

DESCRIPTOR TERM: Students	Millard District Policy File Code: 6140 Approved: 04-06-17
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SECLUSION AND RESTRAINT

PURPOSE AND PHILOSOPHY

Millard School District recognizes that every student should have the opportunity to learn in an environment that is safe, conducive to the learning process, and free from unnecessary disruption. At times, student behavior may present an immediate danger requiring emergency safety interventions. Behavioral interventions for students should promote and facilitate their safety and dignity. This policy outlines restrictions on, and allowable uses of, emergency safety interventions for all students

A. DEFINITIONS

1. **"Discipline"** includes:
 - a. imposed discipline, and
 - b. self-discipline.

2. **"Disruptive student behavior"** includes:
 - a. the grounds for suspension or expulsion described in Utah Code Annotated, Section 53A-11-904 (refer to Millard District Safe Schools Policy 6090), and
 - b. the conduct described in Utah Code Annotated, Subsection 53A-11-908(2)(b), also referenced in the district's Safe School Policy.

3. **"Emergency safety intervention"** means the use of seclusion or physical restraint when a student presents an immediate danger to self or others, and the intervention is not for disciplinary purposes.

4. **"Immediate danger"** means the imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm.

5. **"Mechanical restraint"** means the use of a device as a means of restricting a student's freedom of movement.

6. **"Physical restraint"** means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.
7. **"School"** means any public elementary or secondary school within the district.
8. **"School employee"** means:
 - a. a school teacher;
 - b. a school staff member;
 - c. a school administrator; or
 - d. any other person employed, directly or indirectly, by Millard School District.
9. **"Seclusion"** means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion is not timeout as that term is defined in this policy. In addition to the foregoing, and consistent with Utah Administrative Code R277- 609, seclusion means that a student is:
 - a. placed in a safe enclosed area:
 - (1) by school personnel; and
 - (2) in accordance with the requirements of Utah Administrative Code R392- 200, which provides requirements for the design, construction, operation, sanitation, and safety of schools; and R710-4-3, which provides fire safety requirements;
 - b. purposefully isolated from adults and peers; and
 - c. prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.
10. **"Timeout"** means a behavior management technique that may be part of an approved treatment plan involving the separation of the student from the group, in a non-locked setting, for the purpose of calming. Timeout is not seclusion.

B. EMERGENCY SAFETY INTERVENTION COMMITTEE

1. The District shall establish an Emergency Safety Intervention (ESI) Committee. The District ESI Committee shall include:
 - a. at least two administrators;
 - b. at least one parent or guardian of a student enrolled in the district, appointed by the district; and
 - c. at least two certified educational professionals with behavior training and knowledge in both state rules and district discipline policies;
2. The district ESI Committee shall:
 - a. meet often enough to monitor the use of emergency safety intervention in the district.
 - b. determine and recommend professional development needs.

C. TRAINING

Appropriate school personnel will receive ongoing training in:

1. crisis intervention;
2. emergency safety intervention professional development; and
3. policies related to emergency safety interventions consistent with evidence based practices.

D. NOTICE

1. Notice shall be given to school employees that violation of this policy may result in disciplinary action, including possible termination.
2. This policy shall be available to parents through electronic means and shall be referenced in the orientation information that is given to all parents at the time of student registration.
3. In the event that physical restraint and/or seclusion is used as an intervention, the building level administrator will notify the District

Director of Special Education by no later than the end of the day that the intervention was used. The Director or Special Education will determine what other notification is necessary, and will act as expediently as possible.

E. PHYSICAL RESTRAINT AND SECLUSION

1. If an employee physically restrains a student or puts a student in seclusion:
 - a. the school or the employee shall notify the student's parent or guardian and school administration consistent with Section F; and
 - b. the employee must immediately terminate physical restraint or seclusion when the student is no longer an immediate danger or if the student is in severe distress. The use of restraint should be for the minimum time necessary and never for more than thirty minutes.
 - c. the school shall use a release criteria.
 - d. the school shall ensure that any door remains unlocked.
 - e. the school shall maintain the student within line of sight of the employee.
2. The district will not use physical restraint or seclusion as a means of discipline or punishment.

F. PROHIBITED PRACTICES

Emergency Safety Interventions should not include:

1. physical restraint except when a student:
 - a. presents a danger of serious physical harm to self or others;
or
 - b. is destroying property of significant value, whether monetary, sentimental, or other.
2. physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;

3. prone, or face-down, physical restraint; supine, or face-up, physical restraint;
4. mechanical restraint, except those protective, stabilizing or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, seatbelts, car seats, or any other safety equipment when used to secure students during transportation, including bus harnesses. Use of a bus harness should be approved by the Director of Special Education and written into a student's Behavior Intervention Plan (BIP).
5. chemical restraint, except as:
 - a. prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
 - b. administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law.
6. seclusion, except when a student presents an immediate danger of serious physical harm to self or others.
7. for a student with a disability, emergency safety interventions written into a student's Individualized Education Program (IEP), as a planned intervention, unless school personnel, the family, and the IEP team agree less restrictive means which meet circumstances described in Utah Admin. Code R277-608-4 have been attempted, a Functional Behavior Assessment (FBA) has been conducted, and a (BIP) based on data analysis has been written into the plan and implemented. Use of ESI as a planned intervention under this paragraph requires approval from the Director of Special Education after consultation with a District-level behavior specialist.

G. ALLOWABLE USE

Consistent with Utah Code Ann. Section 53A-11-802, nothing in this policy shall prohibit an employee from using reasonable and necessary physical restraint or force in self-defense or otherwise appropriate to:

1. obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
2. protect a student or another person from physical injury;

3. remove from a situation a student who is violent or threatening; or
4. protect property from being damaged.

H. PARENT/GUARDIAN NOTIFICATION

1. When ESI is used, the school shall notify the district and the student's parent or guardian as soon as possible and no later than the end of the school day. The notice shall be documented within student information systems (SIS) records. The school shall provide a parent or guardian with a copy of notes and documentation taken during the use of ESI upon request of the parent or guardian. Within 24 hours of the use of ESI, the school shall notify a parent or guardian that the parent or guardian may request a copy of notes and documentation taken during the use of ESI. A parent or guardian may request a time to meet with school staff and administration to discuss the incident that required use of ESI.
2. In addition a District shall:
 - a. provide notice to parents and information about resources available to assist a parent in resolving the student's disruptive behavior;
 - b. provide for notices of disruptive behavior to be issued by schools to qualifying minor(s) and parent(s) consistent with:
 - (1) numbers of disruptions and timelines in accordance with Utah Administrative Code Section 53A-11-910;
 - (2) school resources available; and
 - (3) cooperation from the appropriate juvenile court in accessing student school records, including attendance, grades, behavioral reports and other available student school data.

REFERENCES

Utah Code Ann. 53A-11-802
Utah Administrative Code R277-608
Utah Administrative Code R277-609
LRBI Technical Assistance Manual, USOE, September 2015