

## Appropriate Use of Seclusion & Restraint 5028

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 and others. It is the policy of the Governance Board to permit the use of seclusion and physical restraint in very specific instances where the standards for use as outlined in Wisconsin Act 118 are met. A student's behavior must present a clear, present, and imminent risk to the physical safety of the student or others; the use of seclusion and/or restraint is the least restrictive intervention feasible; and it is performed in a manner consistent with this policy and law.

Under this policy, the following definitions apply:

"Covered individuals": Individuals employed by KTEC High School/CESA 6, student teachers under the supervision of a KTEC High School employee, independent contractors hired to provide services for the benefit of KTEC High School, and individuals who are employed by a person under contract with KTEC High School to provide services for the benefit of KTEC High School. Covered individuals do not include law enforcement or a law enforcement officer designated by KTEC High School to perform duties including enforcing laws, referring matters to law enforcement, and maintaining the security and safety of KTEC High School. All covered individuals shall comply with State and Federal law regarding the use of seclusion and physical restraint.

"Incident" is defined as 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 physical restraint on a student, the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, and a covered individual or law enforcement officer resumes the use of seclusion or physical restraint.

"Mechanical restraint" refers to the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical or related services professional. The use of handcuffs by police officials while on school property or during school functions has been identified as a mechanical restraint.

"Physical restraint": A restriction that immobilizes or reduces the ability of a student to freely move his or 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 does not fall within the definition of physical restraint.

"Seclusion" is defined in the law as the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving. The definition does not include the following:

- a. Directing a student to temporarily separate himself or herself from the general activity in the classroom to allow the student to regain behavioral control if the student is not confined to an area from which they are prevented from leaving.
- b. Directing a student to temporarily remain in a classroom to complete tasks while other students participate in activities outside the classroom if the student is not physically prevented from leaving the classroom.

Covered individuals may use seclusion with a student only if all the following apply:

- A. The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others, and it is the least restrictive intervention feasible.
- B. The duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.
- C. A covered individual maintains constant supervision of the student.
- D. The seclusion room or area is free of objects or fixtures that may injure the student.
- E. The student has adequate access to bathroom facilities, drinking water, necessary medication, and meals.
- F. No door connecting the seclusion room or area to other rooms or areas is capable of being locked or has a lock on it.

Covered individuals may only use physical restraint on or with a student only if all the following apply:

- A. The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others and it is the least restrictive intervention feasible.
- B. 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 risk.
- C. There are no medical contraindications to the use of physical restraint.
- D. None of the following maneuvers or techniques are used:

1. those that do not give adequate attention and care to protecting the student's head.
2. those that cause chest compression.
3. those that place pressure or weight on the student's neck or throat.
4. those that constitute corporal punishment as defined in 118.31(1), Wis. Stats.
5. those that place the student in a prone position.

#### **Parental Notice and Written Report Requirements**

A parent is specifically defined as parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint with or on a student, the principal, or their designee, shall notify the student's parent as soon as practicable but no later than one (1) business day after the incident. The notice shall advise the parent or guardian of the incident and of the availability of the written report.

Written notification to the parent and documentation to the student official school record shall include the following:

- A. the name of the student;
- B. name of the staff member(s), any law enforcement officers present for and/or administering the seclusion or physical restraint;
- C. date of the seclusion or physical restraint and the time that the seclusion or physical restraint began and ended;
- D. location of the seclusion or physical 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 seclusion or physical restraint that were attempted; and
- F. documentation of all parental contact and notification efforts.

The principal, or their designee, shall prepare this written report, in consultation with the individuals involved, and any law enforcement officials present during the incident, within two (2) business days of the incident. The written report shall include details of the student and staff involved in the incident, the description of the incident and the actions of the student before, during and after the incident.

The principal, or their designee, shall meet with the individuals who participated in the incident to discuss the following:

- A. the events preceding, during, and following the use of 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;
- C. alternatives to physical restraint, including de-escalation techniques and interventions and other strategies.

The written report shall be retained as a record by the school district within three (3) business days of the incident, and the report shall be sent to the student's parent by 1<sup>st</sup> class mail, by electronic transmission, or hand-delivered to the student's parent.

In addition, KTEC High School building administration will be required to prepare and present an annual report to the Governance Board by October 1, of the number of incidents involving seclusion or physical restraint, the total number of students involved, and the number of students with disabilities involved in such incidents.

Annually, by December 1, the Governance Board shall submit its report to the State Superintendent.

#### **Individual Education Program (IEP) Requirements**

The law requires that for students with identified disabilities under the Individuals with Disabilities in Education Act (IDEA), the second time that seclusion or physical restraint is used on a "child with a disability," within the same school year, the student's Individual Education Program (IEP) team must convene as soon as possible after the incident, but no later than ten (10) days after the incident. The IEP team shall review the student's Individualized Education Plan to ensure that it contains appropriate positive behavioral interventions and supports to address behaviors and all intervention and supports to assist related to that behavior that are of concern and to revise the IEP if necessary.

#### **Mandatory Training for Staff**

Staff who engage in the lawful use of physical restraint shall obtain training as to the methods of preventing the need for physical restraint, identification of dangerous behaviors that may indicate the need for physical restraint, the methods of

evaluating risk of harm such that physical restraint is warranted, experience in administering and receiving various types of restraint, instruction on the effects of restraint, monitoring signs of distress during restraint, obtaining medical assistance, and demonstrating proficiency in administering physical restraint.

Pursuant to State law, KTEC Administration shall create and maintain a record of the training received by the employees and school staff covered by the State law governing seclusion and restraint.

#### **Training Requirement Exception**

Training for staff in the use of physical restraint is required unless the situation is an emergency, and a trained individual is not immediately available due to the "unforeseen nature of the emergency." However, at a minimum the school in which physical restraint is used must ensure that at least one (1) employee has been trained in its use.

#### **Disciplinary Action for a Violation of This Policy**

In addition to any penalty prescribed by law, the Governance Board is directed by this policy to see that an employee who intentionally, knowingly, or recklessly violates this policy is subject to disciplinary action up to and including dismissal.

- a. An employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so.
- b. An 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.
- c. An 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 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.

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