

## USE OF SECLUSION AND PHYSICAL RESTRAINT BY STAFF

The Evansville Community School District employees may use reasonable and necessary force in certain situations. Physical restraint/seclusion may be used only when non-violent crisis interventions have proved ineffective or the student's behavior poses an imminent threat of serious, physical harm to self, staff, students and/or others. Such restraint/seclusion shall only be used for the amount of time needed to remove or prevent injury and as a last resort. The use of mechanical or chemical restraint is not appropriate for use in schools.

Seclusion also called "seclusion timeout" or "isolated timeout" as defined by the Wisconsin Department of Public Instruction (DPI) means:

Removing a student from the general activity and isolating them in a separate supervised area/room for a set period of time or until the student has regained control. It does not include such things as:

1. In-school suspension.
2. Detention.
3. Student requested break.
4. Instructing the student to return to their desk and/or sit on the sidelines.

Physical restraint also called "manual restraint" as defined by the DPI means:

Holding a student in order to restrain their movement; use of physical force, without the use of any device or materials, to restrict the free movement of all or a portion of a student's body. It does not include:

1. Briefly holding a student in order to calm or comfort the student.
2. 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.
3. Intervening in a fight.
4. Using protective or stabilizing devices using a weighted glove or wide arm cuff to hold one of the student's arms, allowing them to refrain from stereotypy and work with the free arm/hand. Additionally, it does not include adaptive equipment prescribed by a health care professional.

Staff may have physical contact with students to gently guide or reinforce student behavior.

School personnel may use reasonable physical force or restraint under the following conditions:

1. To quell a disturbance or prevent an act that threatens physical injury to any person.
2. To obtain possession of a weapon or other dangerous object within a student's control.
3. For the purpose of self-defense or the defense of others.
4. For the protection of property in accordance with state statutes.
5. To remove a disruptive student from school premises, a motor vehicle, or school sponsored activities, when nonphysical interventions to de-escalate the situation have proven ineffective.
6. To prevent a student from inflicting harm on themselves.
7. To protect the safety of others.

Decisions regarding the use of seclusion or physical restraint may be made on a case-by-case basis. The District shall not unlawfully discriminate in the use of seclusion or physical restraint between disabled and nondisabled students. If the behavior of a student with a disability interferes with the learning of others, it shall be the responsibility of the student's Individualized Educational Program (IEP) team to determine the

appropriate plan to address the behavior. Behavior interventions and other supports and strategies shall be included in the student's IEP and revised as necessary based upon the Functional Behavior Assessment.

All new special educators, educational assistants and building principals who are not actively certified in non-violent crisis intervention techniques will receive training and demonstrate proficiency in the use of non-violent crisis intervention techniques, including the use of seclusion/physical restraint, within one (1) year of their hiring. All staff members expected to use seclusion and/or physical restraint will receive Crisis Prevention Institute (CPI) refreshers of non-violent crisis intervention techniques every year as well as formal CPI training every three years. All special educators, educational assistants and building principals will receive formal CPI training every ~~three (3)~~ **five (5)** years. A staff member may use physical restraint on a student at school only if he or she has received this training. In an emergency, and if a trained staff member is not immediately available, any staff member may use physical restraint on a student.

No official, employee or agent of the Evansville Community School District Board of Education may subject any student enrolled in the District to corporal punishment or unreasonable physical force. Corporal punishment means the intentional inflicting or causing to be inflicted physical pain for the sole purpose of punishment or as a disciplinary action. 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 IEP or reasonable physical activities associated with athletic training or therapy provided by a licensed and certified therapy professional or under the direction of such person when trained.

All employees of the district shall be apprised of this policy annually and reminded that violation will be deemed cause for disciplinary action. A completed Evansville Community School District restraint/seclusion form must be submitted electronically to the building principal, director of student services, and the technology and data specialist whenever physical restraint or force is used against any student within one (1) business day and for the student's parent/guardian to review within three (3) business days. The restraint/seclusion form can be found on the District website.

Annually, by September 1<sup>st</sup>, the Director of Student Services shall submit to the Board a report containing the number of incidents of seclusion and physical restraint in the previous year, the total number of students involved in the incidents, and the total number of students with disabilities involved in the incidents. These reports are aligned with the mandatory reporting requirements of the Wisconsin Department of Public Instruction. This report will also disaggregate the data to report the number of seclusions, physical restraints and mechanical restraints to align with the mandatory reporting requirements from the Civil Rights Data Collection.

Guidelines for the use of physical restraint shall be developed and annually reviewed by the Director of Student Services and shared with staff annually.

Legal Ref.: Sections 115.787(2)(i) Wisconsin Statutes (Individualized Education Programs)  
115.787(3)(b)1 (Individualized Education Programs)  
118.13 (Pupil Discrimination Prohibited)  
118.164 (Removal of Pupils From the Class)  
118.305 (Use of Seclusion and Physical Restraint)  
118.31 (Corporal Punishment)  
939.48 (Self-Defense and Defense of Others)  
2011 WI Act 125

Local Ref.: Policy #447 – Student Discipline: Detention, Suspension and Expulsion