

Update to Policy #86: Seclusion, Restraint, and Corporal Punishment

General Policy Provisions

The use of chemical restraint, mechanical restraint, or prone restraint, as defined by Missouri Department of Education Rule 160-5-1-.35, is prohibited in the School.

The use of seclusion, as defined by Missouri Department of Education Rule 160-5-1-.35, is prohibited within the School.

Seclusion does not include "time-out," defined as a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined.

Seclusion does not include in-school suspension, detention, or a student-requested break in a different location in the classroom or in a separate unlocked room.

Physical Restraint

Physical restraint may be utilized only when the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques.

Physical restraint does not include: providing limited physical contact and/or redirection to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, or providing comfort.

Physical restraint shall not be used (1) as a form of discipline or punishment (2) when the student cannot be safely restrained; or (3) when the use of the intervention would be contraindicated due to the student's psychiatric, medical, or physical conditions as described in the student's educational records.

All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.

Before any staff member may implement physical restraint, he or she should have completed an approved training program. Approved training programs must address a full continuum of positive behavioral intervention strategies as well as prevention and de-escalation techniques and restraint. **The school shall annually review the policy and procedures regarding the physical restraint of students. Any employee who is authorized to use restraints shall annually complete mandatory training in the restraint techniques the School uses.**

Schools and programs shall maintain written or electronic documentation on training provided and the list of participants in each of the provided trainings. Copies of such

documentation will be made available to the Missouri Department of Education or any member of the public upon request.

If a staff member who has not completed an approved training program has to physically restrain a student to prevent injury to a student or others in an emergency situation when staff members trained in physical restraint are not available, he or she should ask other students, if present, to request assistance immediately.

Whenever possible, the use of physical restraint on a student shall be monitored by another staff member or administrator. The use of physical restraint shall be documented by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained. **A report shall be completed that contains the following information:**

- The date, time of day, location, duration, and description of the incident and interventions;
- Any event leading to the incident and the reason for using restraint;
- A description of the methods of restraint used;
- The nature and extent of an injury to the student;
- The names, roles, and certifications of each employee involved in the use of restraint;
- The name, role, and signature of the person who prepared the report;
- The name of any employee whom the parent or guardian can contact regarding the incident and use of restraint;
- The name of an employee to contact if the parent or guardian wishes to file a complaint; and
- A statement directing parents and legal guardians to a sociological, emotional, or behavioral support organization and a hotline number to report child abuse and neglect.

A copy of any report created under this section shall be given to the Department of Elementary and Secondary Education within thirty days of the incident.

Whenever physical restraint is used on a student the school or program where the restraint is administered shall notify the student's parent or legal guardian **no later than one hour after the end of the school day in which the use of the restraint occurred.** ~~within one school day after the use of restraint.~~ This notification may be oral or electronic and shall include a statement that the report created under this section will be provided within five school days. Any report created under this section shall be provided to the parent or legal guardian within five school days.

An officer, administrator, or employee of the School is prohibited from retaliating against any person for having reported a violation of this policy; or providing information regarding a violation of this policy.

This policy does not prohibit a staff member from utilizing time-out, as defined above, or any other classroom management technique or approach, including a student's removal from the classroom that is not specifically addressed in this rule.

This policy does not prohibit a staff member from taking appropriate action to diffuse a student fight or altercation.

The decision whether or not the use of physical restraint is necessary to protect students or others from imminent harm or bodily injury, and taking the actions deemed necessary to protect students or others from imminent harm or bodily injury, are actions that involve the performance of discretionary, not ministerial, duties.

In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel.

School officials must notify a student's parent or guardian immediately when emergency medical or law enforcement personnel remove a student from a school or program setting.

Corporal Punishment

For the purposes of this policy, corporal punishment is a form of physical punishment administered by an adult to the body of a child for the purpose of discipline or reformation, or to deter attitudes or behaviors deemed unacceptable. No person employed by or volunteering on behalf of CWC Kansas City shall administer corporal punishment or cause corporal punishment to be administered upon a student attending LEA schools.

A staff member may, however, use reasonable physical force against a student for the protection of the student or other persons or to protect property. Restraint of students in accordance with the CWC Kansas City policy on student seclusion, isolation and restraint is not a violation of this policy.

A student shall not be subject to corporal punishment procedures without a parent or guardian being notified and providing written permission for corporal punishment.