

Section: **STUDENTS**

Procedure Title: **Restraint or Isolation of Students**

The procedure is intended to apply whenever it is deemed reasonably necessary by district staff to control spontaneous behavior by any student that poses an imminent likelihood of serious harm. This procedure is intended to be interpreted consistent with the requirements of RCW 28A.600.485, RCW 9A.16.020, RCW 9A.16.100, RCW 28A.160.300, RCW 28A.155.210, WAC 293-400-235, and, for students with an IEP, consistent with the regulations of Chapter 392-172A, WAC.

Definitions:

- **Behavioral intervention plan:** A plan incorporated into a student's Individualized Education Program (IEP), which at a minimum describes:
 1. The pattern of behavior that impedes the student's learning or the learning of others;
 2. The instruction and/or environmental conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team
 3. The positive behavior interventions and supports to:
 - a. Reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the student's desired prosocial behaviors; and
 - b. Ensure the consistency of the implementation of the positive behavior interventions across the student's school-sponsored instruction
 4. The skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior of the student.
- **De-escalation:** The use of positive behavior 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.

- **Imminent:** The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.
- **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.
- **Likelihood** of serious harm: a substantial risk that:
 - Physical harm will be inflicted by a student upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
 - Physical harm will be inflicted by a student 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;
 - Physical harm will be inflicted by a student upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
 - The student has threatened the physical safety of another and has a history of one or more violent acts.
- **Positive behavioral interventions:** Strategies and instruction that can be implemented in a strategic manner in order to provide alternatives to challenging behaviors, reinforce desired behaviors and reduce or eliminate the frequency and severity of challenging behaviors. Positive behavior interventions include the consideration of environmental factors that may trigger challenging behaviors and teaching a student the skills to manage his or her own behavior.
- **Restraint:** Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. 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.

- **Restraint device:** A device used to assist in controlling a student. Restraint device does not mean a seat harness used to safely transport students or other safety devices such as safety belts for wheelchairs, changing tables, booster seats, and other ambulatory devices intended for the safety of the student. This definition is consistent with RCW 28A.600.485(1)(c), and is not intended to endorse or encourage the use of such devices or techniques with district students.
- **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.

General use of restraint or isolation, or other forms of reasonable force:

- Restraint or isolation may be used when reasonably necessary to control spontaneous behavior that poses an “imminent likelihood of serious harm” as defined above.
- An IEP or plan developed under Section 504 of the Rehabilitation Act of 1973 must not include the use of restraint or isolation as a planned behavior intervention unless a student’s individual needs require more specific advanced education planning and the student’s parent or guardian agrees. Nothing in these procedures is intended to limit the provision of a free appropriate public education (FAPE) under Part B of the Individuals with Disabilities Act (IDEA) or Section 504 of the Rehabilitation Act of 1973.
- Restraint, isolation, or other forms of reasonable physical force will not be used as a form of discipline or punishment.

- Restraint or isolation 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.

Conditions specific to use of isolation with students eligible for special education (consistent with WAC 392-172A-02110);

- The isolation enclosure will be ventilated, lighted and temperature controlled from inside or outside or purposes of human occupancy.
- The isolation enclosure will permit continuous visual monitoring of the student from outside the enclosure.
- An adult responsible for supervising the student will remain in visual or auditory range of the student at all times.
- Either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student.
- Any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation, unless trained personnel are not immediately available due to the unforeseeable nature of the emergency.

Prohibited practices involving restraint, use of force, and discipline specifically for students eligible for special education (consistent with WAC 392-172A-02076):

The following practices are prohibited with students eligible for special education services:

- District personnel are prohibited from using aversive interventions with a student;
- District personnel are prohibited from physically restraining or isolating any student, except when the student's behavior poses an imminent likelihood of serious harm as defined above, or except as necessary to provide FAPE under the IDEA of Section 504 as referenced above;
- No student may be stimulated by contact with electric current, including, but not limited to, tasers;

- A student may not be denied or subjected to an unreasonable delay in the provision of food or liquid from when the food or liquid is customarily served as a form of punishment;
- A student may not be the recipient of force or restraint that is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law (see above, for example, for a list of practices presumed to be unreasonable when used in correction or restraining a child);
- A student must not be denied or subjected to an unreasonable delay in the provision of common hygiene care;
- A student must not be denied or subjected to an unreasonable delay in the provision of medication;
- A student may not be excluded from his or her regular instructional or service area and isolated within a room or any the form of enclosure, except under the conditions set forth in WAC 392-172A-02110;
- A student must not be forced to listen to noise or sound that the student finds painful;
- A student must not be forced to smell or be sprayed in the face with a noxious or potentially harmful substance;
- A student must not be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration;
- A student's head must not be partially or wholly submerged in water or any other liquid;
- A student must not be physically restrained or immobilized by binding or otherwise attaching the student's limbs together r by binding or otherwise attaching any part of the student's body to an object, except under the conditions set forth in WAC 392-172A.02110.

Degree of force:

- Restraint or isolation will be discontinued as soon as a determination is made by the staff member administering the restraint or isolation or other forms of reasonable physical force that the likelihood of serious harm has dissipated.
- Restraint or isolation 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 or isolation 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 or isolation is used. The monitoring must be conducted by continuous visual monitoring 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 or isolation 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 or isolation has been used with a student. If the school or district customarily provides the parent or guardian with school-related information in a language or mode of communication other than English, the written report must be provided to the parent or guardian in that language or mode of communication.

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.

Incident report

Any school employee, school resource officer or school security officer who uses restraint or isolation as defined in this procedure, on any 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 or isolation;
- The type of restraint or isolation used on the student and the duration;
- Whether the student or staff was physically injured during the restraint or isolation incident;
- 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 or isolation may seek to resolve the concern by using the district's complaint process which is set forth in Policy 4220, Complaints Concerning Staff or Programs.

Providing parents/guardians with Restraint and Isolation policy;

The district will make available to all parents/guardians of students the district's policy on Restraint and Isolation. If the student has an IEP or 504 plan, the District will provide the parents/guardians a copy of the policy each time an initial or annual when the IEP or 504 plan is developed.

Staff training requirements

Any staff member or other adults using isolation or restraint must be trained and certified by a qualified provider in the use of isolation and restraint, unless trained personnel are not immediately available due to the unforeseeable nature of the emergency.

Submission of incident reports to the Office of Superintendent of Public Instruction;

Annually by January, 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.

Annual Report:

The building administrator or a designee will maintain a data base of all instances of use of force as defined by this procedure, which will be presented to the superintendent annually.

- Adopted: January 27, 2014
- Revised: December 7, 2015
- Revised: August 13, 2018
- Revised: September 9, 2019