

PHYSICAL RESTRAINT AND CONFINEMENT AND DETENTION OF A STUDENT

In recent years there has been much research regarding seclusion ("time-out" rooms) and restraint of students. This Regulation provides detail regarding allowable parameters when a student is physically confined or detained.

In conjunction with Iowa Code section 280.21, the purpose of this regulation is to define and exemplify generally the limitations placed on employees in applying physical contact or force to enrolled students, and to require that any such force or contact is reasonable and necessary under the circumstances. These regulations also provide requirements for administrators and staff of public schools regarding the use of physical restraints and physical confinement and detention. The applicability of this regulation to physical restraint or physical confinement or detention does not depend on the terminology employed by the organization to describe physical restraint or physical confinement or detention.

Corporal punishment does not include the following:

1. Verbal recrimination or chastisement directed toward a student;
2. Reasonable requests or requirements of a student engaged in activities associated with physical education class or extracurricular athletics;
3. Actions consistent with and included in an individualized education program developed under the Individuals with Disabilities Education Act, as reauthorized, Iowa Code chapter 256B, and 281--chapter 41; however, under no circumstances shall an individualized education program violate the provisions of this chapter;
4. Detention in a seat, classroom or other part of a school faculty unless the detention is accomplished by the use of material restraints applied to the person (For purposes of this chapter, "material restraints" do not include devices, objects, or techniques required or ordered for reasons of safety (e.g., safety harnesses on school buses) or for therapeutic or medical treatment (e.g., devices used for physical or occupational therapy, provided those devices, objects, or techniques are so used, and used for no other purpose.);
5. Actions by an employee subject to these rules toward a person who is not a student of the school or receiving the services of an area education agency employing or utilizing the services of the employee.

If a student is physically confined or detained in a portion of a school facility, the following conditions shall be observed:

1. The area of confinement shall be of reasonable dimensions, considering the age, size, and physical and mental condition of the student subject to confinement and detention, and shall be free from hazards and dangerous objects or instrumentalities;
2. There shall be sufficient light and adequate ventilation for human habitation;
3. A comfortable temperature shall be maintained, consistent with the facility that includes the detention or confinement area;

4. Reasonable break periods shall be afforded for the student to attend bodily needs. However, sleep shall not be considered a "bodily need" for purposes of this subrule;
5. The period of detention or confinement is reasonable, considering the age, size, and physical and mental condition of the student subject to confinement and detention, and not in excess of the hours in a school day as defined by the local board policy or rule; however, reasonable periods of before- and after-school detention are permissible. If a period of physical confinement or detention exceeds fifteen minutes, staff members shall evaluate the continued need for physical confinement and detention, shall obtain written administrator (or designee) approval for any continued confinement and detention and shall comply with any administrator (or designee) directives concerning any continued confinement and detention. Every fifteen minutes this process will be repeated;
6. Adequate and continuous adult supervision is provided;
7. Material restraints applied to the person are not used to effect confinement;
8. If a room or enclosure used for physical confinement or detention has a locking mechanism, such room and mechanism shall comply with all applicable building code requirements and the following additional requirements:
 - If a locking mechanism is used, it shall be constructed so it will engage only when a key, handle, knob, or other device is held in position by a person, unless the mechanism is electrically or electronically controlled and automatically releases when the building's fire alarm system is activated, the building's severe weather warning system is activated, or electrical power to the mechanism is interrupted.
 - When the locking mechanism is released, the door must be able to be readily opened from the inside.
 - If a locking mechanism requires a key, handle, knob, or other device to be held in position by a person before the mechanism is engaged, no person shall take any action, or cause such action to be taken, or employ and object, device, or instrumentality, or cause such to be employed, that disables the key, handle, knob, or other device such that the locking mechanism engages or remain engaged without the key, handle, knob, or other device being held in position by a person.

Additional minimum mandatory procedures are as follows:

1. That physical restraint and physical confinement or detention shall not be used as discipline for minor infractions and may be used only after other disciplinary techniques have been attempted, is reasonable under the circumstances;
2. That all school employees, before using physical restraint and physical confinement and detention, shall receive adequate and periodic training, which shall be documented and which shall include training on these rules and the employer's policies and procedures; positive behavior interventions and supports; disciplinary alternatives to seclusion and restraint; crisis prevention, crisis intervention, and crisis de-escalation techniques; and the safe and effective use of physical restraint and physical confinement or detention;
3. That parents and students are notified at least annually of this chapter and of any additional policies and procedures of the public school, accredited nonpublic

school, or area education agency on physical restraint and physical confinement or detention;

4. That any physical restraint shall be reasonable and necessary in duration; in light of the provisions of this chapter;
5. That if a student is subjected to physical restraint or physical confinement or detention, the public school, accredited nonpublic school, or area education agency shall maintain documentation for each such occurrence, which shall contain at least the following information:
 - The names of the student and employees involved in the restraint, confinement or detention pursuant to subrule 103.6(5);
 - The date, time, and duration of the occurrence;
 - The actions of the student before, during, and after the occurrence;
 - The actions of the employees involved in the occurrence before, during, and after the occurrence;
 - The alternatives to physical restraint or physical confinement or detention attempted before the occurrence;
 - A description of any injuries (whether to the student or others) and any property damage;
 - A description of future approaches to the student's behavior; and
6. That the student's parent or guardian must be provided a written copy of the documentation required by the subrule 103.7(6), which shall be postmarked within three school days of the occurrence. The student's parent or guardian may elect, in writing, to receive the communication required by this subrule via electronic mail or facsimile transmission.

If an employee of a school district employs physical restraint, the following provisions apply:

1. Under no circumstance shall any employee use any restraint or other technique that places a child face down or places pressure on the child's back;
2. Under no circumstance shall any employ use any restraint that obstructs the airway of any child or otherwise impairs breathing;
3. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communications, the student shall be permitted to have the student's hands free of restraint for brief periods, unless an employee determines that such freedom appears likely to result in harm to self or others.

Cross Ref.: 281—Chapter 103 Corporal Punishment Ban; Restraint; Physical Confinement and Detention
Subrule 103.6(5); 103.7(6)

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