

**Kimberly School District**  
**STUDENTS**  
**POLICY 3435**

**Use of Restraint, Seclusion and Aversive Techniques for Students**

**Conduct of Employees Directed Toward Students:**

The use by appropriately trained District personnel towards or directed at any student of any form of restraint or seclusion as defined in this policy, is prohibited except in circumstances where proportional restraint or seclusion of a student is necessary when a student's conduct creates a reasonable belief in the perspective of a District employee, that the conduct of the student has placed the student, the employee or any other individual in imminent danger of serious bodily harm.

The employee or any employee who is a witness to this event **should** ~~shall~~ immediately seek out the assistance of the school's administration and if such administrator is not available a certificated or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint **should** ~~shall~~ take control over the situation.

Seclusion and/or restraint of a student **should** ~~shall~~ immediately be terminated when it is decided that the student is no longer an immediate danger to him/herself or to any other third person (see gradual progression steps below) and/or if it is determined that the student is exhibiting extreme distress and/or at such time that appropriate administrative personnel have taken possession of the child and/or upon such time that the parent/legal guardian of the child has retaken possession of the child.

**PROHIBITED PRACTICES**

The following are prohibited (except as noted below) under all circumstances, including emergency situations:

- Mechanical restraints (e.g., handcuffs or plastic straps) to restrict a student's freedom of movement. This policy does not prohibit law enforcement from using physical or mechanical restraints in exercising their law enforcement duties.
- Chemical restraints (i.e., drugs or medication) to control behavior or restrict freedom of movement unless it is (1) prescribed by a qualified health professional, and (2) administered as prescribed by the qualified health professional.
- Physical restraint or seclusion techniques that restrict a student's breathing or harm the student, and will be limited to using reasonable force when utilizing physical restraint or seclusion with a student. Specifically, the use of prone (i.e., lying face down) physical restraints will not be utilized.
- Using physical restraint or seclusion procedures when a known psychiatric, medical or physical condition of the student would make physical restraint or seclusion dangerous for that student. For example, seclusion is inappropriate for students who are severely self-injurious or suicidal.
- Any technique that is inconsistent with the student's rights to be treated with dignity and to be free from abuse. The use of any technique that is abusive **should** ~~will~~ be reported to the appropriate authorities.
- Using physical restraint or seclusion (1) as a form of punishment or discipline; (2) as a means of coercion, retaliation, or as a convenience; (3) as a planned behavioral intervention in response to behavior that does not pose imminent danger of serious physical harm to self or others; or (4) in a manner that endangers the student.

Regardless of employee training status, no District personnel **should** ~~shall~~ use any form of aversive technique against any school student.

### **APPROPRIATE USE OF PHYSICAL RESTRAINT OR SECLUSION**

Restraint or seclusion should only be implemented in situations where a student's behavior poses imminent danger of serious physical harm to self or others, and not as a routine strategy to address instructional problems or inappropriate behavior.

Staff members are authorized to restrain a student or place a student in seclusion when an emergency, as defined above, exists; or when a student's individualized education program (IEP) or behavioral intervention plan (BIP) describes the specific behaviors and circumstances in which restraint and seclusion may be used.

The following guidelines apply to the use of physical restraint or seclusion:

- Staff members **should** ~~will~~ take reasonable efforts to prevent the need for the use of physical restraint or seclusion by implementing positive behavioral interventions and supports.
- Staff members may only use physical restraint or seclusion in situations where (1) the student's behavior poses imminent danger of serious physical harm to self or others, (2) other interventions are ineffective, and (3) when a student's individualized education program (IEP) or behavioral intervention plan (BIP) describes the specific behaviors and circumstances in which restraint and seclusion may be used.
- Staff members **should** ~~will~~ utilize the least restrictive technique necessary to end the threat of imminent danger of serious physical harm.
- Staff members **should** ~~will~~ carefully and continuously visually monitor the student when physical restraint or seclusion is used to ensure the appropriateness of its use and the safety of the student and others.
- ~~5.~~ Staff members **should** ~~will~~ terminate the use of physical restraint or seclusion as soon as it is determined the student is no longer in imminent danger of serious physical harm to self or others. A gradual progression of release **should** ~~will~~ be followed as the student regains total rationality where staff members **should** ~~will~~ attempt to talk to the student telling him he will not be harmed, providing time for fully calming down, deep breathing, informing individual of sequence of events to come, forming a verbal contract, and within safe judgement allowing the individual to make his own choices. Staff members **should** ~~will~~ immediately terminate the use of physical restraint or seclusion if the student is observed to be in severe distress.
- Staff members **should** ~~will~~ document in writing each incident requiring physical restraint or seclusion.
- Selected staff members **should** ~~will~~ be trained on the appropriate use of effective alternatives to physical restraint and seclusion, and when appropriate, the safe use of physical restraint and seclusion.
- Staff members **should** ~~will~~ review and revise behavioral strategies as appropriate to address the underlying cause of the dangerous behavior, and to prevent the repeated use of physical restraint or seclusion for managing the dangerous behavior.
- The building principal or designee **should** ~~will~~ verbally notify the parent/guardian of a student requiring physical restraint or seclusion as soon as possible and no later than 24 hours following the incident. Verbal notice **should** ~~will~~ include a brief summary of the incident and contact information for the staff member who may provide additional information. The delivery of the notice **should** ~~will~~ be documented by the district. Verbal notice **should** ~~will~~ be provided via telephone. In the event a staff member is unable to speak directly to the parent via telephone, a message **should** ~~will~~ be left on the individual's voicemail, if available. If unable to reach the parent via telephone or leave a message on

voicemail, the staff member **should will** send an e-mail to the parent, if the e-mail address is known. Alternatively, a written message may be sent home with the student.

### **Notice to Administrator**

1. The employee **should shall** immediately report to their building principal, in writing, the following information:

- Information about the student (i.e., name, grade, etc.).
- If the student has a disability (IDEA or Section 504), and the type of disability.
- The date and start and end times of the restraint or seclusion.
- The location of the incident.
- A description of the incident.
- **Statement(s) from witnesses or participants to the event.**
- A description of the dangerous behavior that resulted in the implementation of physical restraint or seclusion.
- If applicable, a note that physical restraint or seclusion were not employed due to a psychiatric, medical, or physical condition of the student that would make physical restraint or seclusion dangerous for that student.
- Possible events that triggered the dangerous behavior that led to the restraint or seclusion.
- Prevention, redirection, or pre-correction strategies that were used during the incident.
- A description of the restraint or seclusion strategies that were used during the incident and a log of the student's behavior during physical restraint or seclusion.
- A description of any injuries or physical damage that occurred during the incident.
- How the student was monitored during and after the incident?
- A description of behaviors displayed demonstrating the student's ability to return to the educational environment.
- The staff member(s) who participated in the implementation, monitoring, and supervision of physical restraint or seclusion and whether the person(s) had training related to restraint or seclusion.
- The follow-up that **should will** occur to review or develop the student's positive behavioral interventions and supports in order to avoid the use of restraint or seclusion in the future.
- The date and time the parent/guardian was notified.

2. The building principal **should shall** notify the Superintendent or designee of the event, providing the Superintendent or designee with a copy of the report of events.

3. **The building principal should ascertain if any of the school's video equipment captured the event on a recording. If such event was captured on recording, the principal should take all best efforts to maintain a copy of the recording and provide such to the Superintendent's Office if requested to do so within 30 days after the event.**

4. The school's office **should shall** maintain documentation as to events of restraint and seclusion and in conjunction with the superintendent's office shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to state and federal regulations.

### **Training of School Personnel:**

~~The district will provide training to one or more employee in each building regarding procedures outlines below:~~

- ~~Training to personnel as to proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and/or restraint, safe physical escort, de-escalation of student crisis situations and positive behavioral intervention techniques and supports.~~
- ~~Training of personnel in crisis/conflict management and emergency situations which may occur in the school setting, including examples and demonstrations of proper activities and techniques and trainers observing employee use of proper activities and techniques in the training setting.~~
- ~~Techniques to utilize to limit the possibility of injury to the student, the employee and any other third party in the area.~~
- ~~Information as to the school's student seclusion areas in each respective school building to which the employee is assigned.~~
- ~~Training in CPR and basic first aid.~~
- ~~Provision of the employee with a copy of this policy.~~

~~It is a goal that all new employees are trained in the area of student restraint and seclusion during their first week of employment. However, this may not be able to occur due to realities of the operation of a school district. If an employee has not yet undergone training and a situation necessitating student restraint or seclusion occurs, and another properly trained employee of the District is present at the event, the properly trained employee shall take the lead in addressing the student crisis.~~

Any teachers and other personnel who are likely to make a decision as to whether to restrain or confine a student should complete crisis intervention training on the appropriate use of effective alternatives to physical restraint and seclusion, and in cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion. All administration at the building level should also complete crisis intervention training. Training in crisis intervention may include, but is not limited to:

1. Evidence-based skills training related to positive behavioral interventions and supports, safe physical escort, crisis prevention, understanding antecedents, de-escalation strategies, and conflict management.
2. Evidence-based techniques shown to be effective in the prevention of physical restraint and seclusion, including techniques to identify events and environmental factors that may trigger emergency safety situations.
3. Evidence-based techniques shown to be effective in keeping both school personnel and students safe when imposing physical restraint or seclusion.
4. Techniques to identify dangerous behaviors, as well as methods for evaluating the risk of harm to determine whether the use of physical restraint or seclusion is warranted.
5. The risk of using physical restraint or seclusion in consideration of a student's known and unknown psychiatric, medical, and physical limitations.
6. First aid and cardiopulmonary resuscitation (CPR).
7. The requirements of this policy and the procedures to be followed in cases of physical restraint and seclusion.

Restraint and seclusion techniques should only be utilized by a person who has been trained in crisis intervention. Other school personnel may employ physical restraint and seclusion procedures only in rare and clearly unavoidable emergency circumstances when fully trained school personnel are not immediately available. Untrained staff should request assistance from trained staff as soon as possible.

**Designated Locations:**

Each school building for which students are present ~~should~~ **must** have a building designated location for student seclusion.

It is the responsibility of the building's principal, or designee of the principal, to assure that the building's designated seclusion location is a safe and clean location and that such location has appropriate supervision when any student has been placed into seclusion pursuant to this policy.

Appropriate supervision ~~should~~ **shall** include an adult in the seclusion location which has continuous visual observation of the secluded student.

**Definitions:**

For the purposes of this policy, the following definitions shall apply:

Restraint – the immobilization or reduction of a student's freedom of movement for the purpose of preventing harm to students or others through: chemical, manual method, physical or mechanical device, material or equipment.

Seclusion – involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believing that the he/she can leave or be prevented from leaving through: manually, mechanically or electronically locked doors that when closed cannot be opened from the inside; blocking or other physical interference by staff; or coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

Aversive Technique – physical, emotional or mental distress as a method of redirecting or controlling behavior.

**Annual Review:**

On an annual basis, the Superintendent or designee ~~should~~ **shall** review this policy and make a determination as to whether or not any modifications or amendments to this policy are necessary and/or should be proposed to the District's Board.

In conducting this annual review, such individual ~~should~~ **shall** also review the reports of all events of seclusion and/or restraint that occurred with the District's students in the past school year. This review ~~should~~ **will** include an analysis as to whether or not the District's personnel are following the terms of this policy, whether additional training activities are necessary or if there is any weakness in the implementation of this policy that can be strengthened.

Cross Reference:                    3310                    Student Discipline

**Legal References:**

U.S. Dept. Of Ed., Restraint and Seclusion: Resource Document (2012),

<http://www.ed.gov/policy/restraintseclusion>.

U.S. Dept. of Ed., Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities (2016),

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

**Policy History:**

**Adopted on: October 18, 2017**

**Revised on:**