

RESTRAINT, SECLUSION, AND INTENTIONAL PHYSICAL CONTACT

Code **JKA** Issued **MODEL/19**

The board recognizes that one of its primary responsibilities is to ensure schools foster a learning environment that is safe and healthy for all students and staff. The use of restraint, ~~seclusion, and/or physical force~~ **and/or intentional physical contact** by district staff will only be authorized in the extremely narrow set of circumstances outlined below. **Seclusion techniques are not authorized.** School resource officers ~~are authorized to~~ **will** respond to situations that present imminent danger of physical harm according to protocols established by their law enforcement agency.

The superintendent or his/her designee will develop and implement detailed written procedures **related to restraint and physical contact** ~~governing the use of restraint and/or seclusion techniques~~, which will include, at minimum, a plan for training staff on the appropriate use of restraint ~~and/or seclusion~~ and the establishment of a system for reporting and documentation, **including notification to parent/guardian**, to be followed when a restraint ~~and/or seclusion~~ technique has been used on a student.

Restraint ~~and/or Seclusion~~ Techniques

~~Restraint and/or seclusion~~ techniques will not be utilized in the district except in situations where a student's behavior poses ~~imminent~~ danger of ~~serious~~ physical harm to himself/herself or others, and the student is not responsive to verbal directives or less intensive de-escalation techniques, or these directives or techniques have not mitigated the imminent danger of physical harm. Only staff members who have been properly trained will be authorized to utilize these techniques and will use extreme caution in applying them.

For the purposes of this policy, the following definitions will be utilized.

- ~~Seclusion is defined as the involuntary confinement of a student alone in a room or area where the student is prevented from leaving. CCSD does not support the use or construction of Seclusion Rooms.~~
- Physical restraint is defined as a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. It includes the holding of a student for any purpose other than those described below under Safety Emergencies. This does not include temporarily holding an individual to help him or her participate in education or daily living activities.

~~Only staff members who have been properly trained will be authorized to utilize these techniques and will use extreme caution in applying them. Staff who intervene in a "Safety Emergency", as described below, do not require specialized training.~~

Seclusion

The South Carolina Department of Education Guidelines on the Use of Seclusion and Restraint from August 20, 2012 indicates “the SCDE strongly discourages LEAs from placing students in seclusion under any circumstances.” CCSD does not support the use ~~or construction~~ of ~~Seclusion Rooms~~.

For the purposes of this policy, the following definition will be utilized.

- Seclusion is defined as the involuntary confinement of a student alone in a room or area where the student is prevented from leaving. It includes the use of any room or area in which the student is alone and not free to leave (or believes they are not free to leave).
- ~~CCSD does not support the use or construction of Seclusion Rooms.~~

Seclusion does not include a timeout, which is a behavior management technique that is part of an approved program, and is implemented for the purpose of calming.

Examples of seclusion include the following:

- When a student is alone in a room, even if school staff monitors a student through an observation window or video feed.
- When a student is not free to leave a room, even if the door is unlocked or ajar, for example, if a staff holds an unlocked door closed or blocks the exit with a gym mat.

Safety Emergencies and Intentional Physical Contact

The board will permit the use of reasonable and necessary intentional physical contact by any staff member under the following circumstances when such ~~circumstances~~ **situations** constitute a safety emergency:

PAGE 2 - JKA - RESTRAINT, SECLUSION, AND INTENTIONAL PHYSICAL CONTACT

- to quell a disturbance which threatens physical injury to persons, including those students involved, ~~or which threatens serious damage to property~~
- to obtain possession of weapons or other dangerous objects upon the person or within the control of a student
- to defend one's self **from physical harm**
- **to physically stop a student from engaging in behavior that presents an immediate threat to the safety of the student or others**
- **to provide medical intervention**

Staff who intervene in a "Safety Emergency," as described ~~below~~ **above**, do not require specialized training.

Parent / Guardian Notification

School staff will provide a student's parent/legal guardian with written or oral notice on the same day that an incident necessitating the use of a restraint ~~and/or seclusion~~ technique occurred, unless circumstances prevent same-day notification. **Regardless of the initial notification method to parent / guardian, written** ~~If the notice is not provided on the same day of the incident,~~ notice will be ~~given~~ **provided to the parent / guardian** within twenty-four (24) hours after the incident. **In the case of a Safety Emergency the disciplinary referral can constitute the notification to the parent/guardian and will be provided within twenty-four (24) hours of the incident.**

Corporal Punishment

No staff member or other person will subject a student to corporal punishment, defined as any act of physical force upon a student for the purpose of punishing that student, or condone the use of corporal punishment by any person under his or her supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent/legal guardian or district official.

Adopted ^

Legal References:

A. S.C. Code of Laws, 1976, as amended:

1. Section 59-63-260 - Corporal punishment.

B. Federal Cases:

1. *Ingraham v. Wright*, 430 U.S. 651 (1977).
2. *Ware v. Estes*, 328 F. Supp. 657 (N.D. Tex. 1971) *aff'd.*, 458 F. 2d 1360 (5th Cir. 1972).