

SECLUSION AND RESTRAINT

It is the policy of the District to promote safety and to prevent harm to students and staff. The District promotes the use of preventive measures to decrease the likelihood of aggressive and/or threatening behaviors. The District believes that seclusion and restraint, if used, will be used rarely and only when appropriate procedures have been followed. Further, seclusion and restraint should be used only in accordance with the parameters set forth by this policy.

Definitions:

Covered Individual

- An individual who is employed by the District or under contract as an independent contractor to provide services for the benefit of the District
- and an individual who is engaged in student teaching under the supervision of a person who is employed by or under contract with a Board or governing body to provide services for the benefit of the school governed by the Board or governing body.

Seclusion

Seclusion is the involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving. Seclusion of a student at school may only be used if all of the following apply:

- The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and seclusion is the least restrictive intervention feasible.
- The covered individual maintains constant supervision of the pupil, either by remaining in the room or area with the pupil or by observing the pupil through a window that allows the covered individual to see the pupil at all times.
- The room or area in which the pupil is secluded is free of objects or fixtures that may injure the pupil.
- The pupil has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
- 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 or others.
- No door connecting the room or area in which the pupil is secluded to other rooms or areas is capable of being locked.

Physical Restraint

Physical restraint is a restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs, or head. A covered individual may use physical restraint on a pupil at school only if all of the following apply:

- The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and physical restraint is the least restrictive intervention feasible.
- There are no medical contraindications to its use.
- 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 clear, present, and imminent risk to the physical safety of the pupil or others.

- None of the following maneuvers or techniques are used:
 - those that do not give adequate attention and care to protecting the pupil's head;
 - those that cause chest compression by placing pressure or weight on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen;
 - those that place pressure or weight on the pupil's neck or throat, or an artery, or on the back of the pupil's head or neck, or that otherwise obstruct the pupil's circulation or breathing.
- It does not constitute corporal punishment, as defined in current law as the intentional infliction of physical pain used as a means of punishment.
- The covered employee does not use a mechanical or chemical restraint on the pupil.
- The use of supportive equipment to properly align a pupil's body, assist a pupil to maintain balance, or assist a pupil's mobility, under the direction and oversight of appropriate medical or therapeutic staff, does not constitute the use of a mechanical restraint.

Training Required for Use of Physical Restraint

No covered individual may use *physical restraint* on a pupil at school unless he or she has received training in the use of physical restraint that includes the components set forth in the Act, including a requirement that he or she demonstrate proficiency in administering physical restraint. The school board shall ensure that at least one covered individual has received training in the use of physical restraint in each school that it operates in which physical restraint is used.

Each school is required to maintain a record of the training received by the covered individual(s).

A covered individual who has not received training may use physical restraint on a pupil at school only in an emergency and only if a covered individual who has received training is not immediately available due to the unforeseen nature of the emergency.

Reporting and Record-Keeping Requirements

- Whenever seclusion or physical restraint is used on a pupil at school, the ~~school~~ Principal or his or her designee must notify the pupil's parent of the incident as soon as practicable, but no later than one business day after the incident.
- Within two business days after the incident and after consulting with the covered individuals present during the incident, the Principal or his or her designee must prepare a written report containing information regarding the incident **The report shall be forwarded to the office of the District Administrator within three (3) business days of the incident.** These reports must be retained by the school and made available for review by the pupil's parent within 3 business days of the incident.
- A copy of the Physical Restraint or Seclusion Report will be forwarded to the Director of Student Services when a "critical incident" occurs. A critical incident is described as any injury to staff or other adult prior to or during the use of physical restraint and/or seclusion, any injury to a student prior to or during the use of physical restraint and/or seclusion, any destruction of property prior to or during the use of physical restraint and/or seclusion.
- Annually by September 1, the Principal of each school or his or her designee shall submit to the Board a report containing: the number of incidents of seclusion and of physical restraint in the school during the previous school year; and the total number of pupils who were involved in the incidents and the number of pupils with disabilities who were involved in the incidents.

Students With Disabilities

If an individualized education program (IEP) team for a student with a disability determines that the use of seclusion or physical restraint may reasonably be anticipated for the student, the student's IEP is required to include appropriate positive interventions and supports and other strategies that address the behavior of concern and that comply with the following:

- the interventions, supports, and other strategies are based upon a functional behavior assessment of the behavior of concern;
- the interventions, supports, and other strategies incorporate the use of the term “seclusion” or “physical restraint”; and the interventions, supports, and other strategies include positive behavioral supports.

The first time that seclusion or physical restraint is used on a student with a disability, the student’s IEP team must convene as soon as practicable after the incident. The student’s team must review the student’s IEP to ensure that it contains appropriate positive behavioral interventions and supports and other strategies to address the behavior of concern and must revise the IEP if necessary. The Director of Student Services shall be informed when a behavior support plan that includes seclusion and/or physical restraint does not result in improved behavior.

Exceptions

This policy does not does not prohibit a covered individual from doing any of the following at school if the pupil is not confined to an area from which he or she is physically prevented from leaving:

- directing a pupil who is disruptive to temporarily separate himself or herself from the general activity in the classroom to allow the pupil to regain behavioral control and the covered individual to maintain or regain classroom order;
- directing a pupil to temporarily remain in the classroom to complete tasks while other pupils participate in activities outside the classroom; or briefly touching or holding a pupil’s hand, arm, shoulder, or back to calm, comfort, or redirect the pupil.

Legal Reference: 115.787(2)(i) WI State Statutes
 115.787(3)(b)1 WI State Statutes
 118.13 WI State Statutes
 118.164 WI State Statutes
 118.305 WI State Statutes
 118.31 WI State Statutes
 Individuals with Disabilities Education Act (IDEA) Federal Law

Cross Reference: 447.1 – Corporal Punishment/Use of Physical Force
 443 – Student Conduct
 447 – Student Discipline
 720 – Safety Program

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