POLICY

Use of Physical Restraint and/or Seclusion

School discipline requires the guidance of students in a way which permits the orderly and efficient operation of the school. The BOARD does not condone the use of restraint or seclusion by District employees when responding to student behavior, and The BOARD expressly prohibits the use of corporal punishment and unreasonable use of physical force against students, as all students have a right to a quality education with dignity and due process are expressly prohibited. The BOARD recognizes, however, that it may be necessary for school District personnel to use reasonable and appropriate physical restraint and/or seclusion when a 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. This policy is pursuant to Wis. Stat. § 118.305 and applies to students with and without disabilities.

PROCEDURE

1. Definitions

   a. In this Policy the following definitions apply:

   i. Restraint- a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs or head. The definition of restraint does not include touching a student’s hand, arm, shoulder or back to calm, comfort, or redirect the student.

   ii. Seclusion- involuntary confinement of a student, apart from others, in a room or area from which the student is physically prevented from leaving. The definition of seclusion does not include the following:

      i. Directing a student who is disruptive to temporarily separate himself, herself or themselves from the general activity in the classroom to allow the student to regain behavioral control and the District employee or individual to maintain or regain classroom order if the student is not confined to an area from which her or she is physically prevented from leaving.

      ii. Directing a student to temporarily remain in the classroom to complete tasks while other students participate in activities outside the classroom if the student is not physically prevented from leaving the classroom.
2. **Covered Individuals** - those individuals employed by MMSD, student teachers working in the MMSD. Please note: covered individuals do not include law enforcement.

3. **Incident** - an occurrence of a covered individual or a law enforcement officer using seclusion or physical restraint on a student. It is considered one incident if immediately following the use of seclusion or restraint, the student's behavior presents a clear, present, and imminent physical safety risk, and the covered individual or law enforcement officer resumes the use of seclusion or physical restraint.

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**Students Use of Physical Restraint and/or Seclusion**

1. **Reasonable Use of Physical Restraint:**
   a. Physical restraint **may only** be used by school personnel when necessary to address student behavior that presents a clear, present, and imminent risk to the physical safety of the student or others.

   b. Physical restraint **may** be used when it is the least restrictive intervention feasible.

   c. Physical restraints that place a student in a prone position are expressly prohibited.

   d. Physical restraints that do not provide adequate attention and care to protecting a student's head, those that cause chest compression, and those that place pressure or weight on the student's neck, throat, or otherwise obstruct the student's circulation or breathing are expressly prohibited.

   e. The use of chemical and mechanical restraints are expressly prohibited. Please note: the appropriate use of vehicle safety restraints when used as intended while transporting a student in a moving vehicle and the use of supportive equipment to properly align a student's body, assist a student to maintain balance, or assist a student's mobility are not considered mechanical restraints.

   f. In determining whether the use of restraint is reasonable and necessary, all circumstances surrounding the incident shall be considered, including, but not limited to:
      1. **without limitation,** the seriousness of the **of the incident,**
      2. the safety risk problem **posed by the student, and the**
3. the nature of the threat of physical violence posed by the student, and
4. the availability and use of other means of accessibility of appropriate positive behavioral interventions, supports, and/or strategies that do not involving the use of restraint.

g. Examples of physical restraint that could be reasonable and necessary include, but are not limited to, the following:
   1. Using physical restraint to prevent an act that threatens physical injury to any person;
   2. Using physical restraint to obtain possession of a weapon or other dangerous object within a student’s control;
   3. Using physical restraint to prevent a student from inflicting harm on himself, herself, themselves, or others;

h. The degree of physical force used, and the duration of the physical restraint shall 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.

2. Physical Restraint: Training Requirements

a. Except in circumstances set forth in 2 b., no District employee shall engage in or apply a physical restraint on a student in the District unless the District employee or she has received evidence-based training in the use and application of physical restraint.

   Evidence-based training shall include:
   1. Evidence-based instruction related to positive behavioral supports and interventions, safe physical escort, understanding antecedents, de-escalation, conflict prevention, and conflict management;
   2. Evidence-based techniques that have been shown to prevent or reduce the use of physical restraint, including debriefing;
   3. Instruction related to the 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;
4. Instruction regarding the effects of physical restraint on the person restrained in monitoring signs of physical distress and in obtaining medical assistance restraint; and
   a. Instruction in documenting and reporting incidents of physical restraint.
   b. A requirement that the trainee demonstrate his, her, or their ability to identify prohibited physical restraint techniques.
   c. Only in circumstances of an unforeseen nature or in an emergency, when trained District employees are not immediately unavailable, shall a District employee who has not received training in the use of physical restraint may engage in a physical restraint with a student, only in an emergency and only if a District employee who has been trained in the use of restraint is not immediately available due unforeseen nature of the emergency.

3. Reasonable Use of Seclusion
   a. Seclusion is only permissible if/when may be used on a student if the student’s behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible.
   b. Seclusion may be used only if a District employee maintains constant supervision of the student.
   c. Seclusion may be used only if the area or room used for seclusion is free of objects or fixtures that may injure the student.
   d. Seclusion may be used only in an area or room without locks. Locks are not permitted on doors connecting rooms used for seclusion to other rooms or areas. If a student is secluded in a room, no door connecting the room may be capable of being locked.
   e. If a student is secluded the student must have adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
   f. The duration of the seclusion shall be only as long as is only as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.

4. Reasonable use of physical intervention
a. Physical intervention may be used on a student if the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible.

b. In determining whether the use of physical intervention is reasonable and necessary, all circumstances surrounding the incident shall be considered, including without limitation, the seriousness of the problem and the threat posed by the student, and the availability and use of other means of intervention not involving the use of physical intervention.

c. Examples of physical intervention that could be reasonable and necessary include, but are not limited to, the following:

1. Using physical intervention to quell a disturbance or prevent an act that threatens physical injury to any person;
2. Using physical intervention to obtain possession of a weapon or other dangerous object within a student's control;
3. Using physical intervention for the purpose of self defense or the defense of others;
4. Using physical intervention to prevent a student from inflicting harm on himself or herself;

5.4. Corporal Punishment and Unreasonable Use of Physical Intervention Prohibited:

a. The unreasonable use of physical intervention occurs as a result of using physical intervention (1) when it is not necessary to use such physical intervention, or (2) when it is no longer necessary to use such physical intervention.

b. Corporal punishment is the unreasonable and unnecessary use of physical intervention. It is defined as the intentional infliction of physical pain when such is used as a means of discipline.

c. Corporal punishment and the unreasonable use of physical intervention are prohibited.

d. Examples of corporal punishment and the unreasonable use of physical intervention are as follows:

1. Slapping;
2. Paddling;
3. Punching;
4. Kicking;
5. Pinching; and
6. Prolonged maintenance of physically painful position.

5. Provisions for Students with Disabilities Only: Individual Education Plan (IEPs)
   a. Following the second incident of physical restraint or seclusion in a single school year with a student with a disability, the student’s IEP team must meet within 10 school days of the incident to review the IEP.
      1. IEP teams must ensure that the students’ IEP includes appropriate positive behavioral interventions, supports and other strategies to address the behavior of concern based on a functional behavioral assessment (FBA) no later than 10 school days after the incident.
      2. IEP teams will use the data that is available prior to and within the 10-day timeframe to complete the FBA. If necessary, the IEP teams may and should collect additional data after the 10-day timeframe and subsequently, review and revise the IEP, as appropriate, based on collected data.

   a. Following each incident of physical restraint or seclusion, the principal or principal designee shall meet with the covered individuals who participated in the incident to discuss the events preceding, during, and following the use of seclusion or physical restraint and how to prevent the need for seclusion and restraint.
   b. This conversation must include factors that may have contributed to the escalation of the student’s 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.

7. Documentation and Notification: Physical Restraint and Seclusion
   a. Each incident of physical restraint or seclusion at school, including physical restraint or seclusion by law enforcement, shall be reported to the Building Principal and/or Principal Designee as soon as practical after the incident of restraint or seclusion has ended.
   b. Each incident of restraint or seclusion at school, including physical restraint or seclusion by law enforcement, and the availability of the written report related to such incident, shall be reported to a student’s parent or legal guardian no later than one business day after the incident.
   c. For students placed in a private school by MMSD, the private school administrator shall report the incident to the parent and/or legal guardian.
of the student and the public school district no later than one business day after the incident.

d. Following each incident of physical restraint or seclusion at school, including physical restraint or seclusion by law enforcement, and prior to creating a written report related to the incident, the Building Principal and/or Principal Designee shall consult with all those individuals, including law enforcement officers, present during the incident.

e. Each incident of restraint or seclusion shall be documented by school personnel in a written report within 2 business days after the incident. The written report shall contain all of the following information:

1. The student’s name;
2. The date, time, and duration of the use of seclusion or physical restraint;
3. A description of the incident, including a description of the actions of the student before, during, and after the incident; and
4. The names and titles of any individuals, including law enforcement, present during the incident.

f. The written report shall be sent to the student’s parent and/or legal guardian by first class mail, by electronic transmission, or hand delivery within 3 business days of the incident. Please note: For students placed by the District at a private school, after each incident of restraint or seclusion, the private school administrator shall prepare a written report, consistent with the requirements set forth above, and hand deliver the report or send the report by first class mail or electronic transmission to the student’s parent and/or legal guardian and the District within 3 business days of the incident.

g. The Building Principal and/or Principal Designee must retain a copy of the written report.

4.2 Reporting:

a. Each incident of restraint or seclusion shall be reported to the Building Principal as soon as practicable after the incident of restraint or seclusion has ended.

b. Each incident of restraint or seclusion shall be reported to a student’s parent no later than one business day after the incident.
c. Each incident of restraint or seclusion shall be documented by school personnel in a written report within 2 days after the incident.

d. Annually, by October 1st, by September 1, beginning on September 1, 2013, each Principal or the Principal Designee shall submit to the BOARD Board of Education a report containing all the following disaggregated data:

1. The total number of incidents of restraint and seclusion during the previous school year.

2. The total number of incidents of seclusion during the previous school year.

3. The number of students with disabilities who were involved in incidents of restraint or seclusion during the previous school year.

4. The total number of incidents of physical restraint during the previous school year;

5. The total number of students (i.e. students with and without disabilities) who were involved in incidents of physical restraint during the previous school year; and

6. The number of students with disabilities who were involved in incidents of physical restraint during the previous school year.

b. Annually by December 1st, the BOARD shall submit to the State Superintendent a report that contains the disaggregated information for each school.

c. Reporting requirements expressly apply to incidents involving students placed at a private school by the District, as well as private schools participating in the Special Needs Scholarship Program.

2. Definitions

a. In this Policy the following definitions apply:
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2. Seclusion - involuntary confinement of a student, apart from others, in a room or area from which the student is physically prevented from leaving. The definition of seclusion does not include the following:

   i. 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 employee to maintain or regain classroom order if the student is not confined to an area from which her or she is physically prevented from leaving.

   ii. Directing a student to temporarily remain in the classroom to complete tasks while other students participate in activities outside the classroom if the student is not physically prevented from leaving the classroom.

8/26/2002
8/27/2012
7/17/2020