

USE OF SECLUSION AND RESTRAINT

A. Definitions.

1. “Physical restraint” or “restraint” means personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely.
2. “Seclusion” means the involuntary confinement of a child in a room or area from which the child is physically prevented from leaving. Seclusion does not include such things as in-school suspensions; detention; or a child requested break in a separate setting.

B. Policy

Maintaining a safe and productive environment for pupil learning is a high priority of the Waunakee Community School District’s Board of Education. The Board recognizes that there may be times when a pupil will engage in dangerous or disruptive behavior that requires immediate attention and intervention. In such cases, designated school personnel shall use the least restrictive intervention appropriate for the situation.

Seclusion and physical restraint shall only be used by designated school personnel when the physical safety of the pupil or others is in immediate danger. Use of such behavior interventions as seclusion and physical restraint shall be for the shortest time possible. Verbal outbursts and threats do not constitute a threat to physical safety unless the pupil also demonstrates a means to carry out the threat. The purpose for using seclusion or physical restraint is to defuse a physically dangerous situation, protect the pupil and others from injury, and regain a safe learning environment.

To help ensure its appropriate use, the Board sets forth the following procedures for the use of seclusion and physical restraint in the District:

A. General Procedures for Use of Seclusion

1. Seclusion may only be used when a student’s behavior presents a clear, present, and imminent risk to the physical safety of the student or others and when less restrictive or alternative approaches have been considered, attempted or deemed inappropriate.
2. Seclusion shall be administered in a humane, safe and effective manner, considering known medical or psychological limitations of the student. Seclusion shall not be used as an intervention when it is known that the use of the intervention would involve an inappropriate risk to the student’s health or safety due to the student’s personal medical issue(s) or medical condition(s).
3. The duration of the student’s seclusion can only be as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.
4. 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 for the student to be seen at all times.

5. The room, or area, in which the student is secluded must be free of objects or fixtures that may injure the student. The door, or area in which the student is secluded, cannot be locked to prevent a student's exit.
6. The student must have adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

B. General Procedures for Use of Physical Restraint

1. Physical restraint may be used on students at school only when a 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 feasible.
2. No District employee may use physical restraint on a student without having received appropriate training, as required by state law, with one exception; Physical restraint may be used by non-trained school personnel in an emergency situation, but only if an individual who has received training on the use of physical restraint is not immediately available due to the unforeseen nature of the emergency.
3. The degree of force used and the duration of the physical restraint cannot exceed the degree and duration that are reasonable and necessary to resolve the risk.
4. Physical restraint must be applied in a humane, safe, and effective manner considering known medical or psychological limitations of the student.
5. There must not be any medical contraindications for the use of physical restraint.
6. The restraint must 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. A student cannot be restrained in a prone position. Only restraints/holds taught in Non-Violent Crisis Intervention (NVC) training may be used to restrain a student.

C. Student with Disabilities

1. After the second incident of seclusion or physical restraint is used for a student with a disability, the District will ask the student's Individualized Education Program (IEP) team to convene within 10 school days to consider the following:
 - a. Conducting a Functional Behavioral Assessment (FBA) if one has not been completed already for the behavior of concern;
 - b. Developing or determining an appropriate Behavior Support Plan (BSP) based upon the FBA addressing the behavior or concern;
 - c. Reviewing the student's IEP to ensure that it contains appropriate positive behavioral interventions and supports to address the behavior of concern; and
 - d. Revising the IEP if necessary.

D. Documentation and Notification/Reporting

1. The building principal, or their designee, is required to complete all of the following whenever seclusion or physical restraint is used on a student by covered individuals or by law enforcement:
 - a. Notify the student's parent(s)/guardian(s) of the incident on the same day the incident occurred.
 - b. Notify the student's parent(s)/guardian(s) that they will receive a written report with the details of the incident within 3 business days. This also includes

notifying parent(s)/guardian(s) of all incidents of seclusion or physical restraint involving law enforcement officers.

- c. Facilitate a debriefing meeting with all covered individuals who participated in the incident to discuss the events preceding, during, and following the use of seclusion or physical restraint and how to prevent the need for seclusion and restraint in the future. This conversation must include factors that may have contributed to the escalation of the student's behaviors, alternatives to physical restraint such as de-escalation techniques and possible interventions, and other strategies that the school principal, or designee, determines are appropriate.
- d. Complete a seclusion/restraint report no later than two business days after the incident that includes all of the following information:
 - i. The student's name
 - ii. The date, time, and duration of the use of seclusion or physical restraint.
 - iii. A description of the incident, including a description of the actions of the student before, during, and after the incident.
 - iv. The names and titles of the covered individuals present during the incident, including law enforcement.
- e. The principal, or designee, is required to retain the written report and within three business days of the incident, send the report to the student's parent/guardian by first class mail or by electronic transmission, or hand deliver the report to the student's parent or guardian.
- f. Share a copy of the seclusion/restraint report with the Director of Special Education.
- g. Annually, by October 1st, the principal, or designee must submit to the Board of Education a report that includes data disaggregated as follows:
 1. The number of incidents of seclusion and physical restraint during the previous school year;
 2. The total number of students involved in incidents of seclusion during the previous school year;
 3. The number of students with disabilities who were involved in incidents of seclusion during the previous school year;
 4. The number of incidents of physical restraint during the previous school year;
 5. The total number of students who were involved in incidents of physical restraint during the previous school year.

E. Staff Training Requirement and Documentation

WCSD has implemented Non-Violent Crisis Intervention Training (NVCI) from the Crisis Prevention Institute. This training meets and/or exceeds all legal requirements for training under state law.

Seclusion and restraint shall be implemented only by Covered Individuals who have a valid training status.

- a. A Covered Individual who is not trained or who has an invalid training status may use physical restraint on a student only in an emergency and only if a trained Covered Individual with a valid status is not immediately available due to the unforeseen nature of the emergency.

b. All building-level administrators will be trained in each school building and will maintain a valid training status.

c. The Director of Special Education, or designee, shall maintain a list of all Covered Individuals who have completed NVCIT Training and the period of time for which the training is considered valid.

LEGAL REF.: Sections 115.787(3) Wisconsin Statutes

118.13

118.164

118.31

Individuals with Disabilities Education Act (IDEA)

No Child Left Behind Act

CROSS REF.: District Procedures for Using Seclusion and Physical Restraint Interventions

Pupil Conduct and Discipline Policy

Reporting Child Abuse or Neglect Policy

School Safety Policy

Pupil Code of Classroom Conduct (Removal of Pupils from Class)

Response to Intervention Plan/Policy

School Emergency Response Plans

Special Education Policy and Procedure Handbook

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