

Revised 1/15/15 by Policy Committee
Reviewed/revised by Eileen Brownlee 1/27/15
Revised by Policy Committee 1/29/15
2/5/15 approved by Policy Committee for 1st Reading
Approved by Board 2/12/15 with revisions for first reading
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RIVER VALLEY SCHOOL DISTRICT

660 West Daley Street ~ Spring Green, Wisconsin 53588 ~ Phone: 608-588-2551

447.1443 Rule 2

General Counsel suggests replacing our entire policy

Staff USE of PHYSICAL FORCE/CORPORAL PUNISHMENT Appropriate Use of SECLUSION AND Physical RESTRAINT

The authority of teachers, principals and other school staff is necessary to assure that students are provided with an appropriate learning environment. At times, undesirable behavior makes it necessary to use reasonable force to protect the student or others.

Physical Force

School officials, employees or agents may use reasonable and necessary physical force under the following conditions:

- to quell a disturbance or prevent an act that threatens physical injury to any person;
- to obtain possession of a weapon or other dangerous object within a student's control;
- for the purpose of self-defense or the defense of others, or for the protection of property in accordance with state law;
- to remove a disruptive student from school premises, a motor vehicle or a school-sponsored activity;
- to prevent a student from inflicting harm on him/herself; or
- to protect the safety of others.

Incidental, minor or reasonable physical contact designed to maintain order and control may also be used in the District.

Corporal Punishment

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~~The use of corporal punishment shall be prohibited in the River Valley District. Corporal punishment means intentionally inflicting or causing to be inflicted physical pain for the purpose of punishment or as a disciplinary action.~~

Seclusion

~~The use of seclusion is prohibited in the River Valley District. Seclusion is defined as the involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving. Generally, the use of seclusion is prohibited in the River Valley School District. Seclusion may be used only if it is a part of a student's IEP.~~

It does not include:

- ~~• In school suspension;~~
- ~~• Detention; or~~
- ~~• Student requested break; or~~
- ~~• Directing a student to temporarily separate him/herself from the general activity~~
- ~~_____ to allow the pupil to regain behavioral control; or~~
- ~~• Directing a student to temporarily remain in the classroom to complete tasks~~
- ~~_____ while students participate in activities outside of the classroom.~~

Physical Restraint

Physical Restraint is defined as restriction that immobilizes or reduces the ability of the pupil to freely move his/her torso, arms, legs, or head.

It does not include:

- ~~• Briefly holding a student in order to calm or comfort the student; or~~
- ~~• Holding a student's hand or arm to escort the student safely from one area to~~
- ~~_____ another when the student is complying with the request to move; or~~
- ~~• Intervening in a fight;~~
- ~~• Using protective or stabilizing devices, including adaptive equipment prescribed~~
- ~~_____ by a health care professional; using a weighted glove or wide arm cuff to hold one _____ of the~~
- ~~student's arms, allowing him/her to refrain from stereotypy and work with the free arm/hand; or~~
- ~~• Other use of reasonable and necessary force under administrative policy. 447.1.~~

Physical restraint may only be used if all of the following apply:

1. ~~Less restrictive or alternative approaches have been considered, attempted or been deemed inappropriate.~~

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- ~~2. The pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others and it is the least restrictive intervention.~~
- ~~3. Staff certified in Non-Violent Crisis Intervention (NVCi) are applying physical restraint in accordance with NVCi procedures.~~
- ~~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 risk..~~
- ~~5. Physical restraint is applied in a humane, safe and effective manner considering known medical or psychological limitations of the student.~~
- ~~6. The restraint does not constitute corporal punishment, which is the intentional infliction of physical pain as a means of discipline.~~
- ~~7. Neither mechanical nor chemical restraints are used.~~
- ~~8. None of the following maneuvers or techniques are used:~~

- ~~• Those that do not give adequate attention and care to protecting the _____ pupil's head.~~
- ~~• Those that cause chest compression by placing pressure or weight _____ on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen.~~
- ~~• Those that place pressure or weight on the pupil's neck or throat, on an artery, or on the back of the pupil's head or neck, or that otherwise obstruct the pupil's circulation or breathing.~~

Staff Training Requirement and Documentation

~~The River Valley District has implemented Non-violent Crisis Intervention Training (NVCi) from the Crisis Prevention Institute. This training meets and/or exceeds all legal requirements for the training components.~~

- ~~1. Seclusion and restraint shall be implemented only by individuals who have a valid training status. Seclusion may only be used if it part of a student's IEP.~~
- ~~2. A non-trained person or person with an invalid training status may use physical restraint on a student only in an emergency and only if a trained individual with a valid status is not immediately available due to the unforeseen nature of the emergency.~~
- ~~3. All building level administrators, deans, and the pupil services coordinator student services coordinators will be trained in each school building and will maintain a valid training status.~~
- ~~4. The District Office, and Special Education Office Director, and shall Central Office shall maintain a list of all staff who have completed NVCi Training and the period of time for which the training is considered valid.~~

Any time a student is restrained or secluded for safety reasons the following procedural requirements will be followed:

- _____ 1. A seclusion restraint form will be filled out on the same day of seclusion or _____ restraint is used.
- _____ 2. The parent is notified of the incident the same day.
- _____ 3. The form is given to the Pupil Services Coordinator.
- _____ 4. A copy of the form is sent to the parent.
- _____ 5. All completed forms are kept in the Special Education Office and used for the

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annual report to the
Board of Education.

~~An annual report on the use of physical restraint and seclusion will be presented to the Board of Education in accordance with state and federal law.~~

~~All state and federal laws pertaining to students with disabilities and IDEA will be followed.~~

It is the policy of the Board to permit the use of seclusion and physical restraint only when a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, it is the least restrictive intervention feasible, and it is performed in a manner consistent with this Policy and applicable law. District employees who violate this Policy may be subject to established disciplinary procedures.

The following definitions apply to the use of physical restraint and seclusion of students and will be used throughout this Policy:

Definitions

Corporal punishment: the intentional infliction of physical pain which is used as a means of discipline. Corporal punishment includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. Corporal punishment does not include actions consistent with an individualized education program or reasonable physical activities associated with athletic training.

Covered individual: an employee of the District, independent contractors and their employees providing services for the benefit of the school district, and student teachers working under the supervision of a district employee. A law enforcement officer designated by the District to perform duties including enforcing laws, referring matters to law enforcement, and maintaining the security and safety of the District, is not considered a covered individual.

Incident: an occurrence of a covered individual or 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, the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, and seclusion or physical restraint is immediately resumed.

Parent: a 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.

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.

At School: at school refers to the day-to-day operations of a school and any school-related activities.

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Seclusion: the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving. If the student is not physically prevented from leaving a room or area, directing a student to the hall or principal's office, directing a student to temporarily separate from the general activity in the classroom to allow the student to deescalate and a covered individual to maintain or regain classroom order, or directing a student to temporarily remain in a classroom to complete tasks while other students participate in activities outside the classroom, do not fall within the definition of seclusion.

Standards for the Use of Seclusion

A covered individual may only use seclusion if all the following apply:

- A student's behavior presents a clear, present and imminent risk to the physical safety of the student or to others, and seclusion is the least restrictive intervention feasible.
- A covered individual maintains constant supervision of the student during the seclusion 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.
- The student has adequate access to the bathroom, drinking water, required medications and regularly scheduled meals.
- Seclusion is used no longer than necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.
- The room or area used to seclude the student is free of objects or fixtures that may cause injury;
- 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.
- The room or area used to seclude the student meets all applicable school building code requirements.

Standards for the Use of Physical Restraint

A covered individual may only use physical restraint if all the following apply:

- A student's behavior presents a clear, present and imminent risk to the physical safety of the student or to others, and it is the least restrictive intervention feasible.
- There are no medical contraindications to its use.
- The degree of force used and duration of the physical restraint do not exceed what is necessary and reasonable to resolve the clear, present, and imminent risk to the physical safety of the student or others.
- No prohibited maneuvers or techniques are used.

The following are prohibited maneuvers or techniques:

- Maneuvers or techniques that do not give adequate attention and care to protecting the student's head.
- Maneuvers or techniques that cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back, or abdomen.

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- Maneuvers or techniques 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.
- Maneuvers or techniques that place the student in a prone position.
- Maneuvers or techniques that constitute corporal punishment.
- Maneuvers or techniques that use mechanical or chemical restraint. The use of supportive equipment to properly align a student's body, assist a student to maintain balance, or assist a student's mobility, and while used under the direction and oversight of appropriate medical or therapeutic staff, does not constitute mechanical restraint. The use of vehicle safety restraints when used as intended and during transport also does not constitute the use of mechanical restraint.

Notification, Reporting and Debriefing Requirements

If seclusion and/or physical restraint is used on a student at school by any individual, the principal or designee must do the following:

- As soon as possible, but no later than one (1) business day after the incident, notify the student's parent of the incident and of the availability of the written report.
- Within two (2) business days after the incident, after consulting with covered individuals and any law enforcement present during the incident, prepare a written report containing all of the following information:
 - Student's name;
 - Date, time and duration of the incident;
 - Description of the incident including a description of the student's behavior before, during, and after the incident; and
 - The names and titles of covered individuals and any law enforcement officers present during the incident.

Within three (3) business days of the incident, the principal or designee must send the report to the student's parent by first class mail or by electronic transmission, or hand deliver the report to the student's parent. The principal or designee must retain a copy of the report.

The principal or designee must also meet with covered individuals who participated in the incident to discuss all of the following:

- The events preceding, during, and following the use of the seclusion or physical restraint.
- How to prevent the need for seclusion or physical restraint, including the factors that may have contributed to the escalation of behavior.
- Alternatives to physical restraint, such as de-escalation techniques and possible interventions.
- Other strategies that the school principal or designee determines are appropriate.

By October 1 of each year, the principal or designee of each school must submit a report to the Board of Education containing the following information:

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- The number of incidents of seclusion in the school during the previous school year.
- The total number of students who were involved in the incidents of seclusion.
- The number of children with disabilities who were involved in the incidents of seclusion.
- The number of incidents of physical restraint in the school during the previous school year.
- The total number of students who were involved in the incidents of physical restraint.
- The number of children with disabilities who were involved in the incidents of physical restraint.

By December 1 of each year, the Board of Education must submit a report containing the information listed above to the State Superintendent.

Reporting Requirements for Students Placed by the District in Private Schools

Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint on a student placed by the District at a private school, the administrator of the private school or his or her designee shall notify the student's parent and the District as soon as practicable but no later than one (1) business day after the incident. The notice shall advise the parent of the incident and of the availability of the written report.

Within two (2) business days after the incident and after consulting with the covered individuals and any law enforcement officers present during the incident, prepare a written report containing all of the following information:

- The name of the student placed by the District.
- 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 who were present during the incident.

An administrator of a private school or his or her designee shall retain the written report and within three (3) business days of the incident send the report by 1st class mail or by electronic transmission to the student's parent and to the District or hand deliver the report to the student's parent and to the District.

Training Requirements

Each school within the District shall have at least one covered individual that has received the training set forth below. The school shall maintain a record of training received by covered individuals and the time period during which the training is considered valid by the entity that trained the covered individuals.

Unless an emergency exists, no school staff may use physical restraint unless he or she has received training that includes:

- Evidence-based instruction related to positive behavioral supports and interventions, safe physical escort, understanding antecedents, de-escalation, conflict prevention, and conflict management.

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- Evidence-based techniques, including debriefing, that have been shown to prevent or reduce the use of physical restraint.
- An 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.
- Instruction regarding the effects of physical restraint on the person restrained, in monitoring signs of physical distress, and in obtaining medical assistance.
- Instruction in documenting and reporting incidents of physical restraint.
- A requirement that the trainee demonstrate his or her ability to identify prohibited techniques in administering physical restraint.

School staff who have not received the prescribed training in physical restraint may use physical restraint on the student at school only if both of the following apply:

- In an emergency.
- If a covered individual who has received training is not immediately available due to the unforeseen nature of the emergency.

Individualized Education Program (IEP) Requirements

The second time that seclusion or physical restraint is used on a child with a disability within the same school year, the student's IEP team must convene as soon as possible, but no later than ten (10) school days after the second incident. The IEP team shall review the student's IEP and revise it to ensure the following:

- The IEP includes appropriate positive behavioral interventions and supports to address behaviors of concern.
- All interventions, supports and other strategies related to a behavior that resulted in the use of seclusion or physical restraint are based on a functional behavioral assessment of that behavior.

Authority under Other Statutory Provisions

Corporal Punishment Prohibited

Corporal punishment is expressly prohibited. However, school officials, or agents of the Board may use reasonable and necessary force under the following specific circumstances:

- To quell a disturbance or prevent an act that threatens physical injury to any person.
- To obtain possession of a weapon or other dangerous object within a student's control.
- For the purpose of self-defense or the defense of others, or for the protection of property in accordance with state statutes.
- To remove a disruptive student from school premises, a motor vehicle, or a school-sponsored activity.
- To prevent a student from inflicting harm on him/herself.

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- To protect the safety of others.

Incidental, minor or reasonable physical contact designed to maintain order and control may be used in the district.

LEGAL REFERENCES: SS 118.31

118.305

115.787

120.13(1)

120.44

PI 9, Wisconsin Administrative Code

IDEA

CROSS REFERENCE: ~~All School~~ Student, Staff, and Parent Handbooks

Athletic Code Handbook

Student Activity Code Handbook

443 Rule 1 -Code of Classroom Conduct

443 Student Discipline

443- Exhibit

411-Rule- Discrimination Complaint Procedures

411.1 -Bullying/Harassment

411.2 -Student Harassment/Sexual Harassment

441- Rule Student Due Process Rights

443.2 -Student Conduct on School Buses

443.3 -Drug and ~~a~~Alcohol Prohibitions

443.4 -Dangerous Weapons

443.7 -Youth Gangs

446.2 Student Suspensions/Expulsions

446.2 – Rule-Expulsion Procedures

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