

WASHINGTON STATE SCHOOL FOR THE BLIND

POLICY:

Established: December 20, 1999

Revised: March 10, 2016

SUBJECT: Use of “Isolation and Restraint of Students”

Written by: Admin. Policy Team

Approved by: \_\_\_\_\_  
Dean O. Stenehjem, Superintendent

It is the goal of the Washington State School for the Blind (WSSB) to provide education in a safe, secure, healthy, and mutually respectful teaching and learning environment in which all students are treated with dignity and respect. Additionally, all students at WSSB will remain free from the unreasonable use of force.

**Definitions:**

To clearly understand this operational procedure and its application, it is imperative to understand the terminology associated with isolation, restraint, restraint devices, and reasonable force. Following is the terminology and definitions found throughout this operational procedure.

**Physical force:** Any use of bodily force or physical restriction that substantially immobilizes or reduces the free movement of a student through physical contact.

**Reasonable Force:** Physical force is reasonable when needed to prevent or minimize imminent bodily injury or substantial or great bodily harm to self or others. Chemical sprays: use of chemicals, such as OcSpray or similar chemical weapons, to control a student or limit a student’s freedom of movement.

**Restraint:** Physical intervention or force used to control a student who has an IEP or plan developed under Section 504 of the Rehabilitation Act of 1973, including the use of a restraint device.

**Restraint Device:** A device used to assist in controlling a student who has an IEP or plan developed under Section 504 of the Rehabilitation Act of 1973, including, but not limited to metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, pepper spray, tasers or batons.

**De-escalation:** The use of 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 impedes the learning of a student or others.

**Isolation:** The exclusion of a student who has an IEP or plan developed under Section 504 of the Rehabilitation Act of 1973 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.

**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.

**Bodily injury, physical injury or bodily harm:** Physical pain or injury, illness or an impairment of physical condition.

**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.

**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.

School staff may use reasonable force, isolation or restraint to maintain order or to prevent a student from harming him/herself, other students, and school staff or property, when “reasonably necessary to control spontaneous behavior that poses an imminent likelihood to serious harm as defined in (RCW 90.96B.010)

Imminent means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

**Likelihood of serious harm (RCW 70.96B.010):**

- (a) A substantial risk that:
  - (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;
  - (ii) Physical harm will be inflicted by a person 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; or
  - (iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or
- (b) The person has threatened the physical safety of another and has a history of one or more violent acts.

This procedure is intended to address students enrolled at WSSB and is not intended to prevent or limit the use of reasonable force or restraint as necessary with other adults or youth from outside the school as allowed by law.

Parents/Guardians of students with whom the school is considering the use of a Safety Plan under the Individuals with Disabilities Education Act [IDEA] and students whose Section 504 plan will contain the use of restraint or isolation will be provided a copy of this procedure - Use of Isolation, Restraint, Restraint Devices and Reasonable Force.

**Use of Force Continuum:**

Whenever possible and practical, the use of force continuum will be followed for all students, including those with a Section 504 plan and those eligible for special education. School 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 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 School 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 a Safety 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.

C. Inappropriate Use of Force:

- 1 Physical force, restraint devices or chemical spray will not be used as a form of discipline or punishment;
- 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.

WSSB prohibits the planned use of restraints and isolation interventions and promote positive interventions when a student with disabilities is determined to need specially designed instruction to address behavior, and will not physically restrain or isolate any student except when the student's behavior poses an imminent likelihood of serious harm (RCW 70.96B.010) to that student, another person, or property of others.

**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 review with all staff the School established operational procedure regarding the use of reasonable force and inform them of its availability on the School's website.

- 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.
- B. 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:**

The following reporting requirements will apply when any student, including those with an individualized education program (IEP) or a Section 504 plan, is subjected to:

- A. any restraint, including restraint that results in a physical injury to a student or a staff member; or
- B. any isolation event.

**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.

**Incident report:** Any school employee 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 superintendent's office.

The report will include:

- A. The date and time of the incident;
- B. The name and job title of the individual who administered the restraint or isolation;
- C. A description of the activity that led to the restraint or isolation;
- D. The type of restraint or isolation used, including the duration; and
- E. Whether the student or staff was physically injured during the restraint or isolation; and
- F. Any medical care provided.
- G. Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

**Informing parent or guardian of incident:**

The principal or a designee will make a reasonable effort to verbally inform the student's parent or guardian of the incident, 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 restraint or isolation. If the school customarily provides the parent or guardian with school-related information in a language other than English, the written report will be provided to the parent in that language. Students with an Individualized Education Program (IEP) that includes a Safety Plan or Section 504 plan that includes restraint or isolation will include procedures for notification of parent or guardian regarding the use of force, restraint or isolation. These parents or guardians will be provided a copy of the School policy on the use of force, restraint or isolation at the time the program or plan is developed.

**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.

WSSB will also summarize the written reports received and submit the summaries to the office of the superintendent of public instruction. For each school, the school district shall 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.

No later than ninety days (90) after receipt, the office of the superintendent of public instruction shall publish to its web site the data received by the districts. The office of the superintendent of public instruction may use this data to investigate the training, practices, and other efforts used by schools and districts to reduce the use of restraint and isolation.

**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, restraint or isolation may seek to resolve the concern by using the "Customer and Citizen Complaint and Compliment Process".

Cross References:

Procedure: "Special Education and Related Services for Eligible Students"

Legal References:

RCW 9A.16.020 Use of Force — When lawful

RCW 9A.16.100 Use of Force on Children — Policy — Actions presumed unreasonable

RCW 28A.150.300 Corporal Punishment Prohibited

Chapter 392-172A WAC Rules for the Provision of Special Education

## Chapter 392-400-235 Discipline — Conditions and limitations

## Washington State School for the Blind

### Reporting the Use of Isolation or Restraint

The following reporting requirements will apply when any student, including those with an IEP or a Section 504 plan, is subjected to 1) any restraint, including restraint that results in a physical injury to a student or a staff member; or 2) any isolation event.

Student Name: \_\_\_\_\_ Grade Level: \_\_\_\_\_ Date & Time of Incident: \_\_\_\_\_

Name of person who administered restraint or isolation: \_\_\_\_\_ Job Title: \_\_\_\_\_

#### Incident

What was used:  Restraint  Isolation      Length of Time it was used: \_\_\_\_\_

Description of restraint or isolation used: \_\_\_\_\_

\_\_\_\_\_

Description of the activity that led to use of restraint or isolation: \_\_\_\_\_

\_\_\_\_\_

Was the student injured during the use of restraint or isolation:  YES  NO

If so, describe any medical care that was provided: \_\_\_\_\_

\_\_\_\_\_

Was staff injured during the use of restraint or isolation:  YES  NO

If so, describe any medical care that was provided: \_\_\_\_\_

\_\_\_\_\_

Any recommendation for changing the nature or amount of resource's available to the student and staff members in order to avoid similar incidents:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Parent/Guardian Notification:

Notified in person:  YES  NO  
24 hour deadline By Whom Date & Time

Notified via telephone:  YES  NO  
24 hour deadline By Whom Date & Time

Notified in writing:  YES  NO  
5 business day deadline By whom Date & Time

Parent/Guardian Primary Language: English Spanish Other: \_\_\_\_\_

Written Notification provided in: English Spanish Other: \_\_\_\_\_

Student has an IEP:  YES  NO

IEP includes a Safety Plan:  YES  NO

IEP has procedures for notifying parent/guardian re force/restraint/isolation use:  YES  NO

Parent/Guardian has been provided a copy of Operational Procedure:  YES  NO

Student has a Section 504 plan:  YES  NO

504 plan includes restraint or isolation:  YES  NO

504 plan has procedures for notifying parent/guardian re force/restraint/isolation use:  YES  NO

Follow-Up Procedures

Incident Review with Student and Parent/Guardian: Date: \_\_\_\_\_ Time \_\_\_\_\_

Discussed behavior that precipitated the use of restraint/isolation:  YES  NO

Meeting Attendees: Administrator \_\_\_\_\_  
Parent/Guardian \_\_\_\_\_  
Student \_\_\_\_\_  
Staff \_\_\_\_\_

Incident Review with Staff: Date \_\_\_\_\_ Time \_\_\_\_\_

Discussed procedures that were used:  YES  NO

Meeting Attendees:

Administrator: \_\_\_\_\_

Staff who administered restraint/isolation: \_\_\_\_\_

Staff: \_\_\_\_\_

Signature of staff member who administered restraint or isolation: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of person who completed the form (if different than person above): \_\_\_\_\_

Date: \_\_\_\_\_

## Washington State School for the Blind

### Parent Notification of Use of Force, Restraint or Isolation

<date>

<Parent Name>

<Student Name>

<Street Address>

<City>, WA <zip code>

Dear <Parent/Guardian>:

This letter is to inform you that <force, restraint, isolation> was used with your student, \_\_\_\_\_ . The incident that resulted in the use of <force, restraint, isolation> took place on <date>.

Please contact my office at <phone number> to schedule a time when you, your student, and I can meet to discuss this situation and address the behavior that resulted in the use of <force, restraint, isolation>.

If you have a concern regarding this incident, you may seek to resolve your concern by using the school's Customer & Citizen Complaint Process. You can access this information on the school website or by contacting my office to request a copy.

I look forward to meeting with you and your student.

Respectfully,

<Administrator Name>

<Administrator Title>