

LEGAL: KSBA LEGAL RECOMMENDS THESE CHANGES TO REFLECT REQUIREMENT OF NEW REGULATION 704 KAR 7:160. PER THE REFERENCE TO GRIEVANCE POLICIES, IF YOUR BOARD HAS NOT ADOPTED A GENERAL GRIEVANCE POLICY 09.4281 OR 10.2, PLEASE CONTACT YOUR KSBA POLICY CONSULTANT FOR SAMPLE LANGUAGE.

FINANCIAL IMPLICATIONS: TIME AND COST OF TRAINING TO BE PROVIDED TO ALL STAFF AND ADDITIONAL STAFF TIME TO DOCUMENT AND IMPLEMENT REQUIRED PROCEDURES.

STUDENTS

09.2212

Use of Physical Restraint and Seclusion

Use of physical restraint or seclusion by school personnel is subject to 704 KAR 7:160. However, nothing in this policy prohibits the exercise of law enforcement duties by sworn law enforcement officers.

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DEFINITIONS

- Physical Restraint means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely.
- Seclusion means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving, but does not mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.

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PHYSICAL RESTRAINT

All School Personnel

Use of physical restraint by all school personnel is permitted when a student's behavior poses an imminent danger of physical harm to self or others in clearly unavoidable emergency circumstances. In such situations, staff who have not had core team training may physically restrain students, but shall summon core trained school personnel as soon as possible.

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In all situations involving use of physical restraint (including restraint by core trained personnel):

- The student shall be monitored for physical and psychological well being for the duration of the restraint.
- Personnel shall use only the amount of force reasonably believed necessary to protect the student or others from imminent danger of physical harm.

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Core Trained Personnel

School personnel who have undergone core team training may also use physical restraint after less restrictive behavioral interventions have been ineffective in stopping misbehavior as noted below:

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1. In nonemergency circumstances when a student's behavior poses an imminent danger of physical harm to self or others;

2. As provided in KRS 503.050 (including when personnel believe physical restraint is necessary to protect themselves against the use or imminent use of unlawful physical force);

3. As provided in KRS 503.070 (including when personnel believe physical restraint is necessary to protect a third person against the use or imminent use of unlawful physical force);

4. To prevent property damage as provided in KRS Chapter 503 (including when personnel believe physical restraint is immediately necessary to prevent intentional or wanton property destruction, theft, or a felony involving the use of force); and

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5. As provided in KRS 503.110 (including when personnel believe physical restraint is necessary to maintain reasonable discipline in a school, class, or other group, and the force used is not designed to cause or known to create a substantial risk of causing death, serious physical injury, disfigurement, extreme pain, or extreme mental distress).

Use of Physical Restraint and Seclusion**SECLUSION**

Seclusion may be implemented only if: the student's behavior poses an imminent danger of physical harm to self or others; less restrictive interventions have been ineffective in stopping the imminent danger of physical harm; the student is monitored visually for the duration of the seclusion; and staff are appropriately trained to use seclusion.

PARAMETERS

The Board has established this policy and related procedures addressing use of physical restraint and seclusion that are designed to promote the safety of all students, school personnel, and visitors. As required by 704 KAR 7:160, school personnel and parents shall be made aware of how to access this policy and related procedures. Methods of notification may include, but are not limited to, publication in the District's local code of acceptable behavior and discipline and District employee handbooks.

Employees may use, within the scope of their employment, such physical restraint as may be reasonable and necessary to protect themselves, students, or others from physical injury; to obtain possession of a weapon or other dangerous object under the control of a student; or to protect property from serious harm.

If the ARC (Admissions and Release Committee) or Section 504 Team anticipates that a student may need to be restrained on a frequent basis, the District shall consider whether special restraint training is needed for one (1) or more of the employees who regularly work with the student.

TRAINING

Training of personnel on use of physical restraint and seclusion shall be provided as required by 704 KAR 7:160:

- All school personnel shall be trained annually to use an array of positive behavioral supports and interventions and as further required by 704 KAR 7:160.
- A core team of selected school personnel designated to respond to dangerous behavior and to implement physical restraint of students shall receive additional yearly training in the areas required by 704 KAR 7:160. (Exception: Core team members who are school resource officers or other sworn law enforcement officers are not required to undergo this training.)

REQUIRED PROCEDURES

The Superintendent/designee shall develop procedures to be followed during and after each use of physical restraint or seclusion to include the following:

1. Documentation of the event in the student information system;
2. Notice to parents; and
3. A process for the parent or emancipated youth to request a debriefing session.

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Use of Physical Restraint and Seclusion

NOTIFICATION REQUIREMENTS

The Principal of the school shall be notified as soon as possible when seclusion or physical restraint is used, but no later than the end of the school day on which it occurs.

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Following each incident of physical restraint or seclusion of a student and if the student is not an emancipated youth, the parent of the student shall be notified of the incident either verbally or through electronic communication as soon as possible within twenty-four (24) hours of the incident. If the parent cannot be reached during that time frame, a written communication shall be mailed via U. S. mail.

If death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty results from use of physical restraint or seclusion, the Superintendent/designee shall notify the Kentucky Department of Education and local law enforcement within twenty-four (24) hours.

DEBRIEFING SESSION

If the parent or emancipated student requests a debriefing session following use or parental notification of the use of physical restraint or seclusion, individuals who are to participate shall be those specified by state regulation.

A requested debriefing session shall occur as soon as practicable, but no later than five (5) school days following receipt of the request from the parent or emancipated youth, unless a meeting is delayed by written mutual agreement of the parent/emancipated student and the school.

The debriefing session shall address elements specified by state regulation, and all documentation used during the session shall become part of the student's education record.

PARENT COMPLAINTS

Parents may submit a complaint regarding the physical restraint or seclusion of their child using the Board's grievance policy and procedures. On receipt of a complaint, the District and school shall investigate the circumstances surrounding the physical restraint or seclusion, make written findings, and, where appropriate, take corrective action.

STATEMENTS FROM PHYSICIAN

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The Superintendent/designee shall review and respond to any statement received from a student's licensed physician that the student is not to be subjected to physical restraint.

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DOCUMENTATION

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All incidents involving physical restraint or seclusion shall be documented by a written record of each use by the end of the next school day, and the documentation shall be maintained in the student's education record. In addition, each entry shall be informed by an interview with the student and include information required by 704 KAR 7:160.

Specified data related to incidents of physical restraint and seclusion shall be reported in the state student information system.

At the end of each school year, the Superintendent/designee shall review data on District use of physical restraint and seclusion to identify any recommendations to be made to the Board for policy and procedure revisions.

STUDENTS

09.2212
(CONTINUED)

Use of Physical Restraint and Seclusion

REFERENCES:

704 KAR 7:160

KRS Chapter 503: KRS 503.050, 503.070, KRS 503.080, KRS 503.110

Individuals with Disabilities Education Improvement Act of 2004

Section 504 of Rehabilitation Act of 1973

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RELATED POLICIES

09.4281, 10.2

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EXPLANATION: THESE ARE OPTIONAL NEW FORMS TO MEET REQUIREMENTS OF 704 KAR 7:160 FOR THE DISTRICT TO ESTABLISH NEW POLICY AND PROCEDURE(S) RELATED TO USE OF PHYSICAL RESTRAINT AND SECLUSION.
 FINANCIAL IMPLICATIONS: ADDITIONAL STAFF TIME TO DOCUMENT AND IMPLEMENT REQUIRED PROCEDURES.

STUDENTS

09.2211 AP.21

Physical Restraint and Seclusion Forms

DOCUMENTATION OF USE

Please attach additional sheets as needed.

STUDENT NAME:	DATE OF USE:
Description of Physical Restraint or Seclusion Measure Used:	
Beginning Time of Measure Used:	Ending Time of Measure Used:
School Personnel Involved:	
Student Behavior Prompting Use:	
How Student Behavior Posed Imminent Danger of:	
<input type="checkbox"/> Physical harm to self/others _____ <input type="checkbox"/> Property damage, destruction, criminal mischief, theft, or a felony involving use of force _____ <input type="checkbox"/> Disruption of reasonable discipline/order _____	
School Personnel Response to Behavior and Techniques Used:	
Events Leading Up to Use of Measure:	
Student's Behavior During Restraint or Seclusion and Interactions During Use:	
Behavioral Interventions Used Just Prior to Physical Restraint/Seclusion:	
Injuries to Student(s), School Personnel or Others:	
Effectiveness of Restraint/Seclusion in De-escalating the Situation:	
Student Post-Incident Interview Comments:	
Planned Future Positive Behavioral Interventions:	
Documentation of Referral for Section 504 or IDEA Services (OR BASIS FOR NOT DOING SO):	
Date Notice Sent to Parent/Guardian/Authorized Individual Acting as Parent:	

Check as applicable:

☐ Parent ☐ Emancipated Youth notified on _____ (date) of the five (5) school day timeline to request debriefing session.

Signature of Staff Member Completing Report

Date Report Provided to Principal

Physical Restraint and Seclusion Forms**NOTICE TO PARENT**

ADMINISTRATIVE NOTE: AS SOON AS POSSIBLE WITHIN TWENTY-FOUR (24) HOURS FOLLOWING EACH INCIDENT INVOLVING USE OF PHYSICAL RESTRAINT OR SECLUSION, NOTICE SHALL BE PROVIDED TO THE PARENT/GUARDIAN OF A STUDENT WHO IS NOT EMANCIPATED EITHER VERBALLY OR BY EMAIL, IF EMAIL IS AVAILABLE TO THE RECIPIENT. IF THE RECIPIENT CANNOT BE REACHED WITHIN TWENTY-FOUR (24) HOURS, A WRITTEN COMMUNICATION SHALL BE MAILED VIA U. S. MAIL. IN ANY EVENT, THIS FORM SHOULD BE COMPLETED AND KEPT ON FILE TO DOCUMENT THE NOTIFICATION.

Date

Dear parent/guardian,

On _____, authorized school personnel used the following with your child:
Date☐ Seclusion☐ Physical Restraint

The following is a summary description of the measure used:

_____This occurrence took place at _____
Location and Time Frame

and was necessary due to the following behavior by your child:

Because the safety of students, school personnel and visitors is our utmost concern, we did not take this action lightly.

Please contact me directly if you have questions about this information or if you want to request a debriefing session. The District must receive such request within five (5) school days from the date you received notice of the use of physical restraint or seclusion. We will do our best to schedule a meeting as soon as practicable, but no later than five (5) school days following receipt of your request, unless we mutually agree otherwise.

I can be reached at _____.
Telephone Number

Sincerely,

Signature_____
Position

Release of Records to State Child Welfare Agency

School district administrators may authorize release of protected student education record information to authorized representatives of a Kentucky state child welfare agency if such agency presents to the District an official court order placing the student whose records are requested under the care and protection of said agency for at least one (1) month. The state welfare agency representative receiving such records must be authorized to access the child's case plan. All information in the below form must be provided/completed.

On behalf of the _____ (agency), I am requesting access to and/or release of information in the educational records of the following student enrolled in the District:

Name of Student

School

SPECIFIC INFORMATION REQUESTED

☐ All cumulative records

☐ Grade records only

☐ Attendance record only

☐ Standardized test data only

☐ Other: _____

I understand that I and my agency are prohibited by federal law from releasing a child's education records to any individual or entity, except for those at my agency engaged in addressing that child's educational needs.

I also understand that if the United States Department of Education determines that a third party outside the educational agency or institution discloses educational record information in violation of the law, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five (5) years.

By virtue of my signature, I certify:

- I am a representative/caseworker for the following state child welfare agency: _____;
- This agency is responsible under state law for care and protection of the student as provided in the court order referenced below;
- A case plan for the student has been established or is in process for the student; and
- As representative/caseworker I have the right to access such case plan.

CONTACT INFORMATION

Signature of Requesting Individual

Title

Date

Telephone Number

Email Address

(THE SECTION BELOW TO BE COMPLETED BY DISTRICT RECORDS CUSTODIAN/DESIGNEE)

-
- ☐ The District has an attested or certified original court order placing the student whose records are released under the care and protection of the requesting agency for at least one (1) month, which order is still in effect.
 - ☐ The requesting individual presented appropriate credentials and identification.
 - ☐ Payment has been made for any copies requested.

The requesting individual was notified of the following on _____ (date):

- The request was ☐ approved ☐ not approved.
- If approved, the records will be available on _____ (date).

Signature of Records Custodian/Designee

Date