*Policy*

**RESTRAINT, SECLUSION, AND INTENTIONAL PHYSICAL CONTACT**

*Code* **JKA** *Issued* **DRAFT/19**

The board recognizes that one of its primary responsibilities is to ensure schools foster a learning environment that is safe and healthy for all students and staff. The use of restraint, seclusion, and/or physical force by district staff will only be authorized in the extremely narrow set of circumstances outlined below. 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.

**Restraint and/or Seclusion Techniques**

Restraint and/or seclusion techniques will not be utilized in the district except in situations where a student’s behavior poses imminent danger of serious physical harm to himself/herself or others, and the student is not responsive to verbal directives or less intensive de-escalation techniques and/or these directives or techniques have not mitigated the imminent danger of physical harm.

Only staff members who have been properly trained will be authorized to utilize these techniques and will use extreme caution in applying them.

The superintendent or his/her designee will develop and implement detailed written procedures governing the use of restraint and/or seclusion techniques, which will include, at minimum, a plan for training staff on the appropriate use of restraint and/or seclusion and the establishment of a system for reporting and documentation to be followed when a restraint and/or seclusion technique has been used on a student.

School staff will provide a student’s parent/legal guardian with written or oral notice on the same day that an incident necessitating the use of a restraint and/or seclusion technique occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice will be given within twenty-four (24) hours after the incident.

**Safety Emergencies**

The board will permit the use of reasonable and necessary intentional physical contact by any staff member under the following circumstances when such circumstances constitute a safety emergency:

* to quell a disturbance which threatens physical injury to persons, including those students involved, or which threatens serious damage to property
* to obtain possession of weapons or other dangerous objects upon the person or within the control of a student
* to defend one’s self

**Corporal Punishment**

No staff member or other person will subject a student to corporal punishment, defined as any act of physical force upon a student for the purpose of punishing that student, or condone the use of corporal punishment by any person under his or her supervision or control. Permission to administer corporal punishment will not be sought or accepted from any parent/legal guardian or district official.

Adopted ^

Legal References:

A. S.C. Code of Laws, 1976, as amended:

 1. Section 59-63-260 - Corporal punishment.

B. Federal Cases:

1. *Ingraham v. Wright*, 430 U.S. 651 (1977).
2. *Ware v. Estes*, 328 F. Supp. 657 (N.D. Tex. 1971) aff’d., 458 F. 2d 1360 (5th Cir. 1972).