Policy

USE OF RESTRAINT AND SECLUSION WITH STUDENTS

It is the policy of the Board of Education 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.

Implementation:
All employees and "covered individuals" shall comply with State and Federal law regarding the Use of Seclusion and 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:

A. 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 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.

Physical Restraint is defined as restrictions 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:

A. 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 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.
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 not later that one (1) business day after the incident. The notice shall advise the parent of the incident and of the availability of the written report.

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 description of the incident and the actions of the student before, during and after the incident. The written report shall be retained as a record by the school district and within three (3) business days of the incident, the report shall be made available to the parent for review.

In addition, the school principals will be required to prepare and present an annual report to the Board 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.

Individual Education Program (IEP) Requirements
The law required that for students with identified disabilities under the Individuals with Disabilities in Education Act (IDEA), the first time that seclusion or physical restraint is used on a "child with a disability," the student's Individual Education Program (IEP) team must convene as soon as possible 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 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 (Act 125).

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 engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct, "knowingly" if, when she/he engages in the conduct, she/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if she/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of ham 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 objection to actions in violation of this policy or providing information regarding a violation of this policy.

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

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Board Approved 5/12/14 9/29/2015
Adoption Resolution 10/13/14