

Restraint, Isolation, and Other Uses of Reasonable Force

A. Definitions:

Physical force is defined as any use of bodily force or physical restriction that substantially immobilizes or reduces the free movement of a student through physical contact.

Isolation means restricting the 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.

Restraint is defined as 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 means a device used to assist in controlling a student, including but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers or batons. Restraint device does not mean a seat harness or other devices used for the safety, health or support of students including the safe transport of students. The use of restraint devices is prohibited by Policy 3246 and this procedure.

Likelihood of serious harm means:

- (1) A substantial risk that:
 - (a) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict physical harm on oneself;
 - (b) Physical harm will be inflicted by a person 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; or
- (2) The person has threatened the physical safety of another and has a history of one or more violent acts.

Imminent means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

De-escalation is the use of verbal and non-verbal communication strategies to defuse a student who has lost self-control, is non-compliant or is demonstrating unacceptable behavior.

B. Emergency Response Protocols

In the case of emergencies that propose a “likelihood of serious harm” as defined above, the parent and the District may develop emergency protocols for students with individual education plan (IEP). Emergency response protocols, if developed, must:

- 1) be incorporated into a student’s IEP;
- 2) not be used as a substitute for the systematic behavioral intervention plan that is designed to change, replace, modify, or eliminate a targeted behavior; and

3) be subject to the conditions and limitations as follows:

- (a) The student's parent or guardian provides written agreement, in advance, to the emergency response protocols to be adopted;
- (b) The emergency response protocols specify:
 - (i) The emergency conditions under which isolation, or restraint will be used;
 - (ii) The type of isolation, restraint, and/or restraint device, if any, that may be used;
 - (iii) The staff or contract positions permitted to use isolation and/or restraint with the student and the required training, updated annually, for the staff or contracted position to use the isolation and/or restraint;
 - (iv) Any other special precautions that must be taken.
- (c) Any use of isolation and/or restraint must be discontinued as soon as the likelihood of serious harm has dissipated.
- (d) Any staff member or other adults using isolation and/or a restraint must be trained and certified in the use of isolation and/or restraint.

For students with IEPs, the procedural safeguard notice used by the District includes a full explanation of all the procedural safeguards related to the rights of students with IEPs. Copies of the District's special education procedural safeguards are available at the student's school, from the District's special education department and on the District's website.

C. Staff Training Requirements:

All training will include instruction in positive management of student behavior, cultural sensitivity, effective communication for defusing and de-escalating disruptive or dangerous behavior and safe and appropriate use of force, isolation and restraint. Annually, administrators will provide all staff with the district established policy and procedure regarding the use of reasonable force.

All staff should be informed of de-escalation strategies and proper physical intervention procedures. Appropriate staff and those who are required or reasonably anticipated to provide physical force intervention will be trained in the use of physical force intervention.

D. Notification and Reporting Requirements:

Any employee, law enforcement officer, or school security officer who isolates or restrains a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit this report of the incident to the district office. The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident and provide the parent/guardian with a report in writing as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school customarily provides the parent/guardian with school-related information in a language other than English, the written report must be in that language). All incidents must be reported to the District office and parents using Procedure 3246P – Exhibit A.

E. 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 use of physical force, 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.