

Administrative Policy and Procedure Manual

SECLUSION AND RESTRAINT OF STUDENTS

447.11

Policy

The purpose of seclusion or physical restraint in a school is to defuse a dangerous situation, protect the student and others from injury, and regain a safe, controlled, productive learning environment. The District shall not discriminate in disciplinary measures, including the application of seclusion or restraint of students, on the basis of sex, race, color, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.

A. Definitions:

1. Seclusion: The involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving. It does not include:

- In-school suspension;
- Detention;
- Student-requested break;
- Directing a student to temporarily separate him/herself from the general activity to allow the pupil to regain behavioral control; or
- Directing a student to temporarily remain in the classroom to complete tasks while students participate in activities outside of the classroom

Unless the conditions otherwise constitute seclusion and/or physical restraint.

2. Physical Restraint: Restriction that immobilizes or reduces the ability of the pupil to freely move his/her torso, arms, legs, or head. It does not include:

- Briefly holding a student in order to calm or comfort the student;
- Holding a student's hand or arm to escort the student safely from one area to another when the student is complying with the request to move;
- Using protective or stabilizing devices, including adaptive equipment prescribed by a health care professional; using a weighted glove or wide arm cuff to hold one of the student's arms, allowing him/her to refrain from stereotypy and work with the free arm/hand.

Unless the conditions otherwise constitute seclusion and/or physical restraint.

B. Seclusion – Conditions for Use

Seclusion may only be used on a student if all of the following apply:

1. Less restrictive or alternative approaches have been considered, attempted or been deemed inappropriate.
2. The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention.
3. Constant supervision of the pupil is maintained, either by remaining in the room or area with the pupil or by observing the pupil through a window that allows the pupil to be seen at all times.
4. The room or area in which the pupil is secluded is free of objects or fixtures that may injure the pupil.
5. The pupil has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
6. The duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the pupil and others.
7. No door connecting the room or area in which the pupil is secluded is capable of being locked.
8. A humane, safe and effective seclusionary approach that considers known medical or psychological limitations of the student is used.

C. Physical Restraint – Conditions for Use

Physical restraint may only be used if all of the following apply:

1. Less restrictive or alternative approaches have been considered, attempted or been deemed inappropriate.
2. The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention.
3. Staff certified in crisis interventions/restraint are applying physical restraint in accordance with the procedures.
4. The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the risk.
5. Physical restraint is applied in a humane, safe and effective manner considering known medical or psychological limitations of the student.
6. The restraint does not constitute corporal punishment, which is the intentional infliction of physical pain as a means of discipline.
7. Neither mechanical nor chemical restraints are used.
8. None of the following maneuvers or techniques are used:
 - a. Those that do not give adequate attention and care to protect the pupil's head.
 - b. Those that cause chest compression by placing pressure or weight on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen.

- c. Those that place pressure or weight on the pupil's neck or throat, on an artery, or on the back of the pupil's head or neck, or that otherwise obstruct the pupil's circulation or breathing.

D. Students without Disabilities

1. The first time that seclusion or physical restraint is used on or with a student without a disability, the building team shall convene within 2 business days, or as soon as practicable, after the incident to review the student's educational programming to ensure that it contains appropriate positive behavioral interventions and support to address the behavior of concern, and otherwise consider Child Find obligations.
2. If the building team determines that the use of seclusion or physical restraint may be reasonably anticipated with the student, the team must consider:
 - a. obtaining consent for a non-special education FBA and/or non-special education evaluation
 - b. consider appropriateness for a referral for Special Education or Sec. 504 services.
3. Conduct a Functional Behavioral Assessment (FBA) if one has not been completed already for the behavior of concern.
4. Develop an appropriate Behavior Intervention Plan (BIP) based upon the FBA addressing if the consideration for behavior of concern;
 - a. include the use of seclusion or restraint in the BIP; and
 - b. ensure that the BIP includes positive behavior supports.

E. Students with Disabilities

1. The first time that seclusion or physical restraint is used on a student with a disability, the student's Individualized Education Program (IEP) team shall convene within 2 business days:
 - a. Review the student's IEP to ensure that it contains appropriate positive behavioral interventions and supports to address the behavior of concern; and
 - b. Revise the IEP if necessary.
2. If the student's IEP team determines that the use of seclusion or physical restraint may be reasonably anticipated with the student, the IEP team must:
 - a. Conduct a Functional Behavioral Assessment (FBA) if one has not been completed already for the behavior of concern;
 - b. Develop or determine an appropriate IEP and BIP based upon the FBA addressing the behavior of concern;
 - c. Include the use of seclusion or restraint in the IEP and BIP
 - d. Ensure that the BIP includes positive behavior supports.

F. Documentation and Notification/Reporting

The building principal or his/her designee is required to complete all of the following whenever seclusion or physical restraint is used on a student:

1. Notify the student's parent(s)/guardian(s) as soon as practical on the day the incident occurred. Notification may be made no later than one business day after the incident. Notification must include the mention of the availability of a written report.
2. Facilitate a meeting with all staff involved as soon as practicable, but no later than two business days after the incident.
3. Complete a seclusion/restraint report no later than two business days after the incident.
4. Make the seclusion/restraint report available for review by the pupil's parent(s)/guardian(s) within three business days of the incident.
5. Send copies of the seclusion/restraint report to the local Director of Special Education.
6. Submit a report to the Director of Special Education/District Administrator annually by June 30th
 - a. the number of incidents of seclusion and physical restraint in the school during the previous year for all students;
 - b. the number of students involved in the incidents;
 - c. the number of incidents of seclusion and physical restraint in the school during the previous year for students with disabilities; and
 - d. the number of students with disabilities involved in the incidents.

G. Staff Training Requirement and Documentation

The district has implemented a crisis intervention training. This training meets and/or exceeds all legal requirements for the training components.

1. Seclusion and restraint shall be implemented only by individuals who have a valid training status.
2. A non-trained person or person with an invalid training status may use physical restraint on a student only in an emergency and only if a trained individual with a valid status is not immediately available due to the unforeseen nature of the emergency.
3. A team of individuals from each building will be trained to comply with Act 125.
4. The District will maintain a list of all staff who have completed crisis training and the period of time for which the training is considered valid.

LEGAL REF: Sections 115.787(3) Wisconsin Statutes

118.13

118.31

Act 125

Individuals with Disabilities Education Act

CROSS REF: District 504 policy District Special Education policy

First Reading: September 19, 2012

Adopted: October 17, 2012