

POLICY 5471
CORPORAL PUNISHMENT/USE OF PHYSICAL FORCE

District employees may not use corporal punishment of any kind on students. District employees who violate this policy shall be subject to established disciplinary procedures.

School officials, employees or agents are required to follow Wisconsin Statute 125 when addressing the use of seclusion and physical restraint in schools. School officials may, according to state law, use reasonable and necessary force under the following specific circumstances:

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, or for the protection of property in accordance with state statutes;
4. to remove a disruptive student from school premises, a motor vehicle, or a school-sponsored activity;
5. to prevent a student from inflicting harm on him/herself; and,
6. to protect the safety of others.

Incidental, minor or reasonable physical contact designed to maintain order and control may be used in the district.

In determining whether or not a person is using reasonable and necessary force, deference shall be given to reasonable, good faith judgments made by an official, employee or agent of the district.

Wisconsin Statute §118.305, which was created by Wisconsin Act 125, generally provides that students, both special education and regular education, may only be restrained in very specific and limited circumstances and only when specific procedures and cautionary measures are taken. In particular the statute addresses seclusion and restraint as follows:

Definitions

Physical restraint: a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs or head.

Seclusion: the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving.

Seclusion - Wisconsin Act 125

Prohibits the use of seclusion in public schools, including charter schools, except when:

- A student's behavior presents a clear, present and imminent risk to the physical safety of the student or to others, and it is the least restrictive intervention feasible;
- constant supervision of the student is maintained;
- the student has adequate access to the bathroom, drinking water, required medications and regularly scheduled meals; and
- seclusion is used no longer than necessary to resolve the risk to the physical safety of the student or others.

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A room may not be used for seclusion unless:

- The room or area is free of objects or fixtures that may cause injury;
- there are no locks on the door, including hold down type mechanisms that immediately release when pressure is removed; and
- meets all applicable school building code requirements.

Prohibits covered individuals from using physical restraint in public schools, including charter schools, except when:

- A student's behavior presents a clear, present and imminent risk to the physical safety of the student or to others, and it is the least restrictive intervention feasible;
- there are no medical contraindications to its use;
- the degree of force and duration used do not exceed what is necessary and reasonable to resolve the risk to the physical safety of the student or others; and
- no prohibited maneuver is used.

Prohibits maneuvers or techniques that:

- Do not give adequate attention and care to protecting the pupil's head;
- cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back or abdomen;
- place pressure or weight on the student's neck or throat, on an artery, or on the back of the student's head or neck, or that otherwise obstruct the student's circulation or breathing; and
- constitute corporal punishment.

Act 125 prohibits mechanical or chemical restraints. Supportive equipment that properly aligns a student's body, assists in maintaining balance, or assists in mobility under the oversight of appropriate medical staff is not mechanical restraint.

Notification and Reporting Requirements

If seclusion and/or physical restraint is used on a student at school, the principal or designee must:

- As soon as possible, but no later than one business day after the incident, notify the student's parent of the incident and of the availability of the written report.
- Within two business days after the incident, after consulting with school staff who were present, prepare a written report containing all of the following information:
 - Student's name;
 - date, time and duration of the incident;
 - description of the incident including a description of the student's behavior before and after the incident; and
 - names and titles of school staff present during the incident.
- The written report must be kept at the school and made available for review by the student's parents within three business days of the incident.

Except as discussed below, no school staff may use physical restraint unless he or she has received training that includes:

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- Methods of preventing the need for physical restraint;
- instruction in the identification and description of dangerous behavior indicating the need for physical restraint, and in methods of evaluating risk of harm to determine whether physical restraint is needed;
- experience in administering and receiving various types of physical restraint;
- instruction on the effects of physical restraint on the person restrained, methods of monitoring signs physical distress, and techniques for determining when medical assistance may be needed;
- instruction in documenting and reporting incidents of physical restraint; and
- demonstration of proficiency in administering physical restraint.

School staff who have not received the prescribed training in physical restraint may use physical restraint on the student at school:

- Only in an emergency; and
- only if school staff members who have received training are not immediately available.

Authority Under Other Statutory Provisions

Nothing in Act 125 affects the ability of school staff to remove a student from class under current law (Section 118.164 (3) (b) of the Wisconsin Statutes).

Nothing in Act 125 affects the ability of school staff to use the exceptions to the prohibition on corporal punishment under current law (Section 118.31 (3) of the Wisconsin Statutes).

LEGAL REF.: Wisconsin Statutes
Section 118.305 Use of Seclusion and Physical Restraint
Section 118.31 Corporal punishment prohibited; reasonable physical force
Authorized, policy required

CROSS REF.: 4362 Employee Discipline
Employee Handbook

AFFIRMED: August 13, 1991

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