**WALWORTH POLICY: 447.1**

**USE OF SECLUSION AND PHYSICAL FORCE OR RESTRAINT**

The Board of Education, administration, and staff of Walworth Jt. School District #1 recognize the importance of the relation between learning and an orderly environment.

Positive behavioral interventions and supports shall be considered and utilized to address behavior that interferes with the student’s learning or the learning of others. The Board recognizes that there may be times when a student will engage in dangerous or significantly disruptive behavior that requires immediate attention and intervention. In such cases, school personnel shall avoid the use of any excessively restrictive intervention and shall make reasonable efforts to identify the least restrictive interventions that might be effective and appropriate to the situation.

Seclusion and physical restraint, as defined under state law, shall be used as behavioral interventions on students only when such use is consistent with applicable legal requirements, any applicable individualized education program (IEP) and behavior intervention plan, Board policy, and established District procedures.

The measures of discipline utilized by any employee of Walworth Jt. District #1 will stress a positive approach. No school employee will subject a student to corporal punishment. Disciplinary measures will take into account the dignity of the student, the seriousness of the infraction and the need for positive motivation of the students.

ADMINISTRATIVE PROCEDURE- CORPORAL PUNISHMENT:

Walworth Jt. District #1 utilizes a philosophy that emphasizes a positive approach to student discipline. Corporal punishment, which is defined as the intentional infliction of physical pain, is prohibited. This prohibition does not prohibit an employee of the Walworth Jt. District #1 from using reasonable and necessary force:

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 school-

sponsored activity;

5. to prevent a student from inflicting harm on him/herself;

6. to protect the safety of others; or

7. incidental, minor, or reasonable physical contact designed to maintain order and

control.

ADMINISTRATIVE PROCEDURE – SECLUSION AND PHYSICAL RESTRAINT:

Not all of the restrictions and conditions set forth in state law that apply to the use of seclusion and physical restraint are expressly identified in this policy. However, to ensure their appropriate use in a manner that is consistent with the Board’s expectations, the Board sets forth the following limitations and guiding principles for the use of seclusion and physical restraint in the District:

1. School personnel may use seclusion or physical restraint only when the student’s behavior presents a clear, present and imminent risk to the physical safety of the student or others.

2. School personnel may use seclusion or physical restraint only when less restrictive or

alternative approaches have been considered and attempted, or considered and deemed inappropriate for the current situation.

3. The purpose for using seclusion or physical restraint is to defuse a physically dangerous

situation, protect the students and others from injury, and regain a safe and productive learning environment. Neither physical restraint nor seclusion should be used as a punishment or as a substitute for appropriate educational/behavioral intervention and support.

4. The type of behavioral intervention utilized in a given situation should be appropriate to the student’s age and developmental level, and take into account any medical, psychological or other issues the student may have. Neither physical restraint nor seclusion shall be used as an intervention when it is known that the use of the intervention would involve an inappropriate risk to the student’s health or safety due to the student’s personal medical issue(s) or medical condition(s).

5. When either seclusion or physical restraint is used as an intervention, it shall not be used for a period of time beyond that which is reasonably necessary to resolve the imminent risk to physical safety.

6. Verbal outbursts and threats do not constitute an imminent risk to physical safety justifying the use of seclusion or restraint unless the student has also identified or demonstrated a plausible means of carrying out the threat.

7. Seclusion and physical restraint shall be administered in a humane, safe and effective

manner, and without intent to harm or create undue discomfort (physical or emotional).

GUIDELINES FOR TRAINING AND REPORTING THE USE OF SECLUSION, PHYSICAL RESTRAINT OR PHYSICAL FORCE BY SCHOOL PERSONNEL

1. The District shall provide training on interventions to designated staff members in each

school building who are most likely to be called upon to prevent or address dangerous or significantly disruptive student behavior. Only designated school personnel who have received proper training may implement seclusion or physical restraint interventions, except that physical restraint may be used by non-trained school personnel in an emergency situation where all other limitations and restrictions have been satisfied, but only if a designated staff member who has received training on the use of physical restraint is not immediately available due to the unforeseen nature of the emergency. No exceptions to the training requirement are allowed for the use of seclusion. Completed training shall be documented.

2. After each of the preceding emergency situations [as described above in administrative

procedures - corporal punishment and administrative procedures – seclusion and restraint], employee(s) will submit a written description of the circumstances and the action taken shall be furnished within twenty-four (24) hours to the District Administrator and to the student’s parent or guardian. In addition, an annual report on the use of seclusion and physical restraint in the District shall be provided to the Board.

3. The District Administrator will review the incident with the employee(s) in question,

student and/or parent(s)/guardian(s).

4. The District Administrator will make a determination as to whether the use of physical

force was appropriate in the specific incident in question. This determination will be discussed with the involved individual.

5. Disciplinary action as deemed appropriate will be taken if it is determined that the use of

physical force was inappropriate by the District Administrator.

6. An annual review of the use of seclusion and physical restraint in the District shall be

conducted by the District Administrator or designee and documented to ensure that behavioral interventions involving the use of seclusion or physical restraint are done in accordance with state law, Board policy and established procedures.

All persons in the employ of Walworth Jt. District #1 will be apprised of this administrative rule annually, and they are to be reminded that violations will be deemed cause for disciplinary action and/or possible dismissal.

Walworth Jt. District #1 does not discriminate in standards and rules of behavior or disciplinary actions (including the use of seclusion or physical restraint), in the methods, practices and materials used for counseling students, including student harassment, on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures.

**LEGAL REFERENCES:** Wisconsin Statutes

Section 115.787(2)(i) [IEP team duties; use of seclusion or physical restraint]

Section 115.787(3)(b)1[IEP team duties; behavioral interventions and supports]

Section 118.13[student nondiscrimination]

Section 118.164 [student removal from class]

Section 118.305 [use of seclusion and physical restraint]

Section 118.31[corporal punishment prohibited; staff use of reasonable and necessary authorized; policy required]

PI 9.03(1) of the Wisconsin Administrative Code

Federal Laws:

Individuals with Disabilities Education Act (IDEA) [programs and services for students with disabilities]

**CROSS REFERENCES:** 112-Rule General Discrimination Procedures

411.2 Student Complaint Procedures

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