

<b>DESCRIPTOR TERM:</b>  Students	<b>Millard District Policy</b> <b>File Code: 6140</b>  <b>Approved: 09-08-22</b>
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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. **"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.
2. **"Emergency safety intervention"** means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others, and the intervention is not for disciplinary purposes.
3. **"Immediate danger"** means the imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm.
4. **"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.

5. **"Seclusionary time out"** means that a student is:
  - a. Placed in a safe enclosed area by school personnel (the area must meet applicable health department and fire marshal regulations);
  - b. Purposefully isolated from adults and peers; and
  - c. Is prevented from leaving (or reasonably believes that the student will be prevented from leaving) the enclosed area.
  
6. **"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**

1. An emergency safety intervention is using seclusionary time out or physical restraint when a student presents an immediate danger to self or others (not for disciplinary purposes). The District shall implement policies and procedures for the use of emergency safety interventions for all students which are consistent with evidence-based practices.
2. Physical restraint as part of an emergency safety intervention may not be used with a student except within the guidelines stated below under Physical Restraint.
3. Mechanical restraint may not be used as part of an emergency safety intervention, except those which are protective, stabilizing or required by law, or any device used by a law enforcement officer in carrying out law enforcement duties, including seatbelts or any other safety equipment when used to secure students during transportation.
4. Chemical restraint may not be used as part of an emergency safety intervention, except as 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 administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law.
5. Seclusionary time out as part of an emergency safety intervention may not be used with a student except when a student presents an immediate danger of serious physical harm to self or others and within the guidelines stated below under Seclusionary Time Out.
6. For a student with a disability, emergency safety interventions may not be written into a student's individualized education program as

a planned intervention unless school personnel, the family, and the IEP team agree less restrictive means have been attempted to address the qualifying circumstances (that is, circumstances where the student presents an imminent danger of physical violence or aggression towards self or others which is likely to cause serious physical harm) have been attempted, a functional behavior analysis has been conducted, and a positive behavior intervention plan based on data analysis has been written into the plan and implemented.

[Utah Admin. Rules R277-609-4\(3\)\(l\) \(August 12, 2020\)](#)

[Utah Admin. Rules R277-609-5 \(August 12, 2020\)](#)

### **C. PHYSICAL RESTRAINT**

1. Physical restraint may only be used when a student presents a danger of serious physical harm to self or others. It may not be used as a means of discipline or punishment. The student may not be placed in a prone (face-down) or supine (face-up) position in physical restraint. No restraint may be used which obstructs the airway of a student or which adversely affects a student's primary mode of communication.
2. All physical restraint must be immediately terminated when the student either (a) is no longer an immediate danger to self or others, or (b) is in severe distress.
3. The restraint must be for the minimum time necessary to ensure safety and the District's release criteria must be implemented. However, before stopping, releasing, and reassessing, a student may not be physically restrained for more than the shortest of: 30 minutes; the time described in the District's emergency intervention training program; or when law enforcement arrives.

[Utah Admin. Rules R277-609-4\(3\)\(l\)\(i\) \(August 12, 2020\)](#)

[Utah Admin. Rules R277-609-5\(3\) \(August 12, 2020\)](#)

### **D. SECLUSIONARY TIME OUT**

1. A seclusionary time out may only be used for purposes of maintaining safety and may not be used as a means of discipline or punishment.
2. Seclusionary time out shall be used for the minimum time necessary to ensure safety and shall end according to the District's release criteria. However, a student may not be placed in seclusionary time out for more than 30 minutes.
3. In using seclusionary time out, any door must remain unlocked and the student must be maintained within line of sight of the employee using the seclusionary time out and the employee must confirm that the area meets applicable fire and public safety regulations.

[Utah Admin. Rules R277-609-4\(3\)\(l\)\(vii\) \(August 12, 2020\)](#)  
[Utah Admin. Rules R277-609-5\(5\), \(7\) \(August 12, 2020\)](#)

**E. 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. shall determine and recommend professional development needs relating to emergency safety intervention.
  - c. shall develop policies for local dispute resolution processes to address concerns regarding disciplinary actions
  - d. shall ensure that each emergency incident where a school employee uses an ESI is documented in the District's student information system and is reported to the State Superintendent through UTREx.
3. The District shall collect, maintain, and periodically review documentation and other records of the use of emergency safety interventions at schools within the District, according to procedures defined by the State Superintendent of Public Instruction. Such documentation and records shall be provided annually by June 30 to the State Superintendent. In addition, the District shall submit all required UTREx discipline data and incident or infraction data elements as part of the District's daily UTREx submission.

[Utah Admin. Rules R277-609-7 \(August 12, 2020\)](#)  
[Utah Admin. Rules R277-609-8 \(August 12, 2020\)](#)

**F. TRAINING AND NOTICE**

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.
4. Notice shall be given to school employees that violation of this policy may result in disciplinary action, including possible termination.
5. 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.
6. 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 of Special Education will determine what other notification is necessary, and will act as expediently as possible.

**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 (physical restraint or seclusionary time out) is used, the school shall notify the district and the student's parent or guardian as

soon as possible and in any event before the student leaves the school.

2. The school shall also notify the administration and provide documentation of the ESI to the ESI Committee. If an ESI is used for more than 15 minutes, the school shall provide a second notice to the student's parent and to the administration.
3. The notice shall be documented within student information systems (SIS) records.
4. 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.
5. A parent or guardian may request a time to meet with school staff and administration to discuss the incident that required use of ESI.

## REFERENCES

[Utah Admin. Rules R277-609-4\(3\)\(l\) \(August 12, 2020\)](#)

[Utah Admin. Rules R277-609-5\(2\), \(6\), \(8\) \(August 12, 2020\)](#)

[Utah Admin. Rules R277-609-8\(3\), \(4\) \(August 12, 2020\)](#)

[Utah Admin. Rules R277-609-10\(3\), \(4\) \(August 12, 2020\)](#)