

To: All District Employees
From: Mark S. Kapocius, Director of H.R. & Special Services
Ellen Feider, Director of Special Education
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Re: Use of Seclusion and Physical Restraint with Students

The Whitefish Bay School District



Introduction

Last spring, Wisconsin Act 125 was signed into law. The Act generally prohibits the use of physical restraint and seclusion in schools. As employees of the District, we are all covered by this law.

What is seclusion?

"Seclusion" means the involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving. Directing a pupil who is disruptive to temporarily separate himself or herself from the general activity in the classroom is not seclusion. Directing a pupil to temporarily remain in the classroom to complete tasks while other pupils participate in activities outside the classroom is also not considered seclusion.

What is physical restraint?

"Physical restraint" means a restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs, or head. Briefly touching or holding a pupil's hand, arm, shoulder, or back to calm, comfort, or redirect the pupil is not considered restraint.

Is it ever appropriate to use physical restraint?

Yes, subject to the conditions outlined below.

When can physical restraint be used?

Only when a student's behavior presents a clear, present and imminent risk to the physical safety of the student or others, and it is the least restrictive intervention feasible. Further, physical restraint may be used only when:

- (1) There are no medical contraindications to its use.
- (2) 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 clear, present, and imminent risk to the physical safety of the pupil or others.
- (3) None of the following maneuvers or techniques are used:
 - (a) Those that do not give adequate attention and care to protecting the pupil's head.
 - (b) Those that cause chest compression by placing pressure or weight on the pupil's chest, lungs, sternum, diaphragm, back, or abdomen.
 - (c) 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.
- (4) It does not constitute corporal punishment, and
- (5) The covered individual does not use a mechanical or chemical restraint on the pupil. The use of supportive equipment to properly align a pupil's body, assist a pupil to maintain balance, or assist a pupil's mobility, under the direction and oversight of appropriate medical or therapeutic staff, does not constitute the use of a mechanical restraint.

Who may apply physical restraint?

No one may use physical restraint on a pupil at school unless he or she has received training in the use of physical restraint that includes all of the following components:

- (1) Methods of preventing the need for physical restraint,
- (2) 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,
- (3) Experience in administering and receiving various types of physical restraint.
- (4) Instruction regarding the effects of physical restraint on the person restrained, in monitoring signs of physical distress, and in obtaining medical assistance.
- (5) Instruction in documenting and reporting incidents of physical restraint.
- (6) A requirement that the trainee demonstrate proficiency in administering physical restraint.

What about emergency situations?

An employee who has not received training in the use of physical restraint may use physical restraint on a pupil at school only in an emergency and only if an individual who has received training in the use of physical restraint is not immediately available due to the unforeseen nature of the emergency.

What is the District doing to ensure proper training?

The District is committed to addressing the needs of students and staff without physical restraint or seclusion. However, due to the nature of our pupil population, physical restraint of pupils may be necessary. Annually, training is offered for Special Education para-professionals who are likely to be involved in physical restraint of pupils. Additional staff members have also participated in the training, including teachers and administrators. As a result, there is at least one trained staff member in each building. As training opportunities are offered, interested staff will be invited to participate.

What happens after there is an incident of physical restraint?

Whenever seclusion or physical restraint is used on a pupil at school, the school principal or his or her designee shall do all of the following:

- (1) notify the pupil's parent of the incident and of the availability of the written report within one business day,
- (2) Within 2 business days after the incident and after consulting with the individuals present during the incident, prepare a written report containing all of the following information:
 - (a) The pupil's name,
 - (b) The date, time, and duration of the use of seclusion or physical restraint,
 - (c) A description of the incident, including a description of the actions of the pupil before, during, and after the incident,
 - (d) The names and titles of the covered individuals present during the incident.

Each report prepared shall be retained in the District offices and made available for review by the pupil's parent within 3 business days of the incident.

What if the pupil is a child with a disability?

The first time that seclusion or physical restraint is used on a child with a disability, the IEP team shall convene as soon as possible after the incident. The IEP team shall review the child's individualized education program to ensure that it contains appropriate positive behavioral interventions and supports and other strategies to address the behavior of concern.

Where can I find the form to complete after an event?

After an incident of seclusion or physical restraint, please complete the "Seclusion or Restraint Report" found on the W Drive or available in hard copy in the school office.