Washington County School District
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District Policy 2120

Use of Emergency Safety Interventions and Prohibition of Corporal Punishment

Student Discipline Washington County School District - Adopted 12-11-84; Revised 10-13-92; Revised 4-14-20

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1. Purpose:

The Board of Education of the Washington County School District (WCSD) protects the rights of students and recognizes that every student in the schools should have the opportunity to learn in an environment which is safe and conducive to the learning process. WCSD implements discipline and safety consistent with Utah Code 53G-8-3 and R277-608-609.

2. Policy:

2.1. This policy applies to students under the age of 19 and receiving educational services; or up to age 22 and receiving educational services as an individual with a disability under the Individuals with Disabilities Education Act (IDEA).

2.2. Corporal punishment is prohibited.

2.2.1. A school employee may not inflict or cause the infliction of corporal punishment upon a student.

2.3. Emergency Safety Interventions may only be imposed when a student presents an immediate danger and/or threatens or causes serious bodily injury.

2.3.1. A school employee may use reasonable and necessary physical restraint in self defense or when otherwise appropriate to the circumstances to:

(a) obtain possession of a weapon or other dangerous object;

(b) protect a student or another individual from physical injury;

(c) remove from a situation a student who is violent;

(d) protect property from being damaged, when safety is at risk.

2.4. A school employee may use less intrusive means, including physical escort to address circumstances as described above.

2.5. Prohibition of Corporal Punishment and use of reasonable and necessary physical restraint as per this policy does not apply to a law enforcement officer. (UCA 53G-8-302(6)).

2.6. **Definitions:**

2.6.1. "Corporal Punishment" means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.

2.6.2. Emergency Safety Intervention (ESI) means the use of: 1) Physical restraint; or 2) Seclusionary time out.

2.6.3. Physical restraint means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

2.6.4. Seclusionary time out means that a student is placed in a safe enclosed area by school personnel to purposefully be isolated from adults and peers. The student is prevented from leaving, or reasonably believes that he/she may not leave.

2.6.5. Immediate danger is considered to be an imminent threat of physical violence or actual presence of aggression toward oneself or others that is likely to cause serious physical harm.

2.6.6. Physical escort means temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of guiding a student to another location.

2.6.7. Serious bodily harm/injury means a serious risk of death; protracted or obvious disfigurement; protracted loss of impairment of the function of a bodily organ, member or mental faculty; or extreme physical pain.

3. Procedure:

3.1. Procedure and criteria for using appropriate behavior reduction interventions:

3.1.1. An emergency safety intervention is not for disciplinary purposes.

3.1.2. Restraint: A school employee may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate as per circumstances described in 2.3.1.

3.1.2.1. The use of the restraint must only be for the minimum time necessary, but not to exceed 30 minutes, to ensure safety and meet criteria; including that the student must be standing or sitting. The law prohibits physical restraint if the student is prone (lying face-down); supine (lying face-up); has an obstructed airway; or primary mode of communication is obstructed in anyway.

3.1.2.1.1. Mechanical restraint is prohibited, except those that are protective, stabilizing or required by law, and/or a device used by a law enforcement officer in carrying out law enforcement duties, including seatbelts or any other safety equipment when used to secure students during transportation.

3.1.2.1.2. Chemical restraint is prohibited, except as: prescribed by a licensed physician or other qualified health professional acting, for the standard treatment of a student's medical or psychiatric condition; and administered as prescribed by the licensed physician or other qualified health professional. (Policy 2320 Medication Policy for Students)

3.1.3. Seclusionary Time-Out: Seclusionary time out is prohibited, except when a student present an immediate danger of serious physical harm to self or to others; or for a student with a disability and it is written into the student's Individualized Education Program (IEP) as a planned intervention, and only after less restrictive means have been attempted, and which is agreed upon by the parent(s).

3.1.3.1. Seclusionary time out shall only be used for the minimum time necessary to ensure safety, not to exceed 30 minutes; the door shall remain unlocked; the student must be within the line of sight of an employee at all times. The enclosed area must be in accordance with the requirements of Design, Health & Safety of Schools (R392-200) and Building Fire Safety (R710-4).

3.2. Emergency Safety Intervention Notification:

If an employee uses physical restraint or seclusionary time out for less than 15 minutes, the school shall notify the student's parent/guardian and the school administration as soon and possible, but no later than the end of the school day. If the ESI is applied for *longer than 15 minutes* such information must be immediately provided school administration and as immediate as possible to the parent.

3.2.1. Within 24 hours, the school shall notify a parent/guardian that they may request a copy of any notes or additional documentation taken during a crisis situation.

3.2.2. Notice to the parent shall be documented within the student information system.

3.2.3. A parent may request a time to meet with school staff and administration to discuss the crisis situation. (R277-609-8)

3.3. Emergency Safety Intervention (ESI) Committee:

The District shall establish an ESI committee which includes: at least two administrators; at least one parent of a student (appointed by the District); and at least two certified educational professionals with behavior training and knowledge in both state rules and the board's conduct and discipline policies.

3.3.1. The committee shall: meet often enough to monitor the use of ESI within the District; determine and recommend professional development needs; develop policies for dispute resolution processes to address concerns regarding disciplinary actions; and create and

communicate uniform district methods for evaluation of the efficiency and effectiveness of each school's rules and standards.

3.4. Training:

School/district shall provide ongoing training of appropriate school personnel in crisis intervention training and emergency safety intervention professional development which are consistent with evidence-based practice. (R277-609-4(h)

3.5. Investigation of Complaint - Confidentiality – Immunity:

3.5.1. The reporting and investigation requirements of Title 62, Chapter 4a, Part 4 Child Abuse or Neglect Reporting Requirements, apply to complaints regarding corporal punishment.

3.5.2. Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

3.5.3. If a violation is confirmed, school authorities shall take prompt and appropriate action, including inservice training and other administrative action to ensure against a repetition of the violation.

3.5.3.1. Employees disciplined for a violation of this policy may appeal as per District Policy 1450.

3.5.3.2. Employees who use corporal punishment may be subject to civil or criminal sanctions (UCA 53G-8-304).

3.5.4. Corporal punishment which would be considered to be reasonable discipline of a minor under Section 76-2-401 ("the defense justification") may not be used as a basis for any civil or criminal action.

3.6. Reporting:

Child abuse and complaints of misuse of Emergency Safety Interventions or corporal punishment must be reported (Policy 2310 Child Abuse and Neglect).

3.7. Any individual that has reason to believe that a child has been subjected to abuse or neglect, or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, that individual shall immediately report the alleged abuse or neglect to the nearest peace officer, law enforcement agency, or office of Human Services/Child and Family Services. (UCA 62A-4a-402)

3.7.1. If the alleged violator is a school employee the school administrator must be informed.

3.7.2. Reports made on violations of this policy are subject to the same requirements of confidentiality as provided under Section 62A-4a-412; 53E-9-2; District Administrative Letter A001 FERPA.

3.8. Reports of corporal punishment, are private, protected, or controlled records under Title 63G, Chapter 2, Government Records Access and Management Act, and may only be made available to:

(a) a police or law enforcement agency investigating a report of known or suspected abuse or neglect, including members of a child protection unit;

(b) a physician who reasonably believes that a child may be the subject of abuse or neglect;

(c) an agency that has responsibility or authority to care for, treat, or supervise a minor who is the subject of a report;

(d) a contract provider that has a written contract with the division to render services to a minor who is the subject of a report;

(e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural parents of the child, and the guardian ad litem;

(f) a court, upon a finding that access to the records may be necessary for the determination of an issue before the court, provided that in a divorce, custody, or related proceeding.

(g) an office of the public prosecutor or its deputies in performing an official duty;

(h) a person authorized by a Children's Justice Center, for the purposes described in Section 67- 5b-102;

(i) the State Board of Education, acting on behalf of itself or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, limited to information with substantiated or supported findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or any alleged offense against the person.

(j) other entities as determined by the Superintendent of WCSD and/or designee when presented with a GRAMA request.

3.9. Any use of Emergency Safety Interventions (ESI) and on-going use of restraint and seclusion shall be reported by schools into the district’s student information system. This includes collecting, maintaining, and periodically reviewing the documentation or records regarding the use of ESI.

> 3.9.1. ESI reports will be submitted on a regular, but no less than annual, basis to the State Board of Education via UTREx and as required by Civil Rights Data Collection (CRDC).