

POLICY SERVICES ADVISORY

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Policy Advisory No. 548 BDF—Advisory Committees

Policy Advisory No. 549 JK—Student Discipline
JK-RB—Student Discipline

Policy Advisory No. 550 JLDB—Restraint and Seclusion
JLDB-EA, EB, EC, ED—Restraint and Seclusion

Policy Advisory No. 551 KF—Community Use of School Facilities

POLICY ADVISORY DISCUSSION

Policy Advisory No. 548 BDF — Advisory Committees

Under Arizona’s Open Meeting Law, board subcommittees are subject to the same provisions of the law as the governing board. This includes the ability to meet in an executive session if for one of the authorized reasons in the law and all procedures have been met. This change to Policy BDF clarifies this.

Policy Advisory No. 549 JK— Student Discipline

Policy language pertaining to *Restraint and Seclusion* in Policy JK has been deleted and moved to Policy JLDB. *Restraint and Seclusion* are not intended to be disciplinary options; therefore, a stand-alone policy allows easier access to the provisions and limitations in statute sans the additional language offered in the discipline documents.

The provisions relating to Confinement are retained in Policy JK as they were passed by the Fifty-First Legislature, First Regular Session, in House Bill 2476, which amended section A.R.S. 15-843 relating to pupil discipline and is applicable to all students (PA 472, May, 2013).

Regulation JK-RB has been deleted in its entirety. This regulation was added by PA 371, February 2010, in response to the Task Force on Best Practices in Special Education and Behavior Management. It was suggested by the Task Force but is not required by compliance and has been superseded by changes in statute.

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PA 371 included options for each district to select choices to comply with the legislative directive for district response to the Task Force recommendations. Items were to be accepted or rejected in total, or retained/modified as determined on an item-by-item basis as necessary to accommodate the needs and circumstances of the school district.

The selection forms were to be completed by each district, submitted to ASBA Policy Services, and then replicated by ASBA in the district's regulation.

Most districts adopted the selection forms in total without any modifications.

With the deletion of the selection forms and language specific to students with special needs/disabilities in JK-RB, districts now have the opportunity to review and modify the deleted items in order to discard the contents or, as recommended by Policy Services, to update and retain desired items in a handbook or another easily accessible source available to staff after being reviewed and approved by the district's legal counsel.

Policy Advisory No. 550

**JLDB — Restraint and Seclusion
JLDB-EA, EB, EC, ED — Restraint and Seclusion**

Restraint and Seclusion, subsequent to its deletion from Policy JK, has been added to the policy manual as a distinct document code in order to eliminate the linking of these methods to the disciplinary options covered in Policy JK, Student Discipline. The statutory provisions of A.R.S. 15-105 are retained.

Four exhibits are added to the policy for district use in documenting the requirements and implementation of Restraint and Seclusion.

Policy Advisory No. 551

KF — Community Use of School Facilities

Policy KF is modified to add language requiring that the School District, its Governing Board, employees, and agents shall be named as an additional insured under the liability insurance policy during the use of the facilities and property. This change is necessary to limit costs and expenses when named as a defendant for an injury or damage resulting from the use of the facility.

If you have any questions, call Policy Services at (602) 254-1100. Ask for Chris Thomas, Director of Legal/Policy Services; Dr. Terry Rowles, Assistant Director; Steve Highlen, Senior Policy Consultant; or David DeCabooter, Policy Consultant. Our E-mail addresses are, respectively, [cthomas@azsba.org], [trowles@azsba.org], [shighlen@azsba.org] and [ddecabooter@azsba.org]. You may also fax information to (602) 254-1177.

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BDF ©
ADVISORY COMMITTEES

The Board may, by majority vote, appoint ad hoc committees when deemed advisable. Recommendations of such committees cannot be binding on the Board; they may be advisory only. These committees will be responsible for presenting to the Board recommendations for action based on research and facts. Any such committee shall automatically be dissolved upon completion of its assignment.

The Governing Board President shall develop guidelines for each committee. These guidelines shall be approved by the Board prior to the first meeting of each committee and will include, but not necessarily be limited to, the following:

- A. A written, specific statement of the purpose of the committee.
- B. The dates on which interim and final reports of the committee are to be rendered.
- C. The date or event upon which the committee will be terminated.
- D. The extent to which facilities, supplies, equipment, and clerical support will be provided to each committee.

The Superintendent will ensure that the following actions are taken for each committee established by the Board:

- A. Each committee member will be briefed on the requirements of the Arizona Open Meeting Law (A.R.S. 38-431) as it applies to committees of the Board.
- B. Notices and agendas of all meetings of the committee will be posted.
- C. All meetings will be open for public attendance.
- D. If an executive session is authorized, all applicable requirements as presented in Policy BEC, Executive Sessions/Open Meetings will be followed.
- ~~E.~~ Minutes will be taken and made available for public inspection three (3) working days after the meeting.

A representative of the Board and the Superintendent will serve as ex-officio members of all advisory committees.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

38-431 *et seq.*

CROSS REF.:

BEC - Executive Sessions/Open Meetings

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STUDENT DISCIPLINE

The Superintendent shall recommend policies and develop procedures for the discipline of students that comply with A.R.S. 15-843. These policies and procedures will apply to all students traveling to, attending, and returning from school, and while visiting another school or at a school-sanctioned activity, or in any other situation in which the District may lawfully exercise its authority to discipline a student. ~~and may be imposed if the student's behavior affects the school order.~~ When suspension or expulsion is involved, notice, hearing, and appeal procedures shall conform to applicable legal requirements.

The discipline, suspension and expulsion of pupils shall not be based on race, color, religion, sex, disability, national origin, ~~or~~ ancestry or any other unlawful reason. A substantial or deliberate failure to comply with the prohibition against race, color, religion, sex, disability, national origin, ~~or~~ ancestry or any other unlawful reason may subject the District to the loss of funds imposed by A.R.S. 15-843.

The principal of each school shall ensure that a copy of all rules pertaining to discipline, suspension, and expulsion ~~and the provisions pertaining to confinement~~ of pupils are distributed to the parents of each pupil at the time the pupil is enrolled in school.

The principal of each school shall ensure that all rules pertaining to the discipline, suspension, and expulsion ~~and the provisions pertaining to confinement~~ of pupils are communicated to students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

Information concerning a student's disciplinary record will be held in the strictest confidence.

Disciplinary actions taken will be recorded in an administrative log, and all types of suspensions or expulsions will be recorded in a separate file for each student.

Temporary Removal

Teachers are authorized to temporarily remove a student from a class. A teacher may temporarily remove a student to the principal, or to a person designated by the school administrator, in accord with:

- A. Rules established for the referral of students.
- B. The conditions of A.R.S. 15-841, when applicable.

The Superintendent shall establish such rules as are necessary to implement the temporary removal procedure.

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Confinement

If confinement is authorized by the Governing Board, in accordance with Under A.R.S. 15-843, the Superintendent shall ensure that disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:

- A. A process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil's enrollment packet or admission form.
- B. A process for written parental consent before confinement is allowed for any pupil in the School District. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.

Restraint and Seclusion

~~The use of restraint or seclusion is not to be limited, by policy or practice, to students with disabilities.~~

~~A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:~~

- ~~A. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.~~
- ~~B. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.~~

~~if a restraint or seclusion technique is used on a pupil:~~

- ~~A. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.~~
- ~~B. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.~~
- ~~C. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.~~
- ~~D. The restraint technique employed may not impede the pupil's ability to breathe.~~
- ~~E. The restraint technique may not be out of proportion to the pupil's age or physical condition.~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

~~Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.~~

~~Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:~~

- ~~A. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four (24) hours after the incident.~~
- ~~B. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.~~
- ~~C. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.~~

~~If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under the paragraph above. School resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.~~

Schools are not prohibited from adopting policies which include procedures for the reasonable use of physical force by certificated or support staff personnel in self-defense, defense of others and defense of property (A.R.S. 15-843, subsection B, paragraph 3.)

~~The District authorizes the use of these Definitions which are included in A.R.S. 15-105:~~

- ~~A. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following:~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

- ~~1. Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.~~
- ~~2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.~~
- ~~3. The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.~~
- ~~4. Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.~~

~~B. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona State Schools for the Deaf and the Blind and a private school.~~

~~C. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.~~

Threatened an Educational Institution

Threatened an educational institution means to interfere with or disrupt an educational institution as found in A.R.S. 15-841 and 13-2911. A student who is determined to have threatened an educational institution shall be expelled from school for at least one (1) year except that the District may modify this expulsion requirement for a pupil on a case-by-case basis and may reassign a pupil subject to expulsion to an alternative education program if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat. The District may require the student's parent(s) to participate in mediation, community service, restitution or other programs with the student as a condition to the reassignment of the pupil to an alternative education program.

~~Behavior Management and Discipline of Students with Special Needs/Disabilities~~

~~The Superintendent shall oversee a collaborative process for the identification, description, and monitoring of best practices for behavior management and discipline of students with special needs/disabilities. The practices shall include, but not be limited to:~~

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~~A. authorized and prohibited disciplinary methods,~~

~~B. recommended and required training for special education program teachers and aides, and~~

~~C. requirements for conveying notice of disciplinary measures taken.~~

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

13-403 *et seq.*

13-2911

15-105

15-341

15-342

15-841

15-842

15-843

15-844

CROSS REF.:

GBEB - Staff Conduct

JIC - Student Conduct

JKA - Corporal Punishment

JKD - Student Suspension

JKE - Expulsion of Student

JLDB – Restraint and Seclusion

REGULATION

STUDENT DISCIPLINE

**(Behavior Management and Discipline
of Students With Special Needs/Disabilities)**

**~~Behavior Management and
Discipline of Students With
Special Needs/Disabilities~~**

~~Each school shall implement positive, evidence based, safe, and timely plans and procedures for all special needs students including those who exhibit behaviors that interfere with learning or who place themselves or others in danger. Administration, staff, parents and students are to be engaged in the development of the plans. The purpose of the plan is to identify practices that are agreed upon and complied with and reinforced by members of the school community, including the Governing Board. An objective of the plan is to provide consistency in the manner in which deviations from appropriate behavior are addressed. The plans are to be submitted to the Superintendent.~~

~~A. Plans are to be:~~

- ~~1. *Proactive:* Students are to be taught the critical social skills needed for success. Positive behavioral interventions and supports enable the school to set clear expectations for behavior, to acknowledge and reward appropriate behavior, and to implement a consistent continuum of consequences for challenging behavior.~~
- ~~2. *Comprehensive:* Positive behavioral interventions and supports are to be employed uniformly throughout the school, including non-instructional areas such as the cafeteria, hallways, and buses. School personnel are to be trained in positive behavioral interventions and supports, in data reporting, and receive support in implementation of the practices. School personnel are to be trained in areas of crisis intervention such as use of restraints and seclusion.~~
- ~~3. *Data driven:* The school is to rely on data for the development and modification of its positive behavioral interventions and supports approach. The data is to be tracked through office referrals as well as from classroom reports, school-based intervention teams, and crisis intervention documentation. Positive behavioral interventions and support teams are to use the data to design specific interventions to prevent challenging behaviors before they occur and to confirm the effectiveness of interventions.~~

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~~B. Plans are to ensure that parents of students enrolled in the school have comprehensive information regarding behavioral expectations within the school and the planned responses should the expectations not be met. Parents are to:~~

- ~~1. have ready access to the school plan, and~~
- ~~2. be informed how to provide input into the plan.~~

~~**Response to Intervention**~~

~~The plans are to provide for and the school is to have in place a multi-level approach to teaching students appropriate behaviors that provide progressively intense support for students according to need.~~

~~A. Interventions shall be consistent with plans for creating and maintaining a positive school climate.~~

~~B. Provide for small group direct instruction on a regular basis to those students who are experiencing difficulty understanding or abiding by the established standards of behavior. Supports should include such strategies as increased and targeted social skills training, increased monitoring and reinforcement systems, self management techniques, and family mentoring and involvement programs.~~

~~C. Provide a range of individualized interventions designed to address the specific behaviors continuing to cause the student difficulty. These may include counseling, more intense direct instruction, behavioral contracts, specific behavioral consequences, alternative educational programming, consideration for a referral for an evaluation for special education, and other strategies agreed upon with the parents. A functional behavioral assessment (FBA) and a behavior intervention plan (BIP) may be included and shall be required for students with disabilities when a manifestation determination is necessary.~~

~~1. The FBA must identify the triggers for the challenging behavior and what subsequent responses by staff or other students reinforce the continuation of the challenging behavior.~~

~~2. The BIP should be developed from a functional behavioral assessment and prescribe methods the staff will use to prevent, manage, replace, and monitor changes to the behavior. The BIP must be based on evidence-based practices and support the goal of making the challenging behavior irrelevant, ineffective and inefficient. The BIP must be implemented with integrity by staff trained to do so.~~

Crisis Management

~~Crisis management in the context of behavior management is defined as the methods used by school personnel to respond to imminent danger to the student, other students or staff. The two (2) most commonly used methods of crisis management are restraint (either physical or mechanical) or seclusion of the student.~~

~~A. **Confinement.** Disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:~~

- ~~1. A process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil's enrollment packet or admission form.~~
- ~~2. A process for written parental consent before confinement is allowed for any pupil in the School District. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.~~

~~B. **Use of seclusion.** Seclusion for the purpose of the plan is the confinement of a student alone in any space from which the student is physically prevented from leaving.~~

~~Seclusion means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.~~

- ~~1. The use of seclusion is to be used only in an emergency to protect persons from imminent, serious physical harm.~~
- ~~2. Any area used for seclusion must be free of objects that could cause harm, must provide for adequate visual and audio supervision of the student, must provide adequate lighting and ventilation, and must not be locked.~~
- ~~3. Any area used for seclusion must comply with the State Fire Code.~~
- ~~4. School personnel must observe the student at all times during the seclusion period and reassess the child every thirty (30) minutes. When seclusion continues beyond the second assessment, an administrator or the administrator's designee must review and approve continued seclusion.~~

- ~~5. The student must be released from seclusion as soon as the student regains self-control.~~
- ~~6. If seclusion is necessary, parents and administrators must be notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was secluded, the location of the seclusion, and the person who observed the student during the seclusion must follow. When a student has been in seclusion for longer than one (1) hour, parent contact must be initiated immediately.~~
- ~~7. A debriefing with affected staff, parents, and, if appropriate, the student shall be conducted within forty eight (48) hours. During the debriefing, a determination must be made regarding the need for a functional behavior assessment (FBA).~~
- ~~8. Each incident must be recorded in the student management system.~~
- ~~9. A student who has required crisis management by the school staff more than three (3) times in a semester must have a functional behavior assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) within a reasonable time following the third (3rd) incident.~~
- ~~10. The District and the school must have a strategy in place to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).~~

C. Prohibited uses of seclusion:

- ~~1. Seclusion is not to be used as punishment for violations of school rules, for repetitive behaviors, or because of teacher anger toward the student.~~
- ~~2. Seclusion is not to be harsh, severe, or out of proportion with the offense committed and the age and physical condition of the student.~~
- ~~3. Seclusion is not to be used to prohibit reasonable access for the care of the student's bodily needs.~~
- ~~4. Seclusion must not deny a free, appropriate public education to students with disabilities through excessive or extensive use.~~
- ~~5. The use of seclusion is not to be limited, by policy or practice, to students with disabilities.~~

D. Use of physical and mechanical restraints: Restraint means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices.

~~Not to be included in this definition are:~~

~~Restraints used in schools for the purpose of providing support to students' orthopedic and assistive technology needs in order to permit them to learn and participate in school activities as identified in an individualized education program (IEP).~~

~~Restraints, such as weighted vests or blankets, identified by an IEP team as appropriate for a student to enhance participation in learning activities.~~

~~Vehicle safety restraints used in accordance with state and federal regulations.~~

~~Restraints employed by law enforcement officers in school settings that are used in accord with their policies and appropriate professional standards. These instances are subject to the same reporting requirements by the school as restraints used by school personnel.~~

- ~~1. Physical restraint is to be a last resort emergency safety measure used only in an emergency situation when a student is imminently dangerous to him/herself or others.~~
- ~~2. Personnel using the restraint must take extreme care to provide for the safety and comfort of the student during the restraint procedure.~~
- ~~3. Personnel authorized to use restraints must have been extensively and repeatedly trained by personnel who have maintained approval by a training program to provide training in:
 - ~~a. Alternatives to restraint (e.g., de-escalation strategies, and problem-solving techniques);~~
 - ~~b. The proper use of the restraint; and~~
 - ~~c. Safety precautions and procedures for continuous monitoring of a student by a third party during restraint.~~~~
- ~~4. The student must be released from the restraint as soon as the student regains self-control.~~
- ~~5. Parents and administrators must be notified as soon as possible within the same school day, followed by a written notice stating the circumstances that preceded the behavior, the behavior, the length of time the student was restrained, the location of the restraint and the person(s) who observed the student during the restraint.~~
- ~~6. A debriefing with affected staff and parents and, if appropriate, the student must be conducted within forty eight (48) hours. During the debriefing a determination will be made regarding the need for a functional behavioral assessment (FBA).~~

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- ~~7. An incident report of the event must be recorded in the student management system.~~
- ~~8. A student who has required crisis management on the part of the school staff more than three (3) times in a semester must have a functional behavioral assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) developed within a reasonable time following the third (3rd) critical incident.~~
- ~~9. The District and the school must have a strategy to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).~~

E. Prohibited uses of physical and mechanical restraints:

- ~~1. Physical and mechanical restraints, such as prone restraint, that places excess pressure on the chest or back or impedes the ability to breathe or communicate are prohibited.~~
- ~~2. The use of mechanical restraint by a staff member who has not been trained in the use of restraints is prohibited except when the case is one presenting extreme danger to the student or to others, and:
 - ~~a. The restraint is not out of proportion to the danger, the age, and the physical condition of the student;~~
 - ~~b. The restraint is not used to prohibit reasonable access for the care of the student's bodily needs.~~~~
- ~~3. Restraints that provide support to a student's orthopedic needs shall not be used as a means of punishment for noncompliant behaviors.~~
- ~~4. No policy or practice shall limit the use of restraints to students with disabilities.~~

F. Training in uses of seclusion and restraint procedures:

- ~~1. Personnel who use seclusion and restraints procedures must have training in conflict prevention, crisis de-escalation, possible effects of seclusion, and any local or state regulations regarding the seclusion space and its use.~~
- ~~2. The training of personnel must be recurrent with annual updates appropriate to the type of school setting, to the age and developmental level of students. The training must include information about commonly accepted standards for the use of seclusion and restraint in the school setting.~~

- ~~3. The training must include content and skill development on the use of positive, instructional, and preventive methods for addressing student behavior.~~
- ~~4. The training must include information about the effects of medications students may be receiving and how seclusion and restraint procedures might affect the physical well being of the student during seclusion or restraint.~~
- ~~5. The training must include multiple methods for monitoring a student's well-being during a restraint.~~
- ~~6. The training must include certification in First Aid and cardiopulmonary resuscitation (CPR) in the event of an emergency during seclusion.~~
- ~~7. The training must include the requirements for reporting to parents and administration.~~

~~G. **Corporal punishment:** For the purposes of this regulation *corporal punishment* is defined as the deliberate infliction of pain intended to discipline or reform a person's bad attitude and/or behavior. Corporal punishment is prohibited.~~

JLDB ©
RESTRAINT AND SECLUSION

Restraint and seclusion are not to be used as disciplinary consequences.

A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:

- A. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.
- B. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

If a restraint or seclusion technique is used on a pupil:

- A. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.
- B. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.
- C. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.
- D. The restraint technique employed may not impede the pupil's ability to breathe.
- E. The restraint technique may not be out of proportion to the pupil's age or physical condition.

Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.

Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:

- A. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four (24) hours after the incident.

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B. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.

C. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under the paragraph above. School resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

Schools are not prohibited from adopting policies which include procedures for the reasonable use of physical force by certificated or support staff personnel in self-defense, defense of others and defense of property (A.R.S. 15-843, subsection B, paragraph 3.)

The District authorizes the use of these Definitions which are included in A.R.S. 15-105:

A. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following:

1. Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.
2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.
3. The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.
4. Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

B. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona State Schools for the Deaf and the Blind and a private school.

C. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

13-403 et seq.

13-2911

15-105

15-341

15-342

15-841

15-842

15-843

15-844

CROSS REF.:

GBEB - Staff Conduct

JIC - Student Conduct

JK – Student Discipline

JKA - Corporal Punishment

JKD - Student Suspension

JKE - Expulsion of Student

JLDB-EA ©
RESTRAINT AND SECLUSION

RESTRAINT/SECLUSION DOCUMENTATION

This form must be completed when school personnel have used a restraint or seclusion technique with a student.

Referral to Law Enforcement: School personnel are required to comply with the reporting, documentation and review procedures required by A.R.S. 15-105 if the school district summoned law enforcement instead of using a restraint or seclusion technique on the student.

Applicable Definitions: For purposes of determining whether this form must be completed, the following definitions apply:

Restraint means any method or device that immobilizes or reduces the ability of a student to move the student's torso, arms, legs or head freely, including physical force or mechanical devices.

Restraint does *not* include any of the following:

1. Methods or devices implemented by trained school personnel or used by a student for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.
2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student to comply with a reasonable request or to go to 'a safe location.
3. The brief holding of a student by one adult for the purpose of calming or comforting the student.
4. Physical force used to take a weapon away from a student or to separate and remove a student from another person when the student is engaged in a physical assault on another person.

Seclusion means the involuntary confinement of a student alone in a room from which egress is prevented.

Seclusion does *not* include the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program (IEP) that involves the student's separation from a larger group for purposes of calming.

<p><i>Note:</i> This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.</p>

Notification to Parents: Check the appropriate box.

School personnel provided the student's parent/guardian with written or oral notice on the same day the incident occurred; or

Circumstances prevented same day notification to the student's parent/guardian of the incident. Notice will provided within twenty-four (24) hours after the incident.

Student: _____ Student ID: _____
 First Middle Last

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Personnel who observed and monitored the student:

2. The restraint or seclusion ended when the student's behavior no longer presented an imminent danger to the student or others. **True** **Not True**

3. The restraint or seclusion technique was used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques, unless an emergency situation did not allow sufficient time to summon trained personnel. **True** **Not True**

4. If an emergency existed that did not allow sufficient time to summon trained personnel, explain the emergency:

5. The restraint technique used did not impede the student's ability to breathe. **True** **Not True**

6. The restraint technique was not out of proportion to the student's age or physical condition. **True** **Not True**

Information (if known) about any persons, locations or activities that may have triggered the student's behavior:

Specific information about the behavior and its precursors:

Type of restraint or seclusion technique used:

Duration of restraint or seclusion technique used: _____ minutes

A review meeting is needed: Yes No A review meeting to review strategies used to address a student's dangerous behavior *must* be scheduled if there has been repeated use of restraint or seclusion for the student during the school year. If a review meeting is needed, it will be scheduled and separate documentation will be completed.

Person(s) Responsible for Completing Form:

_____ Date: _____

_____ Date: _____

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RESTRAINT AND SECLUSION

RESTRAINT/SECLUSION DOCUMENTATION
(Same Day Oral/Written Notification to Parent/Guardian)
or within twenty-four (24) hours if
circumstances prevented same day notice

Date provided: _____ / _____ / _____ Time: _____ : _____ .m.

Method of Delivery:

Oral

Written

Hand-delivery (signature required) _____

Mailed: 1st Class Mail-Certificate of Mailing and/or Certified Mail-Return Receipt Requested

E-mailed using address: _____ ; maintain proof of electronic delivery

Name of Parent/Guardian Receiving Notice: _____

Person Providing Notice: _____

Confirmation that a copy of this completed documentation was provided to the Parent/Guardian (provided within a reasonable time following the incident):

Date provided: _____ / _____ / _____ Time: _____ : _____ .m.

Method of Delivery:

Oral

Written

Hand-delivery (signature required) _____

Mailed: 1st Class Mail-Certificate of Mailing and/or Certified Mail-Return Receipt Requested

E-mailed using address: _____ ; maintain proof of electronic delivery

Name of Parent/Guardian Receiving Notice: _____

Person Providing Notice: _____

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RESTRAINT AND SECLUSION

RESTRAINT/SECLUSION DOCUMENTATION
(Review of Repeated Use of Restraint
or Seclusion Techniques)

A review meeting to review strategies used to address a student's dangerous behavior *must* be scheduled if there has been repeated use of restraint or seclusion for the student during the school year, A.R.S. 15-105.

Student: _____ Student ID: _____

Grade: _____ Age: _____ DOB: _____ School: _____

Parent(s): _____

Address: _____

Phone: (w) _____ (h) _____ (c) _____

Date of Incident: _____ Location: _____
Month/Day/Year

Review current and previous incidents in which physical restraint/seclusion techniques were used:

Review strategies used to address the student's dangerous behavior:

Analyze how future incidents may be avoided:

The Team recommends a Functional Behavioral Assessment: Yes No

Name: _____ Signature: _____ Date: _____

If parent(s) did not attend the meeting, explain other methods to ensure parent participation and/or child as appropriate (e.g., conference call, videoconference, home visit):

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COMMUNITY USE OF
SCHOOL FACILITIES

Leasing (renting)

School facilities and property may be leased to extended day resource programs and any person, group or organization for any lawful purpose in the interest of the community. The purposes include but are not limited to the following:

- | | |
|------------------|---------------------|
| A. recreational, | G. scientific, |
| B. educational, | H. social, |
| C. political | I. religious, |
| D. economic, | J. other civic, |
| E. artistic, | K. or governmental. |
| F. moral, | |

A reasonable use fee shall be charged for the lease of school facilities and property and this fee may be offset by goods contributed or services rendered by the lessee. "Reasonable use fee" means an amount that is at least equal to the cost for utilities, services, supplies or personnel provided to the lessee pursuant to the terms of the lease.

Uncompensated Use

The Superintendent may permit the uncompensated use of facilities and property by any school related group, including student political organizations, or by any organization whose membership is open to the public and whose activities promote the educational function of the District. "Education function" means uses that are directly related to the educational mission of the District as adopted by the Board and includes the educational mission related uses of parent - teacher organizations, youth organizations and school employee organizations. Use of facilities or property by organizations indicated above that will require a substantial District cost for utilities, services, supplies and/or personnel may be permitted only if goods contributed, services rendered or payments are made to reimburse these costs to the District.

The mission of the District is found in section A of the policy manual (see cross referenced policies below). The mission statement and the group's or organization's promotion of the educational function through the activity, as interpreted by the Superintendent in good faith, will be the basis upon which uncompensated use of District facilities and property shall be approved or denied.

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Generally

The Superintendent shall annually recommend a fee schedule to the Board for the lease of school property and such schedule shall include a procedure for determining the value of goods and services being provided as compensation for the use of school property. The schedule shall include a designation of those groups whose activities promote the educational function of the School District as determined in good faith by the Superintendent and presented for Board review.

Property not associated with the use of facilities is covered in section E of the policy manual (see cross referenced policies below). The District will use its best efforts to avoid conflicts with approved use of the facilities and property but no lease or use provision shall be effective if the administrator of the facility finds that it would cause delay, cancellation, or rescheduling of a school-sponsored activity.

Proof of liability insurance shall be required for the use or lease of school property pursuant to A.R.S. 15-1105. The School District and its Governing Board, employees, and agents shall be named an additional insured under the liability insurance policy during the use of the facilities and property.

The School District and its employees, including the Governing Board, Superintendent or Chief Administrative Officer, are immune from civil liability with respect to all decisions made and actions taken to allow the lease or use of school property, unless the School District or its employees are guilty of gross negligence or intentional misconduct. This does not limit any other immunity provisions that are prescribed by law.

The Superintendent shall establish such rules and regulations as are needed to implement this policy as well as to assure the preservation of District property.

The lessee of school facilities must affirm knowledge of and enforce the requirements and restrictions set out in Chapter 28.1 of A.R.S. Title 36 related to medical marijuana.

The lessee of school facilities to be used for athletic activities must confirm knowledge of and compliance with the requirements and restrictions for such use as set out in Board Policy JJIB.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-511

15-1105

15-1141 to 15-1143

16-411

36-2801 *et seq.*, Arizona Medical Marijuana Act

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CROSS REF.:

A - District Mission and Belief Statement

AC - Nondiscrimination/Equal Opportunity

EDC - Authorized Use of School-Owned Materials and Equipment

KFA - Public Conduct on School Property

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