

USE OF SECLUSION AND PHYSICAL RESTRAINT WITH STUDENTS

It is the policy of the Board to permit the use of seclusion and restraint only when a student's behavior presents a clear, present and imminent risk to the physical safety of the student or others, it is the least restrictive intervention feasible and it is performed in a manner consistent with this policy and law. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others.

All employees and "covered individuals" shall comply with State and Federal law regarding the use of seclusion and physical restraint.

"Incident" is defined as an occurrence of a covered individual or a law enforcement officer using seclusion or physical restraint on a student. It is considered one incident if immediately following the use of seclusion or physical restraint on a student, the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, and a covered individual or law enforcement officer resumes the use of seclusion or physical restraint.

Seclusion is defined in the law as the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving.

Individuals covered by the law include employees of a public or charter school and student teachers. The law specifically includes individuals contracted with the school to provide services, such as CESA employees and student teachers.

The "covered individuals" (school employees and contracted individuals who provide services for a public or charter school) may use seclusion with a student only if all of the following apply:

The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others, and it is the least restrictive intervention feasible.

The seclusion lasts only as long as necessary to resolve the risk of physical safety of the student and others.

A covered individual maintains constant supervision of the student.

The seclusion room or area is free of objects or fixtures that may injure the student.

The student has adequate access to bathroom facilities, drinking water, necessary medication, and meals.

No door connecting the seclusion room or area to other rooms or areas is capable of being locked or has a lock on it.

Physical restraint is defined as a restriction that immobilizes or reduces the ability of a student to freely move his/her torso, arms, legs, or head. The "covered individuals" may only use physical restraint on or with a student only if all of the following apply:

The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others and it is the least restrictive intervention feasible.

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.

There are no medical contraindications to the use of physical restraint.

None of the following maneuvers or techniques are used:

those that do not give adequate attention and care to protecting the student's head

those that cause chest compression

those that place pressure or weight on the student's neck or throat

it does not constitute corporal punishment

those that place the student in a prone position

Mechanical or chemical restraint cannot be used on the student. The following does not constitute the use of mechanical restraint:

the use of supportive equipment to properly align a student's body, assist a student to maintain balance, or assist a student's mobility, under the direction and oversight of appropriate medical or therapeutic staff;

the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Actions that are specifically excluded from the definitions of seclusion and physical restraint above include: 1) if a student is not confined to an area from which s/he is physically prevented from leaving; 2) directing a disruptive student to temporarily separate himself/herself from the general activity in the classroom to allow the student to regain control or for the teacher to maintain or regain classroom order; 3) directing a student to temporarily remain in the classroom to complete tasks; or 4) briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort or redirect the student.

Parental Notice and Written Report Requirements

A parent is specifically defined as parent of a pupil, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint with or on a student, the Principal or his/her designee shall notify the student's parent as soon as practicable but no later than one (1) business day after the incident. The notice shall advise the parent of the incident and of the availability of the written report.

Written notification to the parent and documentation to the student official school record shall include the following:

the name of the student;

name of the staff member(s), any law enforcement officers present for and/or administering the seclusion or physical restraint;

date of the seclusion or physical restraint and the time that the seclusion or physical restraint began and ended;

location of the seclusion or physical restraint;

narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to seclusion or physical restraint that were attempted; and

documentation of all parental contact and notification efforts.

The Principal shall prepare this written report, in consultation with the individuals involved, and any law enforcement officials present during the incident, within two (2) business days of the incident. The written report shall include details of the student and staff involved in the incident, the description of the incident and the actions of the student before, during and after the incident.

The Principal shall meet with the individuals who participated in the incident to discuss the following:

the events preceding, during and following the use of seclusion or physical restraint;

how to prevent the need for seclusion or physical restraint, including the factors that may have contributed to the escalation of behaviors;

alternatives to physical restraint, including de-escalation techniques and interventions and other strategies.

The written report shall be retained as a record by the school district within three (3) business days of the incident, and the report shall be sent to the student's parent by 1st class mail, by electronic transmission, or hand-delivered to the student's parent.

In addition, the school principals will be required to prepare and present an annual report to the Board, by October 1, of the number of incidents involving seclusion or physical restraint, the total number of students involved and the number of students with disabilities involved in such incidents. Annually, by December 1, the Board shall submit its report to the State Superintendent.

Individual Education Program (IEP) Requirements

The law requires that for students with identified disabilities under the Individuals with Disabilities in Education Act (IDEA), the second time that seclusion or physical restraint is used on a "child with a disability," within the same school year, the student's Individual Education Program (IEP) team must convene as soon as possible after the incident, but no later than ten (10) school days after the incident. The IEP team shall review the student's Individualized Education Plan to ensure that it contains appropriate positive behavioral interventions and supports to address behaviors and any and all intervention and supports to assist related to that behavior that are of concern and to revise the IEP if necessary.

Mandatory Training for Staff

Staff who engage in the lawful use of physical restraint shall obtain training as to the methods of preventing the need for physical restraint, identification of dangerous behaviors that may indicate the need for physical restraint and the methods of evaluating risk of harm such that physical restraint is warranted, experience in administering and receiving various types of restraint, instruction on the effects of restraint, monitoring signs of distress during restraint, obtaining medical assistance and demonstrating proficiency in administering physical restraint.

Pursuant to State law, the District Administrator shall create and maintain a record of the training received by the employees and school staff covered by the State law governing seclusion and restraint.

Limited Training Requirement Exception

Training for staff in the use of physical restraint is required unless the situation is an emergency and a trained individual is not immediately available due to the "unforeseen nature of the emergency." However, at a minimum the school in which physical restraint is used must ensure that at least one (1) employee has been trained in its use.

Disciplinary Action for a Violation of This Policy

In addition to any penalty prescribed by law, the District Administrator is directed by this policy to see that a Board employee who intentionally, knowingly or recklessly violates this policy is subject to disciplinary action up to and including dismissal. A Board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

Legal References:

Individuals with Disabilities Education Act, as amended
Wis. Stats. Chapter 115 and 118 (115.787 and 118.305)

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