

## Whenever Seclusion or Restraint is used on ANY student:

The School Principal or designee must do all of the following:

- Notify the student's parents of the incident within one business day after the incident, AND
- Make available a written report of the incident within three business days after the incident. This report has to include: student's name; date and time of incident; description of incident and names and titles of school staff involved.

## What about when Seclusion or Restraint is used on Special Education Students?

A student's IEP team cannot decide to allow seclusion or physical restraint unless:

- The IEP includes interventions, positive behavioral supports and other strategies which are based on a Functional Behavioral Assessment (FBA).

The first time that seclusion or physical restraint is used on a child with a disability, the IEP Team must:

- Meet ASAP after the incident; AND
- Think about the behavior that led to the seclusion or restraint and make sure that the IEP has the right interventions and supports to deal with this kind of behavior. If not, then the team must revise the IEP.

## Where can I get more information about Seclusion and Restraint in schools?

We suggest starting with these resources:

WI FACETS 877-374-0511  
wifacets.org

WI Department of Public Instruction 800-441-4563  
sped.dpi.wi.gov/sped\_sbseclusion

Disability Rights Wisconsin 800-928-8778  
disabilityrightswi.org

WI Family Ties 800-422-7145  
wifamilyties.org

You can also contact your local school district.

A Joint Product From:



disabilityrights | WISCONSIN



# Seclusion & Restraint in Wisconsin Schools

Information for Parents

Courtesy of:



# Seclusion and Restraint in Wisconsin Schools

## What do Seclusion and Restraint mean?

**Seclusion** is also sometimes called isolation or time-out. Seclusion is when a student, apart from other students, is put in a room or area where he/she is physically not able to leave. This may include being sent to the principal's office. If a child takes a break on his/her own, it is not considered seclusion.

**Restraint** occurs when a student is restrained either by another person or by the use of other devices. Things such as straps, blanket wraps, helmets, or other devices can be considered restraints. These devices have to reduce the ability of a student to freely move his or her body or head. This also includes putting a child in a chair so the child cannot get free.

## What is not considered Seclusion?

- Temporarily removing a disruptive student from an activity to regain control, or
- Temporarily asking a student to remain in the classroom to complete tasks while other students participate in activities outside of the classroom is not considered seclusion, unless the student is placed in an area where they are prevented from leaving.

## What is not considered Restraint?

- Briefly touching a student's hand, arm, shoulder or back to calm, comfort, or redirect the pupil is not considered physical restraint.

## Are there laws about Seclusion and Restraint in Wisconsin Schools?

Yes, Wisconsin Act 125 deals with the use of seclusion and physical restraint in Wisconsin schools.

## Who does the law apply to?

The law applies to **all students** (not just students with disabilities), who attend public schools, including charter schools. The law also applies to private schools or programs if the school district is paying for the student to go there. The law does not apply to voucher schools.

## Under Wisconsin Law a student may only be secluded if:

The student's behavior is an **immediate risk** to the **physical safety** of themselves and others, **and it is the least restrictive option possible**; and

The student is **supervised** the entire time; and

The student has **adequate access** to the bathroom, water, medications, and regularly scheduled meals; and

Seclusion is used no longer than necessary to **remove the risk** of physical harm to the student or others.

## A room may be used for seclusion if:

The room or area is **free of objects** that may cause injury to the student; and,

The room is **not able to be locked**.

## Under Wisconsin Law a student may be physically restrained only if:

The student's behavior is an **immediate risk** to the **physical safety** of themselves or others, **and it is the least restrictive option possible**; and

There aren't **medical reasons** why it cannot be used on that student; and

The force and amount in the restraint used do not exceed what is **necessary and reasonable to remove the risk** of physical harm to the student or others, and

No prohibited maneuver is used.

## The Law does not allow restraints that:

Do not give adequate protection to the student's head;

Cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back or abdomen, and prone restraints;

Place pressure or weight on the student's neck or throat, on an artery, or on the back of a student's head or neck, or that otherwise obstruct the student's circulation or breathing; and

Constitute corporal punishment

## The Law prohibits mechanical or chemical restraints.

*Special thanks to Wisconsin Department of Public Instruction staff for reviewing information in this publication for compliance with IDEA 2004 and applicable sections of the Wisconsin Statutes.*