

## **ADMINISTRATIVE RULE 447.11**

### **AR 447.11 – Use of Seclusion and Physical Restraint**

The immediate goal of seclusion and/or physical restraint is to defuse a dangerous situation, protect the student and others from injury, and regain a safe, controlled, productive learning environment.

#### **General Principles – Seclusion**

Seclusion is defined as the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving. For a student in seclusion, constant adult supervision (visual contact) must be maintained while the student is in the seclusion area.

Seclusion is prohibited, 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 possible;
- Constant adult 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.

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.

Seclusion does not include:

- Directing a disruptive student to temporarily separate himself or herself from the activity in the learning environment to regain control (unless the student is confined to an area from which she or he is prevented from leaving); and
- Directing a student to temporarily remain in the learning environment to complete tasks while other students participate in activities outside of the learning environment (unless the student is confined to an area from which she or he is prevented from leaving).

#### **General Principles – Physical Restraint**

Physical restraint means the use of physical force to restrict the free movement of all or a portion of a student's body. It does not include appropriately, briefly touching a student to calm, comfort, or redirect the student.

Physical restraint is prohibited, 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; and
- There are no medical contraindications to its use; and
- 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.

The following maneuvers or techniques are prohibited:

- Those that do not give adequate attention and care to protecting the student's head;
- Those that cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back, or abdomen;
- Those that 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
- Those that constitute corporal punishment.

Mechanical or chemical restraints are prohibited. 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.

The use of physical restraint should only be used when all other interventions appropriate to the circumstances have been attempted and when the student is an immediate danger to self or others. Physical restraint should never be used as a punishment for a non-compliant student or to gain compliance from a non-compliant student. When possible under the circumstances, other students should be removed from the immediate area prior to the use of physical restraint.

#### Notifications

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

- As soon as possible, but no later than one business day after the incident, notify the student's parent(s)/guardian(s) of the incident and of the availability of the Notification and Reporting of Physical Restraint and/or Seclusion Report. Additionally, the date and time of parent(s)/guardian(s) notification will be documented on the incident report.
- Within two business days after the incident, after consulting with school staff present, prepare a written report containing all of the following information:
  - The student's name,
  - The date, time, and duration of the incident,
  - A description of the incident including a description of the student's behavior before, during, and after the incident, and
  - The names and titles of school staff present during the incident.
- Notification and Reporting of Physical Restraint and/or Seclusion Report must be kept at the school and made available for review by the student's parent(s)/guardian(s) within three business days of the incident. An individual report must be submitted, for each student involved, to the Director of Pupil Services/Special Education and building administrator.
- Each year, by September 1, the Director of Pupil Services/Special Education must submit a report on the number of incidents of seclusion and physical restraint in the previous year, the total number of students involved in the incidents and the total number of students with disabilities involved in the incidents to the school board.

#### IEP Requirements

With respect to students with identified disabilities under the Individuals with Disabilities Act (IDEA), the first time that seclusion or physical restraint is used on a "child with a disability," the student's individual education program (IEP) team must convene as soon as possible after the incident. The IEP team must review the student's individualized education plan to ensure that it contains appropriate positive behavioral interventions and supports to address behaviors that are of concern and to revise the IEP if necessary.

If at any time the IEP team determines that the use of seclusion or restraint may be reasonably anticipated for the student, the IEP must include:

- (1) Appropriate positive interventions and supports and other strategies that address the behavioral concerns based on a functional behavioral assessment; and
- (2) Clear statements that the use of restraint and/or seclusion may be used as an intervention.

#### Training Requirements

At least one staff member from each building will be trained in the use of methods for preventing the need for physical restraint and seclusion, identification of dangerous behaviors that may indicate the need for physical restraint, and the methods of evaluating risk of harm such that physical restraint is warranted. In addition, the training must include experience in administering and receiving various types of restraint, instruction on the effects of restraint, monitoring signs of distress during restraint, obtaining medical assistance, and demonstrating proficiency in administering physical restraint. No school staff may use physical restraint unless he or she has received the training described in this section, except if the limited training requirement applies.

#### Limited Training Requirement Exception

Training for staff in the use of physical restraint and seclusion is required unless the situation is an emergency and a trained individual is not immediately available due to the "unforeseen nature of the emergency."

This administrative rule applies to all students (both students with and without disabilities).

Legal Ref.:       Section 118.31, 118.305, 115.787(2)(i) Wisconsin Statutes  
                          Board Policy 447.11 – Use of Seclusion and Physical Restraint