

Use of Reasonable Force, Isolation, and Restraint

This procedure applies when district staff members deem it reasonably necessary to use reasonable physical force, isolation, or restraint to control spontaneous behavior by any student who poses an imminent likelihood of serious harm. This procedure is intended to be interpreted consistent with the requirements of state law and regulations governing use of reasonable physical force, isolation, and restraint.

Definitions:

- ~~A. **Physical force:** Any use of bodily force or physical restriction that substantially immobilizes or reduces the free movement of a student through physical contact.~~
- ~~B. **Chemical sprays:** The use of chemicals, such as OcSpray or similar chemical weapons to control a student or limit a student's freedom of movement.~~
- ~~C.A. **Restraint:** Physical intervention or force used to control a student including the use of a restraint device. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to safely participate in activities. It does not include use of a seat harness used to safely transport students.~~
- ~~D. **Restraint Device:** A device used to assist in controlling a student including, but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers or batons.~~
- ~~E.B. **School resource officer:** A commissioned law enforcement officer who provides law enforcement services and may perform other duties for the district, and is assigned by the employing police department or agency to work in collaboration with the district.~~
- ~~F.C. **School security officer:** A classified or contracted school district employee other than a school resource officer who provides security services in the district under the direction of a school administrator.~~
- ~~G.D. **De-escalation:** The use of positive interventions and other district-approved strategies to defuse an individual who has lost self control, is non-compliant or is demonstrating unacceptable behavior. These strategies address behavior that is dangerous, disruptive or otherwise impacts/impedes the learning of a student or others.~~
- ~~E. **Isolation:** The exclusion of a student from his or her regular instructional area and restricting the a student alone within a room or any other form of enclosure, from which the student may not leave. Isolation does not mean in-school suspension of a student wherein the student is monitored, but left unsupervised for a period of time in a room or enclosure to do schoolwork. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from him or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.~~
- ~~F. **Imminent:** The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.~~
- ~~G. **Likelihood of serious harm:**~~
- ~~a. A substantial risk that physical harm will be inflicted by a student upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;~~

- b. A substantial risk that physical harm will be inflicted by a student upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm;
- c. A substantial risk that physical harm will be inflicted by a student on the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
- d. The student has threatened the physical safety of another and has a history of one or more violent acts.

~~H.~~

- ~~I. **Less than lethal devices:** Restraint devices or chemical sprays that are unlikely to cause permanent physical harm, impairment or death. *Examples of less than lethal devices are batons and electrical impulse control devices.~~
- ~~J. **Bodily injury, physical injury or bodily harm:** Physical pain or injury, illness or an impairment of physical condition.~~
- ~~K. **Substantial bodily harm:** Bodily injury which involves a temporary but substantial disfigurement or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ or which causes a fracture of any bodily part.~~
- ~~L. **Great bodily harm:** Bodily injury which creates a probability of death or which causes significant serious permanent disfigurement or which causes a significant permanent loss or impairment of the function of any bodily part or organ.~~

Use of restraint, isolation, or other forms of reasonable physical force:

- Restraint, isolation, or other forms of reasonable physical force are permitted only when reasonably necessary to control spontaneous student behavior that poses an imminent likelihood of serious harm.
- Restraint, isolation, or other forms of reasonable physical force should be avoided as an intervention if the school employee, school resource officer, or school security officer knows that the student has a health condition or physical problem and the condition or problem would be exacerbated by the use of such techniques.
- Consistent with the provisions of Chapter 392-172A WAC, nothing in this procedure precludes the use of restraint or isolation as part of a behavior intervention plan in an individualized education program (IEP) or a Section 504 plan, provided that the student requires more specific advanced educational planning and the parent/guardian agrees to the use of these techniques in writing.
- Restraint, isolation, or other forms of reasonable physical force will not be used as an initial response to destruction of property, school disruption, refusal of the student to comply with school rules or a staff directive, or a verbal threat that does not constitute an imminent likelihood of serious harm.
- Restraint, isolation, or other forms of reasonable physical force must not be continued if a determination is made by the staff member administering the restraint, isolation, or other form of reasonable physical force that the likelihood of serious harm has dissipated.

- Restraint, isolation, or other forms of reasonable physical force must be administered in a manner that prevents or minimizes physical harm to the student. If, at any time during the use of restraint, isolation, or other forms of reasonable physical force, the student demonstrates significant physical distress, the technique must be reduced immediately, and if necessary, school staff must take immediate steps to seek medical assistance.

Monitoring:

An adult must continually monitor any student when restraint, isolation, or other forms of reasonable physical force are used. The monitoring must be conducted by direct observation of the student. Monitoring must include regularly evaluating the student for signs of physical distress.

Post-incident notification and review with parent/guardian:

Within twenty-four (24) hours following the use of restraint, isolation, or other forms of reasonable physical force with a student, the principal or designee must make a reasonable effort to verbally inform the student's parent or guardian of the incident. The principal or designee must also send written notification as soon as practical, but postmarked no later than five (5) business days after restraint, isolation, or other forms of reasonable physical force have been used with the student. If the school or district customarily provides the parent or guardian with school-related information in a language other than English, the written report must be provided to the parent or guardian in that language.

The principal or designee will review the incident with the student and the parent or guardian (though not necessarily at the same time) to address the behavior that precipitated the use of the technique and the appropriateness of the response. The principal or designee will review the incident with the staff member(s) who administered the restraint, isolation, or other forms of reasonable physical force to discuss whether proper procedures were followed and whether staff training or support is needed to help the student avoid similar incidents.

IEPs and Section 504 plans will include the above procedures for notification of parents/guardians regarding the use of isolation and restraint with their student.

Incident report:

Any school employee, school resource officer, or school security officer who uses restraint, isolation, or other forms of reasonable physical force, as defined in this procedure, on a student during school-sponsored instruction or activities will inform the principal or a designee as soon as possible and within two (2) business days submit a written report of the incident to the district office. The written report will contain, at a minimum:

- The date and time of the incident;
- The name and job title of the staff member(s) who administered the restraint, isolation, or other form of reasonable physical force;
- A description of the activity that led to the restraint, isolation, or other form of reasonable physical force;

- The type of restraint, isolation, or other forms of reasonable physical force used on the student and the duration;
- Whether the student or staff member(s) were physical injured during the incident involving restraint, isolation, or other forms of reasonable physical force;
- Any medical care provided to the student or staff member(s); and
- Any recommendations for changing the nature or amount of resources available to the student and staff member(s) in order to avoid similar incidents.

Resolution of concerns about the use of force incident:

A student or his/her parent or guardian who has concerns regarding a specific incident involving restraint, isolation, or other form of reasonable physical force may seek to resolve the concern by using the district's complaint process which is set forth in Policy 4220 and Procedure 4220P ("Complaints Concerning Staff or Programs").

Providing parents/guardians with district policy:

The district will make available to all parents/guardians of students the district's policy on isolation, restraint, and use of reasonable force. If the student has an IEP or 504 plan, the District will provide the parents/guardians a copy of the policy when the IEP or 504 plan is created.

Staff training requirements:

All staff should be informed of de-escalation strategies and proper physical intervention procedures. Administrators will annually provide all staff with the district's policy and procedure regarding the use of reasonable physical force.

Appropriate staff and those who are required or reasonably anticipated to provide physical force intervention will receive training in positive management of student behavior, cultural sensitivity, effective communication for defusing and de-escalating disruptive or dangerous behavior, and safe and appropriate use of force, isolation, and restraint. Such staff members will be trained by a qualified provider in the use of intervention by physical force.

Submission of incident reports to OSPI:

Beginning January 1, 2016, and annually by January 1 thereafter, the district will summarize the written incident reports described above and submit those summaries to OSPI. The summaries will include:

- The number of individual incidents of restraint and isolation;
- The number of students involved in the incidents;
- The number of injuries to students and staff; and
- The types of restraint or isolation used.

Use of force continuum:

~~Whenever possible and practical, the use of force continuum will be followed for all students. District staff must only use the degree of force necessary to protect a student, students or staff from imminent bodily injury, substantial bodily harm or great bodily harm.~~

A. ~~The generally accepted use of force continuum includes, in order:~~

- ~~1. Staff/school security officer presence;~~
- ~~2. Verbal/non-verbal communication, de-escalation;~~
- ~~3. Physical interventions;~~
- ~~4. Restraint devices;~~
- ~~5. Sprays or electrical devices; and~~
Other reasonable force as authorized by RCW 9A.16.020.

B. ~~Appropriate use of force:~~

- ~~1. Physical force may be used to prevent or minimize imminent bodily injury, substantial bodily harm or great bodily harm to self or others, or if de-escalation interventions fail or are inappropriate to protect district property.~~
- ~~2. Restraint devices or chemical spray may be used when a student's behavior poses a threat of imminent, substantial or great bodily harm to self or others or will cause significant property damage, but will be used only by personnel trained and authorized by the board to use these tools after de-escalation interventions fail or are inappropriate.~~
- ~~3. Restraint devices or chemical spray may be used as needed to obtain possession of a known or reasonably suspected weapon or other dangerous object on a person or within the control of a person.~~
- ~~4. Less than lethal devices may be used only as necessary to prevent substantial bodily harm or loss of life and only by trained personnel who are authorized by the board to use such level of force. RCW 9A.16.020.~~
- ~~5. Consistent with the provisions found in WAC 392-172A-03120, nothing in this policy and procedure precludes the use of reasonable force to control unpredicted spontaneous behavior by a student with an Individualized Education Program (IEP) that includes an Aversive Intervention Plan or by a student with a Section 504 Plan, when the behavior poses a clear and present danger of serious harm to the student, to another person, or to property; or of seriously disrupting the educational process. (See Policy/Procedure 3247, Isolation and Restraint of Students with IEPs and Section 504 Plans).~~

C. ~~Inappropriate use of force:~~

- ~~1. Physical force, restraint devices or chemical spray will not be used as a form of corrective action;~~
- ~~2. Physical force, restraint devices or chemical spray will not be used as an initial response to destruction of property, school disruption, refusal of the student to comply with school rules, or a staff directive; or a verbal threat that does not constitute a threat of imminent bodily injury, unless other forms of de-escalation intervention fail or are inappropriate; and~~
- ~~3. Physical force, restraint devices or chemical spray should not be used as an intervention, if the school employee, school resource officer or school security officer knows that the student has a health condition or physical problem and the condition or problem would be exacerbated by the use of force.~~

D. Degree of force:

1. Force must not be continued if a determination is made by the staff member administering the force that the student is no longer at risk of causing imminent bodily injury to him or herself or others; and
2. Force must be administered in such a way so as to prevent or minimize physical harm. If, at any time during the use of force, the student demonstrates significant physical distress, the force must be reduced immediately and, if necessary, school staff must take immediate steps to seek medical assistance.

Monitoring:

An adult must continually monitor any student when force is used. The monitoring must be conducted by direct observation of the student. Monitoring must include regularly evaluating the student for signs of physical distress.

Staff training requirements:

All training will include instruction in positive management of student behavior, cultural sensitivity, effective communication for defusing and de-escalating disruptive or dangerous behavior and safe and appropriate use of force, isolation and restraint. Annually, administrators will provide all staff with the district established policy and procedure regarding the use of reasonable force.

A. Physical force:

All staff should be informed of de-escalation strategies and proper physical intervention procedures. Appropriate staff and those who are required or reasonably anticipated to provide physical force intervention will be trained in the use of physical force intervention.

A. Restraint devices or chemical spray:

Only staff trained and authorized to use restraint devices or chemical spray procedures will administer it to students. The appropriate personnel will include those staff members who are most likely to be called upon to use, restraint devices or chemical spray to prevent or address disruptive or dangerous student behavior.

Reporting requirements:**A. Processing the incident:**

Following the release of a student from the use of restraint or isolation, the school will implement follow-up procedures. These procedures will include reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the use of, restraint or isolation, and reviewing the incident with the staff person(s) who administered the restraint or isolation to discuss whether proper procedures were followed

B. Incident report:

Any school employee, school resource officer or school security officer who uses any chemical spray, restraint device or physical force, as defined in this procedure, on a student during school-sponsored instruction or activities will inform the building administrator or a designee as soon as possible and within two business days submit a written report of the incident to the district office.

C. Annual report:

The building administrator or a designee will maintain a log of all instances of use of force, as defined by this procedure, which will be presented to the superintendent

annually. The superintendent will provide an annual report to the board regarding the district's use of force.

~~D. Informing parent/guardian of incident:~~

~~The principal or a designee will make a reasonable effort to verbally inform the parents within twenty four hours of the incident and send written notification as soon as practical but postmarked no later than five business days after the use of force. If the language of the parents is other than English, the written use of force, report will be provided to the parent in the language of the home, if practicable.~~

~~Resolution of concerns about the use of force incident:~~

~~A student or his/her parent or guardian who has concerns regarding a specific incident involving use of force, may seek to resolve the concern by using the district's complaint process which is set forth in Policy 4220 Complaints Concerning Staff or Programs.~~

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