

Policy #: 447.11

SCHOOL DISTRICT OF WEBSTER

Date Adopted:

Date Revised: January 18, 2021

Policy Title: Use of Seclusion and Restraint

Maintaining a safe and productive environment for student learning is a high priority of the School Board. Positive behavioral interventions and supports shall be considered and utilized to address behavior that interferes with the student's learning or the learning of others. The Board recognizes that there may be times when a student will engage in dangerous or significantly disruptive behavior that requires immediate attention and intervention. In such cases, school personnel who are responsible for responding to student behavioral issues are expected to evaluate the relevant circumstances and avoid the use of any intervention that would be unreasonably restrictive or excessive for the situation.

Seclusion and physical restraint, as defined under state law (including all applicable exclusions and exceptions), may be used as behavioral interventions for students only when such use is consistent with applicable legal requirements, any applicable individualized education program (IEP) and behavior intervention plan, Board policy and established District procedures. Within this policy, the meaning of the term "school personnel" is identical to the meaning of the statutory term "covered individual", as defined in the state's seclusion and restraint law.

State law establishes specific conditions and limitations on the use of both seclusion and physical restraint by school personnel. For example, school personnel are required to make determinations that a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and that restraint or seclusion is the least restrictive intervention feasible under the circumstances. In addition, once implemented, state law provides that these interventions may be applied to a student only for the period of time that is reasonably necessary to resolve the identified risk to physical safety.

While school personnel must adhere to all applicable legal requirements, not all of the restrictions and conditions set forth in state law that apply to the use of seclusion and physical restraint are expressly identified in this policy. However, to emphasize certain points and with the goal of ensuring that any use of these extraordinary interventions by school personnel is consistent with the Board's expectations, the Board sets forth the following expectations and guiding principles related to the use of seclusion and physical restraint in the District:

1. School personnel may use seclusion or physical restraint only when less restrictive or alternative approaches have been considered and attempted, or considered and deemed inappropriate, for the current situation.
2. The purpose for using seclusion or physical restraint is to defuse a physically dangerous situation, protect the students and others from injury and regain a safe learning environment. Neither physical restraint nor seclusion may be used as a punishment or as a substitute for other educational/behavioral interventions and supports that are clearly more appropriate for the situation.
3. The type of behavioral intervention utilized in each situation should be appropriate to the student's age and developmental level and take into account any medical, psychological, or other issues the student may have. Neither physical restraint nor seclusion shall be used as an intervention when it is known that the use of the intervention would involve an inappropriate risk to the student's health or safety due to the student's personal medical issue(s) or medical condition(s).

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4. Verbal outbursts and unrealistic or clearly implausible threats do not constitute a clear or imminent risk to physical safety justifying the use of seclusion or physical restraint. When determining whether a threat is sufficiently plausible to constitute a clear, present and imminent risk to a person's physical safety, school personnel are expected to consider the totality of the circumstances, including but not limited to a student's age and developmental level.
5. Seclusion and physical restraint shall be administered in a humane, safe and effective manner, and without intent to harm or create undue discomfort (physical or emotional).
6. The District shall not unlawfully discriminate in the methods, practices and materials used for counseling students, standards or rules of behavior or disciplinary actions, including the use of seclusion or physical restraint, on the basis of the student's sex, sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, physical, mental, emotional or learning disability, or any other legally-protected status or classification. This does not prohibit the use of special counseling materials or techniques to meet the individualized needs of students. Discrimination complaints shall be processed in accordance with established procedures.

The administration may establish additional expectations and directives related to the seclusion and physical restraint of students.

Training of School Personnel

The District shall provide periodic training on restrictive behavioral interventions to designated staff members in each school building who are most likely to be called upon to prevent or address dangerous or significantly disruptive student behavior. Such training shall include at least the following:

1. *Physical restraint training.* The administration shall designate one or more staff members in each school in addition to the school principal to receive state-mandated training in physical restraint and shall arrange for and document the delivery of the training. However, as permitted by state law, school personnel who have not received such training may physically restrain a student when responding to an emergency situation, but only if (1) a trained individual is not immediately available due to the unforeseen nature of the emergency; and (2) the non-trained individual conducts the restraint in a manner that is consistent with other applicable legal requirements.
2. *Seclusion training.* The administration shall designate one or more staff members in each school in addition to the school principal receive training in the use of seclusion as a behavioral intervention.

Administrative Notification and Other Post-Incident Procedures

At least one of the District employees or other "covered individuals" who was present during an incident arising under this policy shall notify the school principal or an administrative-level designee of the principal of the incident. For purposes of this reporting expectation, reportable incidents include any incident that involved the use of seclusion or physical restraint on a

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student by any “covered individual” or any law enforcement officer that occurs at school or in connection with a school-sponsored activity.

Once an incident that involved seclusion or physical restraint is reported to or otherwise identified by the administration, the school principal or the principal’s administrative-level designee, acting in consultation with the Director of Student Services as needed, shall ensure that the District completes all applicable post-incident requirements established under state law and District procedures (e.g., documentation, parent contacts, meetings, etc.).

Policy Dissemination

The Director of Student Services or his/her administrative-level designee is responsible for ensuring that the District implements reasonable methods for informing school personnel, to the extent appropriate to their role, of this policy, related legal requirements and limitations, and any District procedures or rules developed under this policy.

Reporting and Use of School-Level Data

State law requires the principal of each school or his/her designee to annually prepare and submit to the Board, by October 1, a report that includes school-level data for all incidents of physical restraint of students and, separately, for all incidents of seclusion of students during the previous school year. The Board is required to compile the school-level reports for annual submission to the State Superintendent.

The Superintendent shall annually review school-level data related to incidents of seclusion and physical restraint to evaluate legal compliance, assess intra-District consistency and identify potential recommendations related to District policies, procedures and practices. Upon the request of the Board or as initiated by the Superintendent, information regarding such review shall be presented to the Board.

Cross Reference:

Legal Reference:

WISCONSIN STATUTES

- [Section 115.787\(2\)\(i\)](#) [IEP team duties; use of seclusion or physical restraint]
- [Section 115.787\(3\)\(b\)1](#) [IEP team duties; behavioral interventions and supports]
- [Section 118.13](#) [student nondiscrimination]
- [Section 118.164](#) [student removal from class]
- [Section 118.305](#) [use of seclusion and physical restraint]
- [Section 118.31](#) [corporal punishment prohibited; staff use of reasonable and necessary authorized; policy required]

FEDERAL LAWS

- [Individuals with Disabilities Education Act \(IDEA\)](#) [programs and services for students with disabilities]