

RESTRAINT, ISOLATION AND OTHER USE OF REASONABLE FORCE

Definitions:

Restraint: Physical intervention or force used to control a student, including the use of a restraint device. It does not include appropriate use of a prescribed medical, orthopedic or therapeutic device when used as intended, such as to achieve proper body position, balance or alignment or to permit a student to safely participate in activities. It does not include use of a seat harness used to safely transport students.

Isolation: Restricting a student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

Imminent: The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

Likelihood of Serious Harm:

- a substantial risk that physical harm will be inflicted by a student upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
- a substantial risk that physical harm will be inflicted by a student upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm;
- a substantial risk that physical harm will be inflicted by a student upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
- the student has threatened the physical safety of another and has a history of one or more violent acts towards either students or staff.

District/School Resource Officer: A commissioned law enforcement officer who provides law enforcement services and may perform other duties for the district, and is assigned by the employing police department or agency to work in collaboration with the district.

School Security Officer: A classified or contracted school district employee other than a school resource officer who provides security services in the district under the direction of a school administrator.

De-escalation: The use of positive interventions and other district-approved strategies to defuse a student who has lost self-control, is non-compliant or is demonstrating unacceptable behavior. These strategies address behavior that is dangerous, disruptive or otherwise impedes the learning of a student or others.

Use of Restraint, Isolation, or Other Forms of Reasonable Force:

- Restraint, isolation, or other forms of reasonable force are permitted only when reasonably necessary to control spontaneous behavior that poses an imminent likelihood of harm.
- Restraint, isolation, or other forms of reasonable physical force should be avoided as an intervention if the school employee, school resource officer or school security officer knows that the student has a health condition or physical problem and the condition or problem would be exacerbated by the use of such techniques.
- Consistent with the provisions found in chapter 392-172A WAC, nothing in this procedure precludes the use of restraint or isolation as part of a behavior intervention plan in an Individualized Education Program (IEP) or a Section 504 Plan, provided that the student requires more specific advanced educational planning and the parent/guardian agrees to the use of these techniques in writing.
- Restraint, isolation, or other forms of reasonable physical force will not be used as a form of discipline or punishment.
- Restraint, isolation, or other forms of reasonable physical force will not be used as an initial response to destruction of property, school disruption, refusal of the student to comply with school rules or a staff directive; or a verbal threat that does not constitute an imminent likelihood of serious harm. The student may be escorted or assisted to a calming location.
- Restraint, isolation, or other forms of reasonable physical force must not be continued if a determination is made by the staff member administering the restraint, isolation, or other forms of reasonable physical force that the likelihood of serious harm has dissipated.
- Restraint, isolation, or other forms of reasonable physical force must be administered in such a way so as to prevent or minimize physical harm to the student and students around them. If, at any time during the use of restraint, isolation, or other forms of reasonable physical force, the student demonstrates significant physical distress, the technique must be reduced and, if necessary, school staff must take immediate steps to seek medical assistance.

Monitoring:

An adult must continually monitor any student when in restraint, isolation, or other forms of reasonable physical force. The monitoring must be conducted by direct observation of the student. Monitoring must include regularly evaluating the student for signs of physical distress.

Post-Incident Notification and Review with Parent/Guardian Within twenty-four (48) hours following the use of restraint, isolation, or other forms of reasonable physical force with a student, the principal or designee must make a reasonable effort to verbally inform the student's parent or guardian of the incident. The principal or designee must also send written notification as soon as practical, but postmarked no later than five (5) business days after restraint, isolation, or other forms of reasonable physical force has been used with a student. If the school or district customarily provides the parent or guardian with school-related information in a language other than English, the written report must be provided to the parent or guardian in that language.

The principal or designee will review the incident with the student and the parent or guardian (though not necessarily at the same time) to address the behavior that precipitated the use of the technique and the appropriateness of the response. The principal or designee will review the incident with the staff person(s) who administered the restraint, isolation, or other forms of reasonable physical force to discuss whether proper procedures were followed and what staff training or support is needed to help the student avoid similar incidents.

IEPs and 504 plans will include the above procedures for notification of parents/guardians regarding the use of isolation and restraint with their student.

Incident Report Any school employee, school resource officer or school security officer who uses restraint, isolation, or other forms of reasonable physical force, as defined in this procedure, on a student during school-sponsored instruction or activities, will inform the principal or a designee as soon as possible and within two (2) business days submit a written report of the incident to the district office. The written report will contain, at a minimum:

- The date and time of the incident;
- The name and job title of the staff member who administered the restraint, isolation, or other form of reasonable physical force;
- A description of the activity that led to the restraint, isolation, or other form of reasonable physical force;
- The type of restraint, isolation, or other forms of reasonable physical force used on the student, and the duration;
- Whether the student or staff was physically injured during incident involving restraint, isolation, or other forms of reasonable physical force;
- Any medical care provided to the student or staff; and
- Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents

Resolution of Concerns About the Use of Force Incident

A student or his/her parent or guardian who has concerns regarding a specific incident involving restraint, isolation, or other form of reasonable physical force may seek to resolve the concern by using the district's complaint process.

Providing Parents/Guardians with Restraint, Isolation, and Other Use of Reasonable Force Policy

The district will make available to all parents/guardians of students the district's policy on Restraint, Isolation and Other Use of Reasonable Force. If the student has an IEP or 504 plan, the District will provide the parents/guardians a copy of the policy when the IEP or 504 plan is created.

Staff Training Requirements

All training will include instruction in positive management of student behavior, cultural sensitivity, effective communication for defusing and de-escalating disruptive or dangerous behavior and safe and appropriate use of force, isolation and restraint. Annually, administrators will provide all staff with the district established policy and procedure regarding the use of reasonable force.

All staff should be informed of de-escalation strategies and proper physical intervention procedures. Appropriate staff and those who are required or reasonably anticipated to provide physical force intervention will be trained in the use of physical force intervention.

Submission of Incident Reports to the Office of Superintendent of Public Instruction

Beginning January 1, 2016 and annually by January 1 thereafter, the district will summarize the written incident reports described above and submit those summaries to OSPI. The summaries will include:

- the number of individual incidents of restraint and isolation;
- the number of students involved in the incidents;
- the number of injuries to students and staff; and
- the types of restraint or isolation used.

Cross References: Policy 2161 Special Education and Related Services for Eligible Students

Policy 2162 Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973

Policy 3247 Isolation and Restraint of Students With IEP's and Section 504 Plans
Legal References: RCW 28A.150.300 Corporal Punishment Prohibited 9A.16.020 Use of Force — When lawful 9A.16.100 Use of Force on Children — Policy — Actions presumed unreasonable WAC 392-400-235 Discipline — Conditions and limitations 392-172A Rules for the Provision of Special Education Management Resources: Policy and Legal News, December 2013 WSSDA issues new policy specific to isolation and restraint of students with IEP's and Section 504 plans

Policy No. 3246 Students Policy and Legal News, July 2013 Use of Reasonable Force Policy retitled, revised to include new reporting requirement pursuant to ESSB 1688 Policy News, December 2008 Use of Reasonable Force Policy.

Lopez Island School District
Classification: Priority
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