

WAUZEKA-STEUBEN SCHOOL DISTRICT
SECLUSION AND RESTRAINT OF STUDENTS

The purpose of seclusion or physical restraint in a school is to diffuse a dangerous situation, protect the student and others from injury and regain a safe, controlled, productive learning environment.

The District shall not discriminate in disciplinary measures, including the application of seclusion or restraint of students, on the basis of sex, race, color, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation or disability status. Discrimination complaints shall be processed in accordance with established procedures.

Definitions

Seclusion: The involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving. It does not include:

- in-school suspension;
- detention;
- student-requested break(s);
- directing a student to temporarily separate him/herself from the general activity to allow the student to regain behavioral control; or
- directing a student to temporarily remain in the classroom to complete tasks while students participate in activities outside of the classroom.

Physical Restraint: Restriction that immobilizes or reduces the ability of the student to freely move his/her torso, arms, legs, or head. It does not include:

- briefly touching a student's hand, arm, shoulder or back to calm, comfort, or redirect the student;
- holding a student's hand or arm to escort the student safely from one area to another when the student is complying with the request to move;
- intervening in a fight;
- using supportive or adaptive equipment to properly align a student's body, assist in maintaining balance, or assist in mobility; or
- using bus harnesses or seatbelts for safety purposes in a moving vehicle.

Seclusion – Conditions for Use

Seclusion may only be used on a student if all of the following apply:

1. Less restrictive or alternative approaches have been considered, attempted or been deemed inappropriate.
2. 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.
3. Constant supervision of the student is maintained, either by remaining in the room or area with the student or by observing the student through a window that allows the student to be seen at all times.
4. The room or area in which the student is secluded is free of objects or fixtures that may injure the student.
5. The student has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
6. 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 student and others.
7. No door connecting the room or area in which the student is secluded is capable of being locked.

8. A humane, safe and effective seclusionary approach that considers known medical or psychological limitations of the student is used.

Physical Restraint – Conditions for Use

Physical restraint may only be used if all of the following apply:

1. Less restrictive or alternative approaches have been considered, attempted or been deemed inappropriate.
2. 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.
3. Staff certified in Non-Violent Crisis Intervention (NVC) are applying physical restraint in accordance with NVC procedures.
4. 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.
5. Physical restraint is applied in a humane, safe and effective manner considering known medical or psychological limitations of the student.
6. The restraint does not constitute corporal punishment, which is the intentional infliction of physical pain as a means of discipline.
7. Neither mechanical nor chemical restraints are used.
8. None of the following maneuvers or techniques are used:
 - a. Those that do not give adequate attention and care to protecting the student's head.
 - b. Those that cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back, or abdomen.
 - c. Those that place pressure or weight on the student's neck or throat, on an artery, or on the back of the student's head or neck, or that otherwise obstruct the student's circulation or breathing.

Students without Disabilities

1. The first time that seclusion or physical restraint is used on a student without a disability, a team consisting of the principal, teacher(s) and support staff members (as appropriate) shall convene as soon as possible after the incident to review the student's educational programming to ensure that it contains appropriate positive behavioral interventions and support to address the behavior of concern.
2. If the team determines that the use of seclusion or physical restraint may be reasonably anticipated with the student, the team must:
 - a. Conduct a Functional Behavioral Assessment (FBA) if one has not been completed already for the behavior of concern.
 - b. Develop an appropriate behavior intervention plan (BIP) based upon the FBA addressing the behavior of concern.
 - c. Include the use of seclusion or restraint in the BIP.
 - d. Ensure that the BIP includes positive behavior supports.

Students with Disabilities

1. The first time that seclusion or physical restraint is used on a student with a disability, the student's Individualized Education Program (IEP) team shall convene as soon as possible after the incident to:
 - a. Review the student's IEP to ensure that it contains appropriate positive behavioral interventions and supports to address the behavior of concern; and
 - b. Revise the IEP if necessary.
2. If the student's IEP team determines that the use of seclusion or physical restraint may be reasonably anticipated with the student, the IEP team must:

- a. Conduct a Functional Behavioral Assessment (FBA) if one has not been completed already for the behavior of concern.
- b. Develop or determine an appropriate Behavior Intervention Plan (BIP) based upon the FBA, addressing the behavior of concern.
- c. Include the use of seclusion or restraint in the student's IEP and BIP.
- d. Ensure that the IEP and BIP include positive behavior supports.

Documentation and Notification/Reporting

The principal or his/her designee is required to complete all of the following whenever seclusion or physical restraint is used on a student:

1. Notify the student's parent(s)/legal guardian(s) as soon as practical on the day the incident occurred. Notification shall be made no later than one business day after the incident. Notification must include the mention of the availability of a written report.
2. Facilitate a debriefing meeting with all staff involved as soon as practicable, but no later than two business days after the incident.
3. Complete a seclusion/restraint report no later than two business days after the incident.
4. Make the seclusion/restraint report available for review with a district representative by the student's parent(s)/legal guardian(s) with the Director of Special Education and/or designee within three business days of the incident.
5. Send copies of the seclusion/restraint report to the Principal.
6. All copies of reports will be held in the District Office per state statute.
7. Submit a report to the District Office annually by July 1 that contains the following:
 - a. The number of incidents of seclusion and physical restraint in the school during the previous year for all students;
 - b. The number of students involved in the incidents;
 - c. The number of incidents of seclusion and physical restraint in the school during the previous year for students with disabilities; and
 - d. The number of students with disabilities involved in the incidents.

Staff Training Requirement and Documentation

The District has implemented Non-violent Crisis Intervention Training (NVCIT) from the Crisis Prevention Institute. This training meets and/or exceeds all legal requirements for the training components.

1. Seclusion and restraint shall be implemented only by individuals who have a valid training status.
2. A non-trained person or person with an invalid training status may use physical restraint on a student only in an emergency and only if a trained individual with a valid status is not immediately available due to the unforeseen nature of the emergency.
3. The District Office shall maintain a list of all staff who have completed NVCIT Training and the period of time for which the training is considered valid (e.g. – training date(s) and renewal date(s)).

Legal References: Wisconsin State Statutes §§ Sections 118.13, 118.31, 118.305, 118.164, 115.787(3);
Individuals with Disabilities Education Act

Cross References: Policies 443 Code of Classroom Conduct, 447.2 Rule – Seclusion and Restraint
Procedures, 447.1 Use of Physical Force by Staff

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