

# USE OF SECLUSION & PHYSICAL RESTRAINT

## Policy 447.11

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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 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.

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, Board policy, and established District procedures.

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 ensure their appropriate use in a manner that is consistent with the Board's expectations, the Board sets forth the following limitations and guiding principles for the use of seclusion and physical restraint in the District:

1. School personnel may use seclusion or physical restraint only when the student's behavior presents a clear, present and imminent risk to the physical safety of the student or others.
2. 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.
3. 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 and productive learning environment. Neither physical restraint nor seclusion should be used as a punishment or as a substitute for appropriate educational/behavioral intervention and support.
4. The type of behavioral intervention utilized in a given 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

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to the student's health or safety due to the student's personal medical issue(s) or medical condition(s).

5. When either seclusion or physical restraint is used as an intervention, it shall not be used for a period of time beyond that which is reasonably necessary to resolve the imminent risk to physical safety.
6. Verbal outbursts and threats do not constitute an imminent risk to physical safety justifying the use of seclusion or restraint unless the student has also identified or demonstrated a plausible means of carrying out the threat.
7. 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).
8. The District shall not 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, race, color, national origin, religion, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. 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.
9. The District shall provide training on 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. Only designated school personnel who have received proper training may implement seclusion or physical restraint interventions, except that physical restraint may be used by non-trained school personnel in an emergency situation where all other limitations and restrictions have been satisfied, but only if a designated staff member who has received training on the use of physical restraint is not immediately available due to the unforeseen nature of the emergency. No exceptions to the training requirement are allowed for the use of seclusion. Completed training shall be documented.
10. All use of seclusion and physical restraint shall be documented and reported to the building principal and to the student's parent or guardian. In addition, an annual report on the use of seclusion and physical restraint in the District shall be provided to the Board.

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Nothing in this policy prevents school personnel from using reasonable and necessary force under the conditions and to the extent authorized by state law and Board policy.

School staff shall be informed of this policy annually.

An annual review of the use of seclusion and physical restraint in the District shall be conducted by the District Administrator or designee and documented to ensure that behavioral interventions involving the use of seclusion or physical restraint are done in accordance with state law, Board policy and established procedures.

### Legal References:

#### Wisconsin Statutes

|                                        |                                                                                                     |
|----------------------------------------|-----------------------------------------------------------------------------------------------------|
| <a href="#">Section 115.787(2)(i)</a>  | [IEP team duties; use of seclusion or physical restraint]                                           |
| <a href="#">Section 115.787(3)(b)1</a> | [IEP team duties; behavioral interventions and supports]                                            |
| <a href="#">Section 118.13</a>         | [student nondiscrimination]                                                                         |
| <a href="#">Section 118.164</a>        | [student removal from class]                                                                        |
| <a href="#">Section 118.305</a>        | [use of seclusion and physical restraint]                                                           |
| <a href="#">Section 118.31</a>         | [corporal punishment prohibited; staff use of reasonable and necessary authorized; policy required] |

#### Federal Laws

[Individuals with Disabilities Education Act \(IDEA\)](#) [programs and services for students with disabilities]

### Cross References:

**Adoption Date:** 5/19/2014