



Book	Policy Manual
Section	Volume 11, No. 2
Title	Revised Policy Volume 11, No. 2 - September 2019 - USE OF RESTRAINT AND SECLUSION WITH STUDENTS
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5630.01 - **USE OF RESTRAINT AND SECLUSION WITH STUDENTS**

Definitions:

Restraint - ~~the use of physical force to significantly restrict the free movement of all or a portion of a student's body;~~ reasonable force to prevent a student from hurting himself/herself or any other person or property.

Seclusion - a removal in which a student is left unsupervised ~~in a dark area or~~ in any space as an intervention or consequence to inappropriate behavior.

Emergency ~~—a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or serious property destruction.~~

It is the policy of the Board of Education to allow reasonable force to be used to restrain a student from hurting himself/herself or any other person or property. ~~All students, including students with disabilities, must be treated with dignity and respect.~~ Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the ~~students~~ student and others. When the use of physical restraint is necessary, a school employee and/or independent contractor may use restraint in an emergency ~~as defined above~~ with the following limitations:

- A. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency. ~~Procedures and maneuvers that restrict breathing~~ Breathing shall not be restricted (e.g. prone restraint), ~~place nor shall~~ pressure or weight on the chest, lungs, sternum, diaphragm, back, neck or throat; be applied; or ~~may~~ cause physical harm ~~are prohibited~~.
- B. Restraint shall be discontinued at the point at which the emergency no longer exists.
- C. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
- D. Restraint shall not deprive the student of basic human necessities.

Use of Physical or Mechanical Restraints

Appropriate (intended use) utilization of mechanical restraints such as seat belts or feeding tables when applied for their intended purpose is not prohibited; ~~however, the~~ The application of mechanical restraint is prohibited as an intervention or consequence for inappropriate behavior.

Mandatory Training for Staff

School employees and/or independent contractors who, as determined by the principal, may need to use restraint shall be provided training according to the following requirements:

- A. ~~A core team of personnel in each school must be trained annually in the use of a nationally recognized restraint process. The team must include an administrator or designee and any general or special education personnel likely to use restraint.~~ A core team of personnel in each school, including an administrator designee and any general or special education personnel like to use restraint, must be trained annually in the use of nationally recognized restraint process, and current professionally accepted practices and standards regarding behavior interventions and supports including prevention and de-escalation techniques.
- B. ~~Personnel~~ Any non-trained personnel called upon to use restraint in an emergency ~~and who have not received prior training~~ must receive training within thirty (30) days following the use of restraint if the principal determines ~~that there is a reasonable likelihood that~~ the situation leading to the use of restraint will reoccur.
- C. ~~Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint.~~
- D. ~~All trained personnel shall also receive instruction in current professionally accepted practices and standards regarding behavior interventions and supports.~~

Documentation and Reporting

Comprehensive documentation and immediate notification ~~on use of~~ restraint is required. ~~In a case in which restraint is used, school employees, volunteers and/or independent contractors shall implement the following documentation requirements:~~

A. Time Requirement

~~Immediately following the use of restraint (within one (1) hour)~~ Within one (1) hour following the use of restraint

Documentation/Notification

The principal ~~or~~ designee must be provided verbal and written ~~notification that restraint was used on a given student with a~~ description of the restraint process used on a given student.

B. Time Requirement

Same Day

Documentation/Notification

A good faith effort shall be made to verbally notify the ~~parents/guardians regarding the use of restraint~~ parent or guardian of the restraint process used.

C. Time Requirement

Within one (1) school day

Documentation/Notification

Written notification of the use of restraint must be ~~placed in the mail or otherwise~~ provided to the parent/guardian and included in the student's official school record. The written notification includes:

1. name of the student;
2. name of the staff member(s) administering the restraint;
3. date of the restraint and time of the restraint began and ended;
4. location of the restraint;
5. narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
6. documentation of all parental contact and notification efforts.

D. Time Requirement

~~Within one (1) school day~~

Documentation/Notification

~~Written documentation regarding the use of restraint must be placed in the student's official school record. The information must be available to determine the relationship of a student's behavior as it impacts the student's learning and/or the creation or revision of a behavior intervention plan.~~

~~Written notification to the parents/guardian and documentation to the student official school record shall include the following:~~

- A. ~~name of the student;~~
- B. ~~name of the staff member(s) administering the restraint;~~
- C. ~~date of the restraint and the time of the restraint began and ended;~~
- D. ~~location of the restraint;~~
- E. ~~narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to restraint that were attempted; and~~
- F. ~~documentation of all parental contact and notification efforts.~~

Disciplinary Action for a Violation of This Policy

In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a Board employee who intentionally, knowingly or recklessly violates this policy is subject to disciplinary action up to and including dismissal in accordance with WV Code 18A-2-8. ~~A Board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.~~

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting violation of this policy or providing information regarding a violation of this policy.

WV Code 61-2-14g

West Virginia ~~State~~ Board of Education policy 4373

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