

INSTRUCTION

Use of Restraint, Isolation and Other Use of Reasonable Force

I. Definitions

De-escalation: The use of positive interventions and other District-approved strategies to defuse a student who has lost self-control, is non-compliant or is demonstrating unacceptable behavior. These strategies address behavior that is dangerous, disruptive or otherwise impedes the learning of a student or others.

Emergency/Crisis Situation: One in which a student's behavior poses a threat of imminent, serious physical harm to the student or others and/or that threatens significant property damage.

Individualized Education Program (IEP): A written statement of an educational program for a student eligible for special education that is developed, reviewed, and revised in accordance with applicable state and federal law.

Individualized Education Program Team or IEP Team: A group of individuals described in WAC 392-172A-03095, responsible for developing, reviewing, or revising an IEP.

Nonviolent Physical Crisis Intervention: A safe, non-harmful behavioral management system designed to aid Kennewick School District staff members in maintaining the best possible care, welfare, safety, and security for agitated or out-of-control individuals, even during their most violent moments, established by the Crisis Prevention Institute (CPI).

Restraint: Physical intervention or force used to control a student, including the use of a device to restrict the free movement of all or a portion of a student's body. It does not include:

- Briefly holding a student in order to calm or comfort the student;
- Holding a student's hand or arm to escort the student safely from one area to another when the student is complying with the request to move;
- Intervening in a fight between students; and/or
- Using protective or stabilizing devices, including adaptive equipment prescribed by a health care professional, such as a physical therapist, that is detailed in the student's IEP.

Positive Behavior Interventions: Strategies and instruction that can be implemented in a systematic manner in order to provide alternatives to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors. Positive behavioral interventions include the consideration of environmental factors that may trigger challenging behaviors and teaching a student successful self-awareness, self-management, and how to engage with others in the learning process.

Isolation: Restricting a student alone within a room or any other form of enclosure from which the student may not leave. Isolation DOES NOT INCLUDE the voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavior intervention plan.

Substantial Risk: A situation where there is serious, imminent threat of bodily harm and where there is the immediate ability to enact such harm.

Imminent: Being likely to occur at any moment or near at hand, rather than distant or remote.

Likelihood of “serious harm” means:

1. 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;
 - 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;
 - Upon property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
 - After the student has threatened the physical safety of another and has a history of one or more violent acts.
2. The person has threatened the physical safety of another and has a history of one or more violent acts.

Restraint Devices: 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. Restraint device does not mean a seat harness used to safely transport students or other safety devices when used for the purpose intended for the safety of the student.

II. Use of restraint, isolation, or other forms of reasonable force:

- Restraint and other forms of reasonable force may only be used by staff members with current training in Nonviolent Crisis Prevention and Intervention (CPI).
- Restraint, isolation, or other forms of reasonable force may only be used to prevent or minimize imminent bodily harm to self or others or, if de-escalation or other positive interventions fail or are inappropriate, to protect District property where there is a likelihood of such serious harm occurring.
- Restraint, isolation, or other forms of reasonable force may be used when a student has caused a substantial loss or damage to the property of others and the student’s behavior poses a substantial risk that such property damage will be inflicted.

- Restraint devices 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 the person.
- Consistent with the provisions found in Chapter 392-172A WAC, nothing in this regulation precludes the use of restraint or isolation as part of emergency response protocols for students developed and incorporated within an Individualized Education Plan or Section 504 Plan, provided that the student requires more specific advanced educational planning as defined in Chapter 392-172A WAC and outlined in Regulation 2151.
- Restraint, isolation, or other forms of reasonable physical force will not be used as a form of discipline or punishment.
- The isolation enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy and shall permit continuous visual monitoring of the student from outside the enclosure.
- Either the student shall be capable of releasing himself or herself from the enclosure or restraint device or the student shall continuously remain within view of an adult responsible for supervising the student.
- Restraint, isolation and 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 a threat of imminent bodily injury, unless other forms of de-escalation and positive interventions fail or are inappropriate.
- Restraint, isolation and other forms of reasonable force 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 such techniques.

III. Degree of force:

- Restraint, isolation and other forms of reasonable force must not be continued if a determination is made by the staff member administering the restraint, isolation or other forms of reasonable force that the student is no longer at risk of causing imminent bodily harm to himself/herself, others or property.
- Restraint, isolation and other forms of reasonable force must be administered in such a way as to prevent or minimize physical harm to the student. If at any time during the use of restraint, isolation or other forms of reasonable 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.

IV. Monitoring

An adult must continually monitor any student when restraint, isolation, or other forms of reasonable 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.

V. 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 has been used with a student. If information is customarily provided to the parent 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 person(s) who administered the restraint, isolation, or other forms of reasonable force to discuss whether proper procedures were followed and what staff training or support is needed to help the student avoid similar incidents.

VI. 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 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 was physically injured during the incident involving the restraint, isolation or other forms of reasonable physical force;
- Any medical care provided to the student or staff; and
- Any recommendation for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

VII. Procedures for student with an IEP or Section 504 Plan

IEPs and 504 Plans may not include restraint, isolation or other use of reasonable force as a planned behavior intervention unless a student's individual needs require this advanced

planning and the parent or guardian agrees. If the need is determined appropriate by the IEP or Section 504 team, the plan shall:

- Be consistent with the recommendations of the IEP team, which includes a school psychologist and/or other certificated employee who understands the appropriate use of positive behavior interventions and who concurs with the recommended use of the positive behavior interventions, and a person who works directly with the student.
- Specify the emergency conditions under which restraint or isolation or a restraint device may be used.
- Describe or specify the type of isolation, restraint or restraint device that may be used and any special precautions to be taken.
- Specify the staff or contracted positions permitted to use the restraint and isolation with the student and the required training, which must be current, for staff or contracted positions permitted to use the restraint or isolation described in the IEP.
- The reporting guidelines in section V and VI above will be followed for incidents of restraint, isolation and use of other reasonable force involving students with an IEP or 504 Plan.

VIII. Training for Staff

Kennewick School District has adopted and implemented the training guidelines of the Crisis Prevention Institute (CPI) for the purpose of managing crises in a nonviolent fashion.

Initial CPI Training: An 8-12 hour training of crisis prevention that emphasizes early intervention, non-physical methods for preventing or managing disruptive behaviors, CPI personal safety techniques, physical containment positions, transport techniques, and team strategies. This training usually takes place over a two-day period. The following employees are required to successfully complete this training:

- Staff working in structured and/or self-contained programs where behaviorally volatile students may be placed (including, but not limited to, Life Skills, Developmental Therapy, Autism and transportation personnel);
- Staff working with behaviorally volatile students in their buildings and/or classrooms.

Refresher CPI Training: At a minimum, all staff working with behaviorally volatile students in their buildings and/or classrooms as outlined above, must successfully complete formal refresher training once per year. Refresher courses are a minimum of three hours in length.

IX. Annual Reporting

The Superintendent or designee will summarize the written incident reports described above and submit those summaries to OSPI beginning on January 1, 2016, and annually, by January 1, thereafter.

Administrative Regulation No. 2155
Use of Restraint, Isolation and Other Use of Reasonable Force – Continued

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.

Legal References: [34 CFR 300](#) Individuals with Disabilities Education
 Improvement Act of 2004
 [RCW 28A.155](#) Special Education
 [WAC 392-172A](#) Rules for the Provision of Special Education

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