

PROCEDURES FOR USING SECLUSION AND PHYSICAL RESTRAINT INTERVENTIONS

R 447.11

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.

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 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 or 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.

Provided that the student is not confined to a room/area from which he or she is physically prevented from leaving, in-school suspensions, detentions, or student-requested or otherwise voluntary "breaks" from the classroom environment also do not constitute seclusion for purposes of these procedures."

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.

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 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 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 or 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 Director of Student Services and Special Education or principal.

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.

Such post-incident debriefing meetings shall normally occur within 5 school days of the incident.

If the student who was involved in the incident is a child 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 the IEP team.** The second time that seclusion or physical restraint is used on a child with a disability within the same school year, state law requires the child'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 child'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 individualized education program related to a behavior that resulted in the use of seclusion or physical restraint on the child are based on a functional behavioral assessment of that behavior.

The state mandate to convene an IEP team after the second incident in no way discourages or limits the possibility of convening the student's IEP team at other times.

E. TRAINING OF COVERED INDIVIDUALS

1. **State-required training relating to physical restraint.** The District shall provide training to designated covered individuals in each school building who are considered most likely to be required to intervene in situations where there may be a need to physically restrain a student.
 - 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 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.
 - 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 3 years, 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 whom the District has designated to receive training related to physical restraint has recently received such training from a non-District source, the Director of Student Services and Special Education 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.

F. ANNUAL SCHOOL-LEVEL AND DISTRICT-LEVEL SUMMARY REPORTS

1. Annually by October 1, the Director of Student Services and Special Education shall prepare and submit to the School Board a report that includes the school-level data required by state law related to incidents of physical restraint and, separately, to incidents of seclusion during the previous school year.
2. Annually no later than December 1, the Director of Student Services and Special Education shall ensure that the District submits to the State Superintendent a report of all of the school-level data related to incidents of physical restraint and seclusion from the previous school year.

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