

## **USE OF SECLUSION AND PHYSICAL RESTRAINT**

Maintaining a safe and productive environment for student learning is a high priority. Positive behavioral interventions and supports shall be considered and utilized to address behavior that interferes with the student's learning or the learning of others. There may be times when a student will engage in dangerous or significantly disruptive behavior that requires immediate attention and intervention. In such cases, school personnel shall avoid the use of any excessively restrictive intervention and shall make reasonable efforts to identify the least restrictive interventions that might be effective and appropriate to the situation.

The purpose of the use of physical restraint or seclusion is to address imminent danger, protect the student or others from injury, and regain a safe, controlled, productive learning environment. The use of physical restraint or seclusion is a measure of last resort and may only be utilized in accordance with state and federal law.

Positive behavioral supports and strategies are the most effective means of developing adaptive behavior in students. The use of positive behavior supports and strategies includes early intervention, explicit instruction as a means of prevention, and analysis of the environment in which maladaptive behaviors occur for the purpose of redesigning that environment to more appropriately serve the student.

### **Student Nondiscrimination**

The Appleton Area School District does not discriminate against students on the basis of sex, race, color, religion, age, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or physical, cognitive, emotional or learning disability in its education programs or activities.

**Legal Reference:** Wisconsin State Statutes 115.787(2)(i), 115.787(3)(b)1, 118.125(2)(p), 118.13, 118.164, 118.305, and 118.31

**Cross Reference:** Student Nondiscrimination Complaint Procedures, 411.2-Rule  
Student Discipline, 447 and 447-Rule  
Guidance and Counseling, 364  
Student Conduct, 443 and 443-Rule  
Programs for Handicapped Students, 342.1  
Reporting Suspected Child Abuse and Neglect, 454 and 454-Rule  
Safe Schools: Policy and Prevention, 443.9 and 443.9-Rule

**Adoption Date:** April 22, 2013  
**Amended:** July 20, 2020

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Seclusion and physical restraint are aversive approaches to addressing maladaptive behavior and therefore should only be used as a last resort, in cases of immediate physical danger to the student and/or others, and when other interventions have been considered and attempted, or considered and deemed inappropriate for the current situation.

Seclusion and physical restraint, as defined under state law, shall be used as behavioral interventions on students only when such use is consistent with applicable legal requirements, any applicable individualized education program (IEP) and behavior intervention plan (BIP), Board policy, and established District procedures.

Students shall not be subjected to the use of corporal punishment at any time. Corporal punishment means the intentional infliction of physical pain which is used as a means of discipline. It includes, for example, paddling, slapping or prolonged maintenance of physically painful positions.

A school official, employee or agent may use reasonable and necessary force for the following reasons, subject to and consistent with the laws governing use of seclusion and physical restraint:

- To quell a disturbance or prevent an act that threatens physical injury to any person.
- To obtain possession of a weapon or other dangerous object within a student's control.
- For the purpose of self-defense or the defense of others.
- To remove a disruptive student from a school premises or motor vehicle or from school-sponsored activities.
- To prevent a student from inflicting harm on himself/herself.
- To protect the safety of others.
- Using incidental, minor or reasonable physical contact designed to maintain order and control.

### **A. DEFINITIONS**

1. "Seclusion," as defined by state law, means 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 doing any of the following if a student is not confined to an area from which he/she is physically prevented from leaving:

## 447.11-Rule (cont.)

- a. Directing a student who is disruptive to temporarily separate him/herself from the general activity in the classroom or other school activity to allow the student to regain behavioral control and the school employee to maintain or regain order, or
  - b. Directing a student to temporarily remain in the classroom to complete tasks while other students participate in activities outside the classroom. Similarly, so long as the student is not physically prevented from leaving the room or area where he/she is presently located, it is probable that interventions such as in-school suspensions, detentions, or student-requested “breaks” from the classroom environment would not constitute “seclusion” under the statutory definition or under these procedures.
2. “Physical restraint,” as defined by state law, means a restriction that immobilizes or reduces the ability of a student to freely move his/her torso, arms, legs or head. It does not include briefly touching or holding a student’s hand, arm, shoulder, or back to calm, comfort or redirect the student, or using supportive equipment to properly align a student’s body, assist a student to maintain balance, or assist a student’s mobility, under the direction and oversight of appropriate medical or therapeutic staff.
3. “Covered individual,” includes any individual who is:
- a. An employee of the District, not including the members of the Board of Education;
  - b. Under contract with the Board as an independent contractor to provide services for the benefit of the schools;
  - c. Employed by a person/entity under contract with the Board to provide services for the benefit of the schools (excluding law enforcement officers); or
  - d. Engaged in student teaching under the supervision of a District employee or independent contractor who is providing services for the benefit of the schools.

### **B. STAFF TRAINING**

1. The District shall provide training to designated individuals in each school building that are most likely to be called upon to intervene in situations involving significantly disruptive or dangerous student behavior. These individuals shall include members of the building intervention/emergency response team, special education teachers and paraprofessionals, and any other individual deemed appropriate by the building principal. The training shall include all of the following components:
  - a. Methods of preventing the need for physical restraint or seclusion, including information on positive behavioral interventions and supports, effective communication techniques for defusing and de-escalating disruptive or dangerous student behavior, and environmental management (teaching student self-control and self-regulation and consideration of classroom environment conditions that may trigger or escalate disruptive or dangerous behavior).
  - b. An identification and description of dangerous behavior that may indicate the need for physical restraint or seclusion and methods of evaluating risk of harm in order to determine whether physical restraint or seclusion is warranted.

## 447.11-Rule (cont.)

- c. Instruction regarding the effects of physical restraint or seclusion on the person restrained or secluded, in monitoring signs of physical distress, and in obtaining medical assistance.
- d. Safe and appropriate use of seclusion and physical restraint techniques, including giving the individuals being trained experience in administering and receiving various types of physical restraint. The individuals being trained must demonstrate proficiency in administering physical restraint.
- e. Instruction in documenting and reporting incidents of physical restraint or seclusion.

Training requirements are met through successful completion of Nonviolent Crisis Intervention (NCI) training provided by a Crisis Prevention Institute, Inc. certified trainer. Only the designated individuals in each school building who have received the required training may implement seclusion and physical restraint interventions to students at school, with one exception.

Physical restraint may be used by non-trained school personnel in an emergency situation where all other applicable limitations and restrictions are satisfied, but only if a designated individual who has received training on the use of physical restraint is not immediately available due to the unforeseen nature of the emergency.

Staff training is a requirement for use of physical restraint. Except for use that occurs in qualifying emergency situations, a person who is a “covered individual” may not use physical restraint on a student at school unless the individual has received training as mandated under state law. Section 118.305(6) of the state statutes requires such training to include all of the following components:

- Evidence-based instruction related to positive behavioral supports and interventions, safe physical escort, understanding antecedents, de-escalation, conflict prevention, and conflict management.
  - Evidence-based techniques, including debriefing, that have been shown to prevent or reduce the use of physical restraint.
  - An identification and description of dangerous behavior that may indicate the need for physical restraint and methods of evaluating risk of harm in order to determine whether physical restraint is warranted.
  - Instruction regarding the effects of physical restraint on the person restrained, in monitoring signs of physical distress, and in obtaining medical assistance.
  - Instruction in documenting and reporting incidents of physical restraint.
  - A requirement that the trainee demonstrate his/her ability to identify prohibited techniques in administering physical restraint.
2. Records of all district personnel trained are maintained by the Student Services Department. Training records for personnel at each school are provided to principals at least bi-annually and upon request. These records identify training dates and the period during which the most recent training received is considered valid.

## **447.11-Rule (cont.)**

3. For any non-employees performing contracted services on behalf of the District (excluding contracted law enforcement officers to whom these procedures do not apply) who will be providing service within the District, programs, activities or transportation they will complete the required seclusion and physical restraint training. Any subcontracted business will ensure that their employees receive the training upon commencement of service within the District.

### **C. GENERAL CONDITIONS FOR USE OF SECLUSION**

1. Seclusion may only be used with a student at school if all of the following apply:
  - a. 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.
  - b. 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 individual to see the student at all times.
  - c. The room or area in which the student is secluded meets all applicable school building code requirements, is free of objects or fixtures that may injure the student, and there are no locks on the door, including "hold-down" mechanisms.
  - d. The student has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
  - e. 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 or others.
  - f. No door connecting the room or area in which the student is secluded to other rooms or areas is capable of being locked.
  - g. Less restrictive or alternative approaches have been considered, attempted or been deemed inappropriate.
  - h. A humane, safe and effective exclusionary approach is utilized that considers known medical or psychological limitations of the student.

### **D. GENERAL CONDITIONS FOR USE OF PHYSICAL RESTRAINT**

1. Physical restraint may be used on a student at school only if all of the following apply:
  - a. 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 feasible.
  - b. There are no medical or psychological contraindications to its use.
  - c. 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 student or others.
  - d. None of the following maneuvers are used:
    - i. Those that do not give adequate attention and care to protecting the student's head.
    - ii. Those that cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back, or abdomen.

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- iii. 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.
- e. It does not constitute corporal punishment, as defined in s. 118.31(1)
- f. Mechanical or chemical restraint is not used. *The use of supportive equipment to properly align a student's body, assist a student to maintain balance, or assist a student's mobility, under the direction and oversight of appropriate medical or therapeutic staff, does not constitute the use of mechanical restraint.*
- g. Less restrictive or alternative approaches have been considered, attempted or been deemed inappropriate.
- h. A humane, safe and effective physical restraint approach is utilized that considers known medical or psychological limitations of the student.
- i. During physical restraint, staff shall engage the student in an attempt to de-escalate the behavior.
- j. To the extent feasible, another staff member who is not participating in the physical restraint should be present to witness the administration of the restraint.

### E. SPECIAL PROVISIONS RELATED TO STUDENTS WITH DISABILITIES

1. If a student's IEP team determines that the use of seclusion or physical restraint may reasonably be anticipated for the student, the IEP team shall determine the appropriate plan to address the behavior of concern and ensure that the student's IEP:
  - a. includes appropriate positive interventions and supports and other strategies based upon a functional behavior assessment of the behavior of concern, and
  - b. incorporates the term "seclusion" or "physical restraint."
2. The first time that seclusion or physical restraint is used on a student with a disability, the student's IEP team shall convene as soon as possible after the incident to 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 to revise the IEP if necessary.
3. Mandatory convening of IEP team. The second time that seclusion or physical restraint is used on a student with a disability within the same school year, state law requires the student's IEP team to convene as soon as practicable after the incident but no later than 10 school days after the incident. The IEP team shall review the student's IEP and revise it as the team determines necessary to ensure all of the following:
  - a. That the IEP includes appropriate positive behavioral interventions and supports and other strategies to address the behavior of concern.
  - b. That the interventions, supports, and other strategies included in the IEP related to a behavior that resulted in the use of seclusion or physical restraint on the student are based on a functional behavioral assessment of that behavior.

## 447.11-Rule (cont.)

The state mandate to convene an IEP team after the second incident in no way discourages or limits the possibility of convening the student's IEP team at other times.

### F. PARENT AND GUARDIAN NOTIFICATION OF USE OF SECLUSION OR PHYSICAL RESTRAINT

The following apply to each incident of the use of seclusion or physical restraint on a student by a covered individual **or law enforcement officer** that occurs at school or in connection with a school-sponsored activity:

1. Administrative notification of incidents. At least one of the covered individuals who was present during such an incident shall notify the building principal or his/her designee of the incident. Such notification shall occur as soon as practicable following the incident and, at a minimum, on the same day as the incident. However, if the school principal was personally present for the incident and clearly would be aware of the use of seclusion or physical restraint, then no separate notification is required, and the principal shall directly initiate the post-incident response procedures.
2. Written incident reports and parent notification. Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint on a student, the building principal or his/her designee shall do all of the following:
  - a. As soon as practicable, but **no later than one business day after the incident**, notify the student's parent of the incident and of the availability, or pending availability, of the written report described in the next paragraph. For purposes of these procedures, "parent" includes a natural or adoptive parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
  - b. **Within two business days after the incident** and after consulting with the covered individuals and any law enforcement officers present during the incident, prepare a written incident report containing all of the following information:
    - The student's name.
    - The date, time, and duration of the use of seclusion or physical restraint.
    - A description of the incident, including a description of the actions of the student before, during, and after the incident.
    - The names and titles of the covered individuals and any law enforcement officers present during the incident.
  - c. **Within three business days of the incident**, provide a copy of the written incident report to the student's parent by 1st class mail, or by electronic transmission, or by hand delivering the report to a parent.
  - d. If the student is an adult and the student's parent is not otherwise entitled to access or receive copies of the student's behavioral records, the District shall ask the adult student to provide written consent for the District to provide the parent notification and parent copy of the incident report, as described in these procedures. If the District does not obtain such consent, such notification and report shall be provided only to the adult student, unless the health and safety exception applies.

## 447.11-Rule (cont.)

3. Post-incident debriefing meetings. Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint on a student, the building principal or his/her designee shall meet with the covered individuals who participated in the incident to discuss all of the following:
  - a. The events preceding, during, and following the use of the seclusion or physical restraint.
  - b. How to prevent the need for seclusion or physical restraint, including the factors that may have contributed to the escalation of 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.

Such post-incident debriefing meetings shall normally occur within 10 school days of the incident.

If the student who was involved in the incident is a student with a disability, such post-incident debriefing meetings shall not amend the student's individualized education plan (IEP) in an unauthorized manner or otherwise exercise the authority of the student's IEP team. However, the information discussed or brought to light during a post-incident debriefing should be assessed to determine whether any follow-up with the IEP team or via other special education procedures (such as an evaluation or functional behavioral assessment of the student) may be appropriate.

### **G. REVIEW OF SECLUSION AND PHYSICAL RESTRAINT INCIDENT REPORTS AND REPORTING TO THE BOARD**

Annually by October 1, the Board of Education must receive a report that identifies the following:

- Number of incidents of seclusion in the school during the previous year
- Total number of students who were involved in the incidents of seclusion
- Number of students with disabilities who were involved in incidents of seclusion reported
- Number of incidents of physical restraint in the school during the previous school year
- Total number of students who were involved in the incidents of physical restraint
- Number of students with disabilities who were involved in the incidents of physical restraint reported

Annually by December 1, submit report to state superintendent



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