

5400 RESTRAINT AND SECLUSION POLICY

I. PURPOSE AND PHILOSOPHY

Weber School District recognizes that every student should have the opportunity to learn in an environment that is safe, conducive to the learning process, and free from unnecessary disruption. At times, student behavior may present an immediate danger requiring emergency safety interventions. Behavioral interventions for students should promote and facilitate their safety and dignity. This policy outlines restrictions on, and allowable uses of, emergency safety interventions for all students.

II. DEFINITIONS

- A. "Chemical Restraint" means the use of medication administered to a student, including medication prescribed by the student's physician or other qualified health professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement.
 - 1. Chemical restraints are prohibited.
- B. "Discipline" includes:
 - 1. Imposed discipline; and
 - 2. Self-discipline.
- C. "Emergency safety intervention" (ESI) means the use of seclusion or physical restraint when a student presents an immediate danger to self or others.
- D. "Immediate danger" means the imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm.
- E. "Mechanical restraint" means the use of a device as a means of restricting a student's freedom of movement.
- F. "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.
- G. "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.
- H. "School" means any public elementary or secondary school within the District.
- I. "School employee" means:
 - 1. A school teacher;
 - 2. A school staff member;
 - 3. A school administrators; or
 - 4. Any other person employed, directly or indirectly, by Weber School District.
- J. "Seclusion" means seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving,

including:

1. placing a student in a locked room¹; or
 2. placing a student in a room where the door is blocked by furniture or held closed by staff.
- K. "Serious Bodily Injury" is bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.
- L. "Substantial Bodily Injury" is bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

III. TRAINING

- A. All school employees who supervise students, or who may be asked to assist in managing a student's behavior, shall receive foundational behavior support training, which shall include:
1. behavioral or emotional crisis management including de-escalation strategies consistent with the Least Restrictive Behavioral Interventions Technical Assistance manual; and
 2. all applicable District policies.
- B. The foundational behavior support training must be completed within two months or 30 days if working directly with a student with disabilities, of employment and bi-annually, thereafter.
- C. Applicable school employees shall receive comprehensive ESI training in addition to the foundational behavior support training.
1. The comprehensive ESI training shall include:
 - i. the appropriate, safe, and effective use of ESI; and
 - ii. documentation of ESI.
- D. The comprehensive ESI training shall be completed before a school employee is authorized to use an ESI with a student and annually, thereafter.

IV. PROHIBITED PRACTICES

- A. Emergency Safety Interventions shall not include:
1. Physical restraint, except as provided in Section V.C.1. through 5.
 2. Physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;

¹ Time Out and Seclusion Room doors may not be fitted with a lock unless it is a self-releasing latch that releases automatically if not physically held in the locked position by an individual on the outside of the room. (Utah Admin. Code R710-4-5(3))

3. Prone, or face-down, physical restraint; supine, or face-up, physical restraint;
4. Mechanical restraint, except those protective, stabilizing or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, seatbelts, car seats, or any other safety equipment when used to secure students during transportation, including bus harnesses. Use of a bus harness should be approved by the Director of Special Education and written into a student's Behavior Intervention Plan (BIP).
5. Chemical restraint, except as:
 - i. Prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and
 - ii. Administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under state law;
6. Seclusion, except as provided in Section V.B., as an intervention or disciplinary practice; for coercion, retaliation, or humiliation; or due to inadequate staffing or for the school employee's convenience.
7. Inflict or cause the infliction of corporal punishment upon a student.
 - i. Complaints of corporal punishment shall be reported in accordance with Policy 7150, Reporting Abuse and Neglect of Minors.

V. EMERGENCY SAFETY INTERVENTION

- A. A school employee shall first use the least restrictive intervention available to the school employee, including a physical escort, to address circumstances described in Section B and C below.
- B. For a student in grade 1 or higher, a school may use seclusion as an emergency safety intervention only when:
 1. a student poses an immediate and significant threat to the student or others;
 2. less restrictive interventions have failed;
 3. a school employee who is familiar to the student is actively supervising the student for the duration of the seclusion;
 4. seclusion use is time-limited to a maximum time of 30 minutes and monitored.
 5. any door remains unlocked² consistent with the fire and public safety requirements described in Utah Admin. Code R392-200 and R710-4.

C. The District, not individual schools, may designate an enclosed area in a school for the

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sole purpose of seclusion. Areas designated solely as seclusion spaces will only be located in schools with “special classes”, an alternative placement on the continuum of alternative placements in accordance with Utah SpEd Rules III.Q.(34 CFR §300.115). The district process for designating a special class in a school includes:

1. A review based on district-level data to determine the need for a special class.
2. Meeting as a district committee to review current sites and district resources needed for the special class. The district committee includes: superintendency, directors, and facilities representatives.
3. Doing a walkthrough of the school sites being considered for a special class with the district committee and the school administration.
4. All seclusion spaces within special classes must be built according to code specifications in Administrative Rules R392-200 and R710-4.

D. A school employee may use reasonable and necessary physical restraint only:

1. in self defense;
2. to obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
3. to protect a student or another individual from physical injury;
4. to remove from a situation a student who is violent; or
5. to protect property from being damaged, when physical safety is at risk.

E. ESI Procedures:

1. shall be consistent with evidence- and research-based practices and include:
 - i. continual observation of the student by school employees who have received the comprehensive ESI training, when using seclusionary timeout;
 - ii. release criteria;
 - a. The school employee must immediately terminate physical restraint or seclusion when the student is no longer an immediate danger to self or others or if the student is in severe distress. The use of physical restraint shall be for the minimum time necessary and never for more than 30 minutes.
 - iii. proper documentation of ESI pursuant to the comprehensive ESI training;
 - a. If seclusion was used, the school employee shall document the reason for its use, duration, and any alternative strategies attempted.
 - iv. notification to the student's parent or guardian and school administration immediately, and not to exceed 15 minutes after the use of any ESI used on the student, including seclusion or physical restraint;
 - a. Notification to parent/guardian shall be consistent with Section VII of this policy;

- v. debrief;
- vi. reporting; and
- vii. post-ESI assessment and monitoring of students.

F. Students with disabilities

1. Emergency safety interventions are written into a student's Individualized Education Program (IEP), as a planned intervention, unless:
 - i. school personnel, family, and the IEP team agree less restrictive means have been attempted;
 - ii. a Functional Behavior Assessment (FBA) has been conducted, and
 - iii. a positive behavior intervention, ~~(BIP)~~ based on data analysis has been written into the plan and implemented.
2. Use of ESI as a planned intervention under this section requires approval from the Director of Special Education after consultation with a District-level behavior specialist.

VI. EMERGENCY SAFETY INTERVENTION COMMITTEE (Human Rights Committee)

- A. The District shall establish an Emergency Safety Intervention (ESI) Committee. The District ESI Committee shall include:
 1. At least two administrators;
 2. At least one parent or guardian of a student enrolled in the District, appointed by the District; and
 3. At least two certified educational professionals with behavior training and knowledge in both state rules and District discipline policies;
- B. The District ESI Committee shall:
 1. Meet often enough to monitor the use of emergency safety intervention in the District.
 2. Determine and recommend professional development needs.

VII. PARENT/GUARDIAN NOTIFICATION

- A. When ESI is used, the school shall notify the District and the student's parent or guardian immediately, and not to exceed 15 minutes after the use, of any ESI used on the student, including seclusion or physical restraint;
 1. The ESI shall be documented for student files.
 2. Documentation and notice shall also be documented within student information systems (SIS) records.
 3. The school shall provide a parent or guardian with a copy of notes and documentation taken during the use of ESI upon request of the parent or guardian.

4. A parent or guardian may request a time to meet with school staff and administration to discuss the incident that required use of ESI.

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