

STAFF USE OF PHYSICAL FORCE, PHYSICAL RESTRAINT, AND SECLUSION

Policy 447.1

Waunakee Community School District

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Reasonable and Necessary Use of Physical Force; Corporal Punishment Prohibited

It is the responsibility of school district personnel to assure that students are provided with an appropriate learning environment. The Board recognizes that there may be times when a student will engage in dangerous or disruptive behavior that requires immediate attention. In such cases, school personnel shall avoid the use of (1) any unlawful behavioral intervention; or (2) any unreasonable and excessively restrictive intervention. Interventions and supports are the District's preferred means of preventing and addressing inappropriate student behavior that does not present a direct threat to safety or to any person's well-being but that does interfere with the student's learning, the learning of others, or school operations.

Students shall not be subjected to the use of corporal punishment at any time. Corporal punishment means intentionally inflicting or causing to be inflicted physical pain for the purpose of punishment or as a disciplinary action. It includes, for example, paddling, slapping or prolonged maintenance of physically painful positions.

Subject to the important limitations that are set forth in state law and referenced below that restrict the use of physical restraint and seclusion in school settings, a school official, employee or agent may use reasonable and necessary force under the following circumstances:

- to quell a disturbance or prevent an act that threatens physical injury to any person;
- to obtain possession of a weapon or other dangerous object within a student's control;
- for the purpose of self-defense or the defense of others;
- to remove a student who poses an imminent danger to themselves or others
- to prevent a student from inflicting harm on himself/herself, and;
- to protect the safety of others.

A school official, employee, or agent may also use incidental, minor, or reasonable physical contact designed to maintain order and control. For example, briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort, or redirect a student in appropriate circumstances is not a type of physical restraint under state law and will not be a violation of this policy.

Physical Restraint and Seclusion of Students

District employees, certain contracted service providers, and other "covered individuals" (as defined under the state seclusion and restraint law) 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 any applicable District rules, procedures, and directives. For example, among several other conditions and limitations that apply to the use of the interventions: (1) 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

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intervention feasible under the circumstances; (2) once implemented, these interventions may be used only for the duration that is reasonably necessary to resolve the identified risk to physical safety; and (3) neither physical restraint nor seclusion may be used as a punishment.

The administration shall designate one or more staff members in each school to receive state-mandated training in physical restraint and arrange for and document the delivery of the training. However, as permitted by state law, a covered individual who has not received such training may physically restrain a student when responding to an emergency situation, but only if (1) a trained individual is not immediately available due to the unforeseen nature of the emergency; and (2) the non-trained individual conducts the restraint in a manner that is consistent with other legal requirements.

Administrative Notification and Post-Incident Procedures

At least one of the responsible adults who was present during an incident arising under this policy shall notify the school principal of the incident. Such notification shall occur as soon as practicable following the incident and, at a minimum, on the same day as the incident. For purposes of this reporting expectation:

1. A responsible adult means any District official, employee, or agent, as well as all "covered individuals" under the state's seclusion and restraint law.
2. Reportable incidents include (a) the use of seclusion or physical restraint on a student by any "covered individual" or any law enforcement officer that occurs at school or in connection with a school-sponsored activity; and (b) any other significant physical encounter between a student and any District official, employee, or agent, including encounters in which an adult used reasonable and necessary physical force, but not including an encounter that involved only incidental, minor, or reasonable physical contact.

Once an incident that involved seclusion, physical restraint, or some other significant physical encounter is reported to or otherwise identified by the administration, the school principal or the principal's administrative-level designee, acting in consultation with the Director of Student Services or Director of Special Education as needed, shall ensure that the District completes any post-incident requirements that apply to the situation under state law or District procedures (e.g., documentation, parent contacts, meetings, reporting, etc.).

Policy Dissemination

The Director of Student Services or Director of Special Education or his/her administrative-level designee is responsible for ensuring that the District implements reasonable methods for informing District employees, agents, and other "covered individuals," to the extent appropriate to their role, of this policy, related legal requirements and limitations, and any District procedures or rules developed under this policy.

Legal References:

Wisconsin Statutes

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| Section 48.981 | [mandatory reporting of child abuse or neglect] |
| 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 authorized; policy required] |

Federal Laws

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| 20 U.S.C. Chapter 33 | [Individuals with Disabilities Education Act (IDEA); programs and services for students with disabilities; IDEA regulations at 34 C.F.R. Part 300] |
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Cross References:

411 R Student Discrimination/Harassment Complaint Procedures
447.11 Use of Seclusion and Restraint
WASB PRG 447.1 Sample Policy 2

Adoption Date: 12/13/82

Revised: 2/13/89
4/22/91
March 1994
March 2002
January 2024