

POLICY 5471
APPROPRIATE USE OF SECLUSION AND PHYSICAL RESTRAINT
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The District does not condone the use of seclusion or restraint by district employees when responding to students and/or student behavior. 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. The district recognizes, however, that it may be necessary for district employees to use reasonable and appropriate seclusion and/or physical restraint 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. The Policy is pursuant to Wis. Stat. 118.305 and applies to students with and without disabilities.

Definitions

In this policy, the following definitions apply:

1. Corporal punishment: the intentional infliction of physical pain which is used as a means of discipline. Corporal punishment includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. Corporal punishment does not include actions consistent with an individualized education program or reasonable physical activities associated with athletic training.
2. Covered individual: individuals employed by Kenosha Unified School District (KUSD), student teachers under the supervision of a KUSD employee, employees of private schools where students are placed by KUSD, an independent contractor hired to provide services for the benefit of a KUSD school, and an individual who is employed by a person under contract with KUSD to provide services for the benefit of a KUSD school or the district. Covered individuals do not include law enforcement or a law enforcement officer designated by the District to perform duties including enforcing laws, referring matters to law enforcement, and maintaining the security and safety of the District, is not considered a covered individual.
3. Incident: an occurrence of a covered individual or law enforcement officer using seclusion or physical restraint on a student. It is considered one incident if immediately following the use of seclusion or physical restraint on a student, the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, and a covered individual or law enforcement officer resumes the use of seclusion or physical restraint.
4. Parent: a parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
5. Physical restraint: a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs or head. Briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort, or redirect the student does not fall within the definition of physical restraint.
6. 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. The definition of seclusion does not include the following:
 - a. Directing a student to temporarily separate himself or herself from the general activity in the classroom to allow the student to regain behavioral control if the student is not confined to an area from which they are prevented from leaving.

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- b. Directing a student to temporarily remain in a classroom to complete tasks while other students participate in activities outside the classroom if the student is not physically prevented from leaving the classroom.

Standards for Use of Seclusion - Wisconsin Act 118

Seclusion is only permissible when:

1. The room or area is free of objects or fixtures that may cause injury;
2. There are no locks on the door, including hold down type mechanisms that immediately release when pressure is removed; and
3. Meets all applicable school building code requirements.
4. The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible.
5. A district employee maintains constant supervision of the student.
6. The student has adequate access to the bathroom, drinking water, required medications and regularly scheduled meals;
7. The duration of the seclusion is used no longer than necessary to resolve the risk to the physical safety of the student or others.

Standards for Use of Physical Restraint - Wisconsin Act 118

Physical Restraint is only permissible when:

1. 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;
2. There are no medical contraindications to its use;
3. Vehicle restraints when used as intended for transport to and from school
4. The degree of force and duration of the physical restraint do not exceed what is necessary and reasonable to resolve the clear, present, an imminent risk to the physical safety of the student or others; and
5. No prohibited maneuvers or techniques are used.

Physical Restraint prohibited maneuvers or techniques are those that:

1. Do not give adequate attention and care to protecting the pupil's head;
2. Cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back or abdomen;
3. 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;
4. Place the student in a prone position (chest down, back up);
5. Constitute corporal punishment;
6. Chemical or mechanical restraints

Documentation and Notification Requirements

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

1. As soon as possible, but no later than one (1) business day after the incident, notify the student's parent of the incident and of the availability of the written report.
2. Within two (2) business days after the incident, after consulting with covered individuals and any law enforcement present during the incident, prepare a written report containing all of the following information:
 - a. Student's name;
 - b. date, time and duration of the incident;
 - c. description of the incident including a description of the student's behavior before and after the incident; and
 - d. names and titles of covered individuals and any law enforcement officers present during the incident.
3. The principal and or designee, must send the written report to the student's parents/legal guardian by first class mail, electronic transmission, or hand delivery within three business days of the incident.
4. The principal or designee is required to meet with the covered individuals who participated in any incident of seclusion or physical restraint for a post-incident debrief meeting. The post-incident meeting will address:
 - a. All students with and without IEPs; however, recommendations for changes to a student's IEP shall be considered and made in an IEP team meeting;
 - b. The events proceeding, during, and following the use of seclusion and physical restraint; and
 - c. factors that may have contributed to the escalation of the student's behaviors, alternatives to physical restraint such as: de-escalation techniques, possible interventions, and other strategies that the school principal or designee determines are appropriate.
5. By October 1 of each year, the Office of Educational Accountability and Information Services will ensure that all instances of seclusion and physical restraint data is reported to the designated state information system containing the following information:
 - a. The number of incidents of seclusion in the school during the previous school year;
 - b. The total number of students who were involved in the incidents of seclusion;
 - c. The number of children with disabilities who were involved in the incidents of seclusion;
 - d. The number of incidents of physical restraint in the school during the previous school year;
 - e. The total number of students who were involved in the incidents of physical restraint;
 - f. The number of children with disabilities who were involved in the incidents of physical restraint.

Training Requirements

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

1. Evidence based instruction related to positive behavioral supports and interventions, safe physical escort, understanding antecedents, de-escalation, conflict prevention, and conflict management;
2. Evidence-based techniques that have been shown to prevent or reduce the use of seclusion or physical restraint, including debriefing;
3. Instruction related to the 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;
4. Experience in administering and receiving various types of physical restraint;

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5. Instruction regarding the effects of physical restraint on the person restrained, methods of monitoring signs of physical distress, and techniques for determining when medical assistance may be needed;
6. Instruction in documenting and reporting incidents of physical restraint;
7. Demonstration of proficiency in administering physical restraint; and
8. A requirement that the trainee demonstrate his, her, or their ability to identify prohibited physical restraint techniques.

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

- 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;
- only if school staff members who have received training are not immediately available.

Authority Under Other Statutory Provisions

Nothing in Act 118 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 118 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

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