

USE OF SECLUSION AND PHYSICAL RESTRAINT

Maintaining a safe and productive environment for student learning is a high priority of the School Board. 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. The Board recognizes that 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 who are responsible for responding to student behavioral issues are expected to evaluate the relevant circumstances and avoid the use of any intervention that would be unreasonably restrictive or excessive for the situation. Further, an important principle of the District's behavior management plan for students is that school personnel are expected to make reasonable efforts to identify and apply the least restrictive interventions that might be effective and appropriate.

Seclusion and physical restraint, as defined under state law (including all applicable exclusions and exceptions), may be used as behavioral interventions for students only when such use is consistent with applicable legal requirements, any applicable individualized education program (IEP) and behavior intervention plan, Board policy, and established District procedures. Within this policy, the meaning of the term "school personnel" is identical to the meaning of the statutory term "covered individual," as defined in the state's seclusion and restraint law.

State law establishes specific conditions and limitations on the use of both seclusion and physical restraint by school personnel. For example, school personnel are required to make determinations that a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and that restraint or seclusion is the least restrictive intervention feasible under the circumstances. In addition, once implemented, state law provides that these interventions may be applied to a student only for the period of time that is reasonably necessary to resolve the identified risk to physical safety.

While school personnel must adhere to all applicable legal requirements, not all of the restrictions and conditions set forth in state law that apply to the use of seclusion and physical restraint are expressly identified in this policy. However, to emphasize certain points and with the goal of ensuring that any use of these extraordinary interventions by school personnel is consistent with the Board's expectations, the Board sets forth the following expectations and guiding principles related to the use of seclusion and physical restraint in the District:

1. School personnel may use seclusion or physical restraint only when less restrictive or alternative approaches have been considered and attempted, or considered and deemed inappropriate, for the current situation.
2. The purpose for using seclusion or physical restraint is to defuse a physically dangerous situation, protect the students and others from injury, and regain a safe learning environment. Neither physical restraint nor seclusion may be used as a punishment or as a substitute for other educational/behavioral interventions and supports that are clearly more appropriate for the situation.
3. The type of behavioral intervention utilized in each situation should be appropriate to the student's age and developmental level and take into account any medical, psychological, or other issues the student may have. Neither physical restraint nor seclusion shall 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).
4. Verbal outbursts and unrealistic or clearly implausible threats do not constitute a clear or imminent risk to physical safety justifying the use of seclusion or physical restraint. When determining whether a threat is sufficiently plausible to constitute a clear, present, and imminent risk to a person's physical safety, school personnel are

expected to consider the totality of the circumstances, including but not limited to a student's age and developmental level.

5. Seclusion and physical restraint shall be administered in a humane, safe and effective manner, and without intent to harm or create undue discomfort (physical or emotional).
6. The District shall not unlawfully discriminate in the methods, practices and materials used for counseling students, standards or rules of behavior or disciplinary actions, including the use of seclusion or physical restraint, on the basis of the student's sex, sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, physical, mental, emotional or learning disability, or any other legally-protected status or classification. This does not prohibit the use of special counseling materials or techniques to meet the individualized needs of students. Discrimination complaints shall be processed in accordance with established procedures.

The administration may establish additional expectations and directives related to the seclusion and physical restraint of students.

Training of School Personnel

The District shall provide periodic training on restrictive behavioral interventions to designated staff members in each school building who are most likely to be called upon to prevent or address dangerous or significantly disruptive student behavior. Such training shall include at least the following:

1. **Physical restraint training.** The administration shall designate a team of staff members in each school in addition to the school principal(s) to receive state-mandated training in physical restraint and shall arrange for and document the delivery of the training. However, as permitted by state law, school personnel who have not received such training may physically restrain a student when responding to an emergency situation, but only if (1) a trained individual is not immediately available due to the unforeseen nature of the emergency; and (2) the non-trained individual conducts the restraint in a manner that is consistent with other applicable legal requirements.
2. **Seclusion training.** The administration shall designate a team of staff members in each school in addition to the school principal(s) to receive training in the use of seclusion as a behavioral intervention.
 - a. The administration shall determine the appropriate content for such training and the period of time that such training is considered valid before any refresher training is required.

Administrative Notification and Other Post-Incident Procedures

At least one of the District employees or other "covered individuals" who was present during an incident arising under this policy shall notify the school principal or an administrative-level designee of the principal of the incident. For purposes of this reporting expectation, reportable incidents include any incident that involved the use of seclusion or physical restraint on a student by any "covered individual" or any law enforcement officer that occurs at school or in connection with a school-sponsored activity.

Once an incident that involved seclusion or physical restraint is reported to or otherwise identified by the administration, the school principal or the principal's administrative-level designee, acting in consultation with the Director of Special Education and Pupil Services as needed, shall ensure that the District completes all applicable post-incident requirements established under state law and District procedures (e.g., documentation, parent contacts, meetings, etc.).

Policy Dissemination

The Director of Special Education and Pupil Services or his/her administrative-level designee is responsible for ensuring that the District implements reasonable methods for informing school personnel, to the extent appropriate to their role, of this policy, related legal requirements and limitations, and any District procedures or rules developed under this policy.

Reporting and Use of School-Level Data

State law requires the principal of each school or his/her designee to annually prepare and submit to the Board, **by October 1**, a report that includes school-level data for all incidents of physical restraint of students and, separately, for all incidents of seclusion of students during the previous school year. The Board is required to compile the school-level reports for annual submission to the State Superintendent.

ADOPTED: October 24, 1988

REVISED: December 17, 1990
 November 25, 2002
 May 22, 2013
 September 28, 2020

LEGAL REFERENCES:

Wisconsin Statutes

[Section 115.787\(2\)](#) [required components of an individualized education program (IEP)]
[Section 115.787\(3\)\(b\)1](#) [IEP team duties; behavioral interventions and supports]
[Section 118.13](#) [student nondiscrimination]
[Section 118.164](#) [student removal from class]
[Section 118.305](#) [use of seclusion and physical restraint]
[Section 118.31](#) [corporal punishment prohibited; staff use of reasonable and necessary authorized; policy required]

Federal Laws

[Individuals with Disabilities Education Act](#) [programs and services for students with disabilities]
[34 C.F.R. Part 300](#) [federal IDEA regulations]

CROSS REF: JGA-R, Procedures for Using Seclusion and Physical Restraint Interventions
 JGA-E, Seclusion and Physical Restraint Report

REVIEW DATE: September 28, 2020

PROCEDURES FOR USING SECLUSION AND PHYSICAL RESTRAINT INTERVENTIONS

These procedures address incidents of seclusion or physical restraint of students by District employees and other covered individuals, as well as by law enforcement officers when the incident occurs at school or in connection with a school-sponsored activity. Seclusion and physical restraint are atypical, extraordinary interventions that may only be used in compliance with applicable law, School Board policy, and these procedures.

A. DEFINITIONS

These procedures adopt the definitions of “covered individual,” “seclusion” and “physical restraint” that are established within section 118.305 of the state statutes, including all applicable exclusions and exceptions.

Paraphrasing the applicable statutory provisions:

1. “Covered individual” includes any individual who is:
 - a. An employee of the District, not including the members of the School Board;
 - 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.
2. “Physical restraint” means a restriction that immobilizes or reduces the ability of a student to freely move his/her torso, arms, legs, or head. Briefly touching or holding a student’s hand, arm, shoulder, or back to calm, comfort, or redirect the student is not considered a physical restraint. In addition, the following are not considered to be a type of prohibited mechanical restraint:
 - a. 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.
 - b. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.
3. “Seclusion” 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. State law clarifies that the following interventions are not considered “seclusion” provided that the student is not confined to a room/area from which he/she is physically prevented from leaving:
 - a. Directing a student who is disruptive to temporarily separate himself or herself from the general activity in the classroom to allow the student to regain behavioral control and the covered individual to maintain or regain classroom order.
 - b. Directing a student to temporarily remain in the classroom to complete tasks while other students participate in activities outside the classroom.

B. GENERAL CONDITIONS FOR THE USE OF SECLUSION

A covered individual may use seclusion on a student at school, including during any school-sponsored activities, only if all of the following apply:

1. The covered individual must make a determination that the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and that seclusion is the least restrictive intervention feasible.
2. The room or area in which the student is secluded must, at the time seclusion is initiated, be free of objects or fixtures that may injure the student.
3. No door connecting the room or area in which the student is secluded to other rooms or areas is capable of being locked or has a lock on it.
4. A covered individual must maintain constant supervision of the student, either by remaining in the room or area with the student or by observing the student through a window that allows the covered individual to see the student at all times.
5. The student must have adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
6. The duration of the seclusion must be only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.

C. GENERAL CONDITIONS FOR THE USE OF PHYSICAL RESTRAINT

A covered individual may use physical restraint on a student at school or at a school-sponsored activity only if all of the following apply:

1. The covered individual determines that the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and that physical restraint is the least restrictive intervention feasible.
2. The covered individual either (a) has received state-mandated training related to physical restraint; or (b) makes a determination that the situation presents an emergency and no trained individual is immediately available.
3. There are no known medical contraindications to the use of the physical restraint.
4. 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.
5. The covered individual may not use a mechanical restraint or chemical restraint.
6. The covered individual may not use any of the following maneuvers or techniques:
 - a. Those that do not give adequate attention and care to protecting the student's head.
 - b. Those that cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back, or abdomen.

- c. 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.
 - d. Those that place the student in a prone position.
7. Restraint may never be used as a form of corporal punishment, as defined by state law to mean the intentional infliction of physical pain as a means of discipline.
 8. When a physical restraint technique is used, a covered individual should, to the extent practical, make reasonable attempts to de-escalate the student's behavior or other aspects of the situation with the goal of minimizing the duration of the need for restraint; and if practicable, covered individuals should attempt to arrange for another staff member who is not participating in the physical restraint to remain present to witness the administration of the restraint, including assisting in monitoring for any signs of physical distress.

D. POST-INCIDENT PROCEDURES

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 school principal(s) or an administrative-level designee of the principal 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. The individual who notifies the administrator(s) is expected to sufficiently communicate that the incident needs to be evaluated under the post-incident response procedures for seclusion and physical restraint. 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. In addition:
 - a. Any covered individual who was actively involved in applying a physical restraint or in secluding a student has the highest level of responsibility for ensuring that the incident is promptly reported. Accordingly, if such an individual is not the person who makes a direct report, he/she should, at a minimum, promptly verify that an appropriate administrator has been notified of the material aspects of the incident.
 - b. If a law enforcement officer applied the physical restraint or used seclusion, a covered individual who is present during the incident should not assume that the law enforcement officer will report the incident to an appropriate administrator. Accordingly, the covered individual is expected to personally report the incident or directly arrange for another covered individual to make the report.
 - c. If a covered individual who was not present during such an incident is made aware of an incident in a manner that suggests that the incident may not have been reported, the individual is expected to contact an appropriate administrator to discuss the information that they have and obtain additional guidance. Failure to take such steps will not be excused if the District determines that the failure was unreasonable or in bad faith. In addition, any covered individual who has concerns regarding how any incident(s) of restraint or seclusion are being handled at the school level is encouraged to contact the school principal(s) or the Director of Special Education and Pupil Services.
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 school 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.
3. **Post-incident debriefing meetings.** Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint on a student, the school 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.

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. This includes providing any relevant information to an IEP team that is convened as required in the next subsection.

4. **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.

E. TRAINING OF SCHOOL PERSONNEL/COVERED INDIVIDUALS

1. ***State-required training relating to physical restraint.*** The Director of Special Education and Pupil Services and each school principal shall be responsible for designating the covered individuals in each school who will receive state-required training related to physical restraint, prioritizing those individuals/positions that are deemed most likely to be required to intervene in situations where there may be a need to use physical restraint.
 - a. Upon satisfactory completion of the training, the individual will be deemed District-certified in physical restraint, which means that the individual is authorized to administer physical restraint in compliance with state law and District policy, and that, when reasonably available, the individual is expected to take the lead in evaluating and taking appropriate action in a situation where there may be a need to physically restrain a student. Further, a covered individual who has not received state-required training related to physical restraint may use physical restraint on a student only in an emergency situation and only if a District-certified individual is not immediately available due to the unforeseen nature of the emergency.
 - b. Training related to physical restraint shall address the mandatory content areas specified in state law and shall additionally provide instruction and practice opportunities in administering various types of physical restraint.
 - c. After a covered individual receives initial training, if the individual will continue to be District-certified in physical restraint, the District shall ensure that the individual participates in appropriate follow-up or refresher training at least every other year, except that:
 - Retraining will occur at earlier intervals to the extent the District relies on a third party to provide the training content and/or the delivery of the training and such third party specifies an earlier retraining interval.
 - The District may require more frequent follow-up or refresher training if the District determines that there are material changes to legal requirements, best practices, or local expectations or procedures that create a need for earlier supplemental training.
 - d. If a covered individual who the District has designated to receive training related to physical restraint has recently received such training from a non-District source, the Director of Special Education and Pupil Services may review the training that the individual completed for comparability to District requirements. If the individual's prior training is determined to be sufficiently comparable and current, the individual may be exempted from the relevant portions of the training that the District would normally provide. However, at a minimum, such an individual must be instructed in the District's local policies and procedures related to physical restraint.

- e. Per state law, the District shall maintain a record of the training related to physical restraint that is received by covered individuals, including the period during which the training is considered valid by the entity that trained the covered individual.
2. ***District-required training relating to seclusion.*** The Director of Special Education and Pupil Services and the school principal(s) shall be responsible for designating the covered individuals in each school who will receive District-provided training on the use of seclusion as a behavioral intervention, prioritizing those individuals/positions that are deemed most likely to be called upon to intervene in situations where there may be a need to use seclusion.

9/28/20

SECLUSION AND PHYSICAL RESTRAINT REPORT

Name of parent/guardian notified	
How was parent/guardian notified and by whom?	
Date and mode of communication by which parent/guardian notified of incident and told when written report will be available <i>(must be informed no later than one business day after incident)</i>	
Date written report will be available <i>(must be available for review by student's parent/guardian within three business days of incident)</i>	
What other follow-up is needed? <i>(e.g., IEP meeting, additional evaluation, discussion with others, etc.)</i>	

INCIDENT WRITTEN REPORT				
<input type="checkbox"/> Physical Restraint	Date	Location	Start and End Time	Duration
<input type="checkbox"/> Seclusion	Date	Location	Start and End Time	Duration

DESCRIPTION OF THE INCIDENT	
Describe procedures used to attempt to de-escalate the student prior to using seclusion/restraint	
Describe the student's behavior <u>before</u> the incident	
Describe the imminent risk to the physical safety of the student or others	
Describe the student's behavior <u>during</u> the incident	
Describe the student's behavior <u>after</u> the incident <i>(include staff follow-up with student if applicable)</i>	
Names and titles of individuals present during incident	

Was there injury or damage? <i>(if yes, briefly describe the injury or damage)</i>	
If injury or damage, date of accident report completed	

Name of person completing this form	
Administrator signature/date	

School District of Jefferson

COPING Model Team Debrief

Date of Meeting: _____

	Student _____	Staff _____
<p style="text-align: center;">-Control-</p> <ul style="list-style-type: none"> ● Following the incident, what signs did you see to indicate that the student and staff members present had regained physical and emotional control? 		
<p style="text-align: center;">-Orient-</p> <ul style="list-style-type: none"> ● In talking with the debrief team, what new information or perspectives on the incident did you gain? ● List both from the student AND staff perspectives. 		
<p style="text-align: center;">-Patterns-</p> <ul style="list-style-type: none"> ● List the known triggers for this student. ● Are there patterns in the way the team responds? What works? What changes will be made? 		
<p style="text-align: center;">-Investigate-</p> <ul style="list-style-type: none"> ● List alternatives to behavior that will be taught to student. ● What ways can the team strengthen staff responses? 		
<p style="text-align: center;">-Negotiate-</p> <ul style="list-style-type: none"> ● What steps have been taken with the student for learning to take place and change the behavior? ● In what ways have you tried to repair the relationship and teach alternative behaviors based on this incident? 		
<p style="text-align: center;">-Give-</p> <ul style="list-style-type: none"> ● In what ways will you plan to communicate trust to the student going forward? ● How do you plan to support and encourage your colleagues following this incident? 		