

USE OF SECLUSION AND PHYSICAL RESTRAINT

Seclusion and physical restraint are atypical, extraordinary forms of behavioral intervention. Covered individuals may use seclusion or physical restraint on a student at school or during a school-sponsored activity only if the conditions and limitations set forth in state law are met and only if the covered individual also follows applicable District rules, procedures, and directives. For example, among several other conditions and limitations that apply to the use of the interventions, covered individuals are required to make determinations that a student's behavior presents a clear, present and imminent risk to the physical safety of the student or others and that restraint or seclusion is the least restrictive intervention feasible under the circumstances.

As permitted by state law, the Board authorizes the use of physical restraint by a covered individual who has not received state-required training related to physical restraint, but only in an emergency situation and only if a covered individual who has received such training is not immediately available due to the unforeseen nature of the emergency. The non-trained individual must conduct the restraint in compliance with other applicable legal requirements.

Decisions regarding the use of seclusion or physical restraint are to be made on an individualized and case-by-case basis in response to specific behaviors and other relevant circumstances. For any student with disabilities, the student's individualized education program (IEP) team will meet, review the student's IEP, and address behavioral interventions and supports and other strategies for the student whenever required by law and when otherwise deemed appropriate by the team.

The District shall not unlawfully discriminate in the use of seclusion or physical restraint on the basis of any student's disability or any other factor or basis prohibited by law.

Responsibilities Related to Seclusion and Physical Restraint

The District Special Education Director or his/her administrative-level designee is responsible for:

1. Ensuring that the District implements reasonable methods for informing District employees and other covered individuals, to the extent appropriate to their role, of the legal limitations and District policies and procedures related to the use of seclusion and physical restraint on students, including reporting and documentation requirements.
2. Ensuring that the District implements and documents state-mandated training related to physical restraint. This includes identifying the covered individual(s) in each school who will be required to attend such training and establishing a schedule for both initial and follow-up/refresher training.
3. Working with each school principal or the principal's designee to ensure that the District prepares and submits annual school-level and District-level reports on incidents of seclusion and physical restraint, as required by law.

Acting in consultation with the Director of Special Education as needed, each school principal or an administrative-level designee who regularly works in the principal's school is responsible for the following:

1. Monitoring general legal and policy compliance at his/her assigned school with respect to physical restraint and seclusion.
2. Ensuring that the District appropriately responds to each school-level incident of the seclusion or physical restraint of a student by any covered individual or by any law enforcement officer. This includes ensuring that an appropriate staff member is performing the documentation, parent notification, post-incident debriefing, and school-level reporting responsibilities established by state law.
3. Assisting with the identification of the covered individual(s) at the principal's or designee's assigned school who will be required to complete state-mandated training related to physical restraint.

Legal References

Wisconsin Statutes

- Section 115.787(2) [required components of an individualized education program (IEP)]
- Section 115.787(3)(b)1 [IEP team duties; behavioral interventions and supports]
- Section 118.13 [student nondiscrimination]
- Section 118.164 [student removal from class]
- Section 118.305 [use of seclusion and physical restraint]
- Section 118.31 [corporal punishment prohibited; staff use of reasonable and necessary force authorized; policy required]

Federal Laws

- Individuals with Disabilities Education Act [programs and services for students with disabilities]
- 34 C.F.R. Part 300 [federal IDEA regulations]

Cross Reference

447.11 Rule Use of Seclusion and Physical Restraint

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