
USE OF RESTRAINT AND ISOLATION: 2164P

I. Definitions

The following definitions apply to this Procedure and Policy 2164. These definitions are based upon the definitions set forth in RCW 28A.600.485, and Chapter 392-172A of the Washington Administrative Code.

Behavioral intervention plan: A plan incorporated into a student's Individualized Education Program (IEP), which at a minimum describes: 1) The pattern of behavior that impedes the student's learning or the learning of others; 2) The instruction and/or environmental conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team; 3) The positive behavioral interventions and supports to: i) reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the student's desired prosocial behaviors and ii) ensure the consistency of the implementation of the positive behavioral interventions across the student's school-sponsored instruction or activities; and 4) The skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior of the student.

Chemical spray: Pepper spray, OC spray, or other similar chemicals that are used to control a student or limit a student's freedom of movement.

De-escalation: The use of positive behavioral interventions and other district-approved strategies to defuse a student who has lost self-control, is non-compliant, or is demonstrating unacceptable behavior. These strategies address behavior that is dangerous, disruptive, or otherwise impedes the learning of a student or others.

Imminent: Likely to occur at any moment or near at hand, rather than distant or remote.

Isolation: Restricting the student alone within a room or any other form of enclosure from which the student may not leave. Isolation does not include a student's voluntary use of a quiet space for self-calming or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavioral intervention plan.

Likelihood of serious harm:

A. A substantial risk that:

1. Physical harm will be self-inflicted, as evidenced by threats or attempts to commit suicide or inflict physical harm upon oneself;
2. Physical harm will be inflicted upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or
3. Physical harm will be inflicted upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

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- B. The person has threatened the physical safety of another and has a history of one or more violent acts.

Physical force: The use of bodily force or physical restriction that substantially immobilizes or reduces the free movement of a student.

Positive behavioral interventions: Strategies and instruction that can be implemented in a strategic manner in order to provide alternatives to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors. Positive behavioral interventions include the consideration of environmental factors that may trigger challenging behaviors and teaching a student the skills to manage his or her own behavior.

Restraint: Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities.

Restraint device: Device used to assist in controlling a student as defined in RCW 28A.600.485 (this shall not be construed as encouraging the use of these devices). Restraint device does not include a seat harness used to safely transport students or other safety devices, including safety belts for wheelchairs, changing tables, and booster seats; or other ambulatory or therapeutic devices when used for the device's intended purpose.

II. Limitations on Use of Isolation and Restraint

Isolation or restraint shall only be used when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of serious harm. Isolation or restraint must be closely monitored to prevent harm to the student and must be discontinued as soon as the likelihood of serious harm has dissipated.

Restraint, isolation, or other forms of reasonable physical force will not be used as a form of discipline or punishment.

Restraint, isolation, or other forms of reasonable physical force will not be used as an initial response to destruction of property, school disruption, refusal of the student to comply with school rules or a staff directive; or a verbal threat that does not constitute a threat of imminent bodily injury, unless other forms of de-escalation and positive behavioral interventions fail or are inappropriate.

The District will follow all state regulations regarding the use of isolation and restraint with students eligible for special education, as set forth in WAC Chapter 392-172A. See Policy and Procedure 2161.

Monitoring

An adult must continually monitor any student when restraint, isolation, or other form of reasonable physical force is used. The monitoring must be conducted by continuous visual

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monitoring of the student. Monitoring must include regularly evaluating the student for signs of physical distress

III. Conditions and Prohibited Practices

Conditions specific to use of isolation or restraint with students eligible for special education (consistent with WAC 392-172A-02110):

- The isolation enclosure will be ventilated, lighted, and temperature-controlled from inside or outside for purposes of human occupancy.
- The isolation enclosure will permit continuous visual monitoring of the student from outside the enclosure.
- An adult responsible for supervising the student will remain in visual or auditory range of the student at all times.
- Either the student shall be capable of releasing himself or herself from the enclosure or the student shall continuously remain within view of an adult responsible for supervising the student.
- Any staff member or other adults using isolation, restraint, or a restraint device must be trained and currently certified by a qualified provider in the use of trauma-informed crisis intervention (including de-escalation techniques) and the safe use of isolation unless trained personnel are not immediately available due to the unforeseeable nature of the emergency.

Prohibited practices involving restraint, use of force, and discipline specifically for students eligible for special education (consistent with WAC 392-172A-02076):

The following practices are prohibited with students eligible for special education services:

- District personnel are prohibited from using aversive interventions with a student;
- District personnel are prohibited from physically restraining or isolating any student, except when the student's behavior poses an imminent likelihood of serious harm as defined above;
- No student may be stimulated by contact with electric current, including, but not limited to, tasers;
- A student may not be denied or subjected to an unreasonable delay in the provision of food or liquid from when the food or liquid is customarily served as a form of punishment;
- A student may not be the recipient of force or restraint that is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter

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of state law (see above, for example, for a list of practices presumed to be unreasonable when used in correcting or restraining a child);

- A student must not be denied or subjected to an unreasonable delay in the provision of common hygiene care;
- A student must not be denied or subjected to an unreasonable delay in the provision of medication;
- A student may not be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172A-02110;
- A student must not be forced to listen to noise or sound that the student finds painful;
- A student must not be forced to smell or be sprayed in the face with a noxious or potentially harmful substance;
- A student must not be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration;
- A student's head must not be partially or wholly submerged in water or any other liquid;
- A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object or against a wall or the floor, except under the conditions set forth in WAC 392-172A.02110;
- A student must not be subjected to the use of prone (lying face-down) or supine (lying face-up) restraint, wall restraint, or any restraint that interferes with the student's breathing.

Staff training requirements:

All training will include instruction in positive management of student behavior, cultural sensitivity, effective communication for defusing and de-escalating disruptive or dangerous behavior, and safe and appropriate use of force, isolation, and restraint. Annually, administrators will provide all staff with the district established policy and procedure regarding the use of reasonable force.

All staff should be informed of de-escalation strategies and proper physical intervention procedures. Appropriate staff and those who are required or reasonably anticipated to provide physical force intervention will be trained in the use of physical force intervention.

Only staff trained by a qualified provider and authorized to use isolation, restraint, restraint devices, or chemical spray procedures will administer it to students. The appropriate personnel will include those staff members who are most likely to be called upon to use isolation, restraint, restraint devices, or chemical spray to prevent or address disruptive or dangerous student behavior.

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Submission of incident reports to the Office of Superintendent of Public Instruction:

Beginning January 1, 2016, and annually by January 1 thereafter, the District will summarize the written incident reports described above and submit those summaries to OSPI. The summaries will include:

- the number of individual incidents of restraint and isolation;
- the number of students involved in the incidents;
- the number of injuries to students and staff; and
- the types of restraint or isolation used.

IV. Follow-Up and Reporting Requirements

Follow-up and reporting requirements will apply as follows when any student is subjected to any restraint or isolation:

A. Processing the Incident

Following the release of a student from the use of restraint or isolation, the school will implement these follow-up procedures:

1. Reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the use of restraint or isolation; and the appropriateness of the response.
2. Reviewing the incident with the staff member(s) who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.

B. Incident Report

Any school employee, school resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities will inform the building administrator or a designee as soon as possible, and within two business days submit a written report of the incident to the district office. The report will include:

1. The date and time of the incident;
2. The name and job title of the individual(s) who administered the restraint or isolation;
3. A description of the activity that led to the restraint or isolation;
4. The type of restraint or isolation used, including the duration;

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5. Whether the student or staff was physically injured during the restraint or isolation and what medical care, if any, was provided; and
6. Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

C. Informing Parent or Guardian of Incident

The principal or a designee will make a reasonable effort to verbally inform the student's parent or guardian of the incident within twenty-four hours of the incident and will send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred.

If the school customarily provides the parent or guardian with school-related information in a language other than English, the written report will be provided to the parent in that language.

V. Notification of Policy and Procedure

An IEP or plan developed under Section 504 of the Rehabilitation Act of 1973 must include procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. The IEP or Section 504 plan must not include the use of restraint or isolation as a planned behavior intervention unless a student's individual needs require more specific advanced education planning and the student's parent or guardian agrees. Nothing in these procedures is intended to limit the provision of a free appropriate public education (FAPE) under Part B of the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.

If a student is receiving special education services through placement in an authorized entity under RCW 28A.155.060, the student's IEP must also specify any additional procedures required to ensure the authorized entity fully complies with state law governing the use of restraint and isolation.

Resolution of concerns about the use of force incident:

A student or his/her parent or guardian who has concerns regarding a specific incident involving restraint, isolation, or other forms of reasonable physical force may seek to resolve the concern by using the District's complaint process which is set forth in Policy 4220, Celebrations, Concerns & Recognitions.