

RESTRAINT, ISOLATION, AND REASONABLE FORCE

POLICY:

It is the policy of the Board of Directors that the District maintains a safe learning environment while treating all students with dignity and respect. All students in the district will remain free from the unreasonable use of force.

District staff may use restraint, isolation, or reasonable force only when necessary to control spontaneous behavior that poses an imminent likelihood of serious harm to the student, to another person, or to the property of others. District staff shall employ the least amount of force, restraint, or isolation appropriate to protect the safety of students and staff and shall discontinue the use of force, restraint, or isolation as soon as the likelihood of serious harm has dissipated.

Physical force, restraint, or isolation is reasonable when needed to prevent or minimize an imminent and substantial risk of bodily injury to self or others. If de-escalation interventions have failed or are inappropriate, reasonable physical force may be used to protect the student, other students, staff, or district property from substantial loss or damage.

Physical force, restraint, or isolation will not be used as a form of discipline or punishment.

This policy is intended to address district students. It is not intended to prevent or limit the use of reasonable force or restraint as necessary with adults or youth from outside the district as allowed by law.

Except as otherwise noted regarding reporting procedures by school resource officers, this policy does not apply to lawful actions by law enforcement officials while on school district property or at school-sanctioned events in fulfilling their law enforcement duties and responsibilities.

Parents or guardians of students who require more specific advanced educational planning and with whom the District is considering the use of restraint or isolation as a planned educational intervention under the Individuals with Disabilities Education Act (IDEA) and students whose Section 504 Plan will contain the use of restraint or isolation will be provided a copy of this policy.

The Superintendent or a designee will develop procedures to implement this policy, including review, reporting, and parent/guardian notification of incidents involving restraint or isolation as required by law.

Cross References:

Policy No. 1360: Complaints Regarding Staff Members

Policy No. 6005.1: Special Education and Related Services for Eligible Students

Policy No. 6005.2: Education of Students with Disabilities (Under Section 504 of the Rehabilitation Act of 1973)

Legal References:

RCW 9A.16.020 Use of force – When lawful

RCW 9A.16.100 Use of force on children – Policy 0 Actions presumed Unreasonable

RCW 28A.150.300 Corporal Punishment Prohibited – Adoption of Policy

RCW 28A.155.210 Use of restraint or isolation – Requirements for Procedures to notify parent or guardian

RCW 28A.600.485 (as amended by SHB 1240

RCW 70.96B.010 Definitions

WAC 392-400-235 Discipline – Conditions and limitations

WSSDA Management Resources:

2015 – July Policy Alert

2013 – December Issue

2013 – July Issue

Policy News, December 2008 Use of Reasonable Force Policy

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PROCEDURES:

Definitions

- **Restraint:** Physical intervention or force used to control a student. 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. This does not include 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.
- **Physical force:** The use of bodily force or physical restriction that substantially immobilizes or reduces the free movement of a student.
- **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 (1) upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (2) 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; (3) upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or (4) after the student has threatened the physical safety of another and has a history of one or more violent acts.
- **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 Reasonable Force

- Restraint, isolation, or reasonable force may be used to prevent or minimize imminent bodily harm to self or others; or if de-escalation or other positive interventions fail or are inappropriate, to protect district property, where there is a likelihood of such serious harm occurring.
- Restraint, isolation, or reasonable physical force may be used when a student has caused a substantial loss or damage to the property of others and the student's behavior poses a substantial risk that such property damage will be inflicted.
- Consistent with the provisions found in chapter 392-172A WAC, nothing in this procedure precludes the use of restraint or isolation 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 reasonable physical force will not be used as a form of discipline or punishment.
- Restraint, isolation, or 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 a threat of imminent bodily injury, unless other forms of de-escalation and positive interventions fail or are inappropriate.
- Restraint, isolation, or reasonable physical force should not be used 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.

Degree of Force

- Restraint, isolation, or reasonable physical force must not be continued if a determination is made by the staff member administering the restraint, isolation, or reasonable physical force that the student is no longer at risk of causing imminent bodily harm to himself/herself or others or property.
- Restraint, isolation, or reasonable physical force must be administered in such a way so as to prevent or minimize physical harm to the student. 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 immediately and, if necessary, school staff must take immediate steps to seek medical assistance.

Monitoring

An adult must continually monitor any student when restraint, isolation, or other forms of reasonable physical force is used. 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 (24) 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 on their student.

Incident Report

Any school employee, school resource officer, or school security officer who uses restraint, isolation, or 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 reasonable physical force;
- The type of restraint, isolation, or reasonable physical force used on the student, and the duration;
- Whether the student or staff was physically injured during incident involving restraint, isolation, or 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 reasonable physical force may seek to resolve the concern by using the District's complaint process which is set forth in Policy No. 1360: Complaints Regarding Staff Members.

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

The District will make this policy available to all parents/guardians. If a student has an IEP or 504 Plan which includes the use of restraint and or isolation, a copy of this policy will be given to the parents/guardians when the IEP or 504 Plan is created.

Staff Training Requirements

Staff who are required or reasonably anticipated to provide physical force

intervention will be trained in appropriate use of de-escalation strategies and proper physical intervention procedures.

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.