

Required Notification of Isolation ~~or and~~ Restraint of Students with IEPs ~~or and~~ Section 504 Plans

It is the policy of the Wahkiakum School District Board of Directors that the district maintains a safe learning environment while treating all students with dignity and respect. All students in the district, including those with an Individualized Education Program (IEP), an Aversive Intervention Plan (AIP) or a plan developed under Section 504 of the Rehabilitation Act of 1973 (Section 504 plan) will remain free from the unreasonable use of force.

Isolation and restraint of these students will generally be avoided and will not be used as a form of discipline or punishment. The district recognizes, however, that isolation and restraint are necessary at times to preserve the safety of students and school staff. The district therefore authorizes these actions under limited circumstances. This policy and its accompanying procedure set forth the statutory definitions and authorized use of isolation, restraint and restraint devices as well as incident review procedures and requirements for reporting and parent/guardian notification.

The district will provide parents or guardians of students with an IEP or Section 504 plan a copy of the district's Isolation and Restraint policy when the IEP or Section 504 plan is created and will include parent/guardian notification procedures in the student's IEP.

Cross References: 2162 - Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973
2161 - Special Education and Related Services for Eligible Students

Legal References: WAC 392-400-235 Discipline—Conditions and limitations.
WAC 392-172A Rules for the Provision of Special Education
RCW 28A.600.485 Restraint of students with individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 — Procedures — Definitions.
RCW 28A.600.486 District policy on use of isolation or restraint – Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.
RCW 28A.155.210 Use of restraint or isolation — Requirement for procedures to notify parent or guardian.
RCW 28A.150.300 Corporal punishment prohibited — Adoption of policy.
RCW 9A.16.100 Use of Force on Children — Policy — Actions presumed unreasonable
RCW 9A.16.020 Use of Force — When lawful

Management
Resources:

2014 – June Policy & Legal News Issue/Policy Alert

2013 - December Issue

2013 - July Issue

Policy News, December 2008, Use of Reasonable Force Policy

Wahkiakum School District

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Revised Dates: 12.13; **06.14**

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Required Notification of Isolation or ~~and~~ Restraint of Students with IEPs or ~~and~~ Section 504 Plans

A. Definitions: (Note: The definitions below specify measures that, if used to isolate or restrain a student with an IEP or Section 504 plan, require reporting and notification processes under Washington law. The definitions are not provided to advocate for, recommend or endorse the use of any of these measures unless authorized as described below in Section B).

- **Isolation:** Excluding a student from his or her regular instructional area and restricting the student alone within a room or any other form of enclosure, from which the student may not leave. ~~“Isolation” does not apply to an in-school suspension wherein a student is assigned to a room/enclosure where he/she is periodically monitored but left alone in the room/enclosure for periods of time to do schoolwork.~~
- **Restraint:** Physical intervention or force used to control a student, including the use of a restraint device.
- **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. ~~“Restraint device” does not include use of a harness or seatbelt with students whose disabilities require support and/or proper physical positioning.~~

“Restraint device” does not include use of a harness or seatbelt with students whose disabilities require support and/or proper physical positioning.

B. Authorized Use of Isolation, Restraint or a Restraint Device

District staff are authorized to use isolation, restraint or a restraint device:

- 1) when responding in response to a student’s unpredictable, spontaneous behavior that poses a clear and present danger of:**
 - a) serious harm to the student, other students or staff;**
 - b) serious harm to property; or**
 - c) serious disruption of the educational process;** or
- 2) as required by specified in:**
 - a) a student’s Individualized Education Program (IEP);**
 - b) a student’s ~~A~~aversive ~~I~~ntervention ~~P~~lan (AIP) and in a manner consistent with Chapter 392-172A WAC, or**
 - c) ~~in~~ the student’s 504 plan.**

Under no circumstances will isolation, restraint or restraint devices be used for purposes of discipline or punishment.

C. Review of Incident

Following release of a student from isolation or restraint, the school will:

- review the incident with the student and their parent/guardian (though not necessarily at the same time) to address the behavior that precipitated the incident; and

- review the incident with the staff member who administered the isolation or restraint to discuss whether proper procedures were followed.

D. Reporting Requirement

If any school staff member, school resource officer (SRO) or school security officer (SSO) isolates or restrains a student with an IEP or a 504 plan during school-sponsored instruction or activities, he or she will:

- inform the principal or designee as soon as possible and;
- submit a written report of the incident to the district office within two (2) business days that contains, at a minimum:
 - the date and time of the incident;
 - the name and job title of the staff member who administered the restraint or isolation;
 - a description of the activity that led to the restraint or isolation;
 - the type of restraint or isolation used on the student, and the duration;
 - whether the student or staff was physically injured during the restraint or isolation; and
 - any medical care provided to the student or staff.

E. Parent/Guardian Notification

The principal or designee will:

- make a reasonable effort to verbally inform the student's parent/guardian of the incident within twenty-four (24) hours of the incident; and
- send written notification no later than five (5) business days after the incident occurred in the language that the school customarily provides school-related information to the parent.

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

F. Providing Parents/Guardians with Restraint and Isolation Policy

The district will provide parents/guardians of students with IEPs or 504 plans with a copy of the district's policy on Isolation and Restraint when the IEP or 504 plan is created.

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