLUSION OF PHYSICAL RESTRAINT ON THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN.~~

~~(2) (I) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUALIZED EDUCATION PLAN TEAM SHALL TAKE INTO ACCOUNT THE STUDENT'S:~~

~~1. BEHAVIORAL HISTORY;~~

~~2. PREVIOUS RESPONSE TO POSITIVE BEHAVIOR INTERVENTION STRATEGIES AND SUPPORTS;~~

~~3. LIKELIHOOD OF NEED FOR PHYSICAL RESTRAINT DURING THE REMAINDER OF THE DURATION OF THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN;~~