

447.11 USE OF SECLUSION AND PHYSICAL RESTRAINT WITH STUDENTS

Maintaining a safe and productive environment for student learning is a high priority of the Board of Education. Positive behavioral interventions and supports shall be considered and utilized to address behavior that interferes with the student's learning or the learning of others. It is the policy of the School District of Wisconsin Rapids 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 the 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.

SECLUSION

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:

- A. The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention available;
- B. The seclusion lasts only as long as necessary to resolve the risk to physical safety;
- C. A covered individual maintains constant supervision of the student;
- D. The seclusion room or area is free of objects or fixtures that may injure the student;
- E. The student has adequate access to bathroom facilities, drinking water, necessary medication, and meals;
- F. 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

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. Restraint may never be used as a form of corporal punishment, as defined by state law to mean the intentional infliction of physical pain as a means of discipline. When a physical restraint technique is used, a covered individual should, to the extent practical, make reasonable attempts to de-escalate the student's behavior or other aspects of the situation with the goal of minimizing the duration of the need for restraint. The "covered individuals" may only use physical restraint on or with a student only if all of the following apply:

- A. The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention available.
- B. 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 to the physical safety of the student or others.
- C. There are no medical contraindications to the use of physical restraint;

- D. None of the following maneuvers or techniques are used:
1. those that do not give adequate attention and care to protecting the student's head
 2. those that cause chest compression
 3. those that place pressure or weight on the student's neck or throat
 4. it does not constitute corporal punishment
 5. neither mechanical nor chemical restraints are used

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 she/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

Whenever seclusion or physical restraint is used with or on a student, the Principal or his/her designee shall notify the student's parent or guardian 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, or pending availability, of the written report. For purposes of these procedures, "parent" includes a natural or adoptive parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

The Principal shall prepare this written report, in consultation with the individuals involved, within two (2) business days of the incident. The written report shall include details of the student and staff involved in the incident; the date, time, and duration of the use of seclusion or physical restraint; a description of the incident including the actions of the student before, during, and after the incident; and the names and titles of the covered individuals present during the incident. This written report shall be retained as a record by the school district and within three (3) business days of the incident, provide a copy of the written report to the parent.

Annually by September 1, the Principal of each school or his/her designee shall submit to the Board a report containing all of the following: 1) the number of incidents of seclusion and of physical restraint in the school during the previous school year; and 2) the total number of pupils who were involved in the incidents, and the number of children with disabilities who were involved in the incidents.

POST-INCIDENT DEBRIEFING MEETINGS

Whenever a covered individual uses seclusion or restraint on a student, the principal or his/her designee shall meet with the covered individuals who participated in the incident to discuss all of the following:

- A. The events preceding, during, and following the use of seclusion or restraint.
- B. How to prevent the need for seclusion or restraint, including the factors that may have contributed to the escalation of behaviors; alternatives to restraint, such as de-escalation techniques and possible interventions; and other strategies that the principal or designee determines are appropriate.

Such post-incident debriefing meetings shall normally occur within 5 days of the incident.

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 10 school days after the incident. The IEP team shall review the student's IEP to ensure that it contains appropriate positive behavioral interventions and supports to address behaviors that are of concern and to revise the IEP if necessary. The interventions, supports, and other strategies included in the IEP related to a behavior that resulted in the use of seclusion or restraint should be based on a functional behavioral assessment of that behavior.

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 Superintendent or his/her designee 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 Superintendent or his/her designee is directed by this policy to see that a Board employee who intentionally, knowingly, or recklessly violates this policy is subject to a 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 REF.: Sections 115.787(2)(i) Wisconsin Statutes
115.787(3)(b)(1)
118.13
118.164
118.305
118.31
939.48
Individuals with Disabilities Education Act (IDEA)

CROSS REF.: 411 Rule, Student Non-Discrimination and Anti-Harassment
447.1, Physical Force and Corporal Punishment
447.11, Exhibit – Notification & Reporting of Physical Restraint and/or Seclusion

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