

12.9 PROHIBITION OF CORPORAL PUNISHMENT

Purpose

The Board of Trustees (Board) acknowledges that Utah law prohibits corporal punishment in public schools but provides for the use of physical restraint or force under certain circumstances.

The Board authorizes the Vanguard Academy administration to develop appropriate guidelines for administering physical restraint or force.

Definitions

Corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

Employee includes all persons who perform services for Vanguard Academy, including without limitation all full time, part time, salary, hourly, or temporary licensed employees, non-licensed employees, administrators, educators, hourly employees, board members, and substitute teachers, or other third party contractors of Vanguard Academy.

Student is any person under the age of eighteen (18) or receiving educational services or anyone under the age of twenty-three (23) who is receiving educational services as an individual with a disability.

Emergency safety intervention (ESI) means the use of seclusionary time out or physical restraint when a student presents an immediate/imminent danger of physical violence/aggression towards self or others likely to cause serious physical harm. An emergency safety intervention is not for disciplinary purposes.

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.

Physical restraint means personal restriction immobilizing or reducing the ability of an individual to move the individual's arms, legs, body, or head freely.

Seclusionary time out means that a student is placed in a safe enclosed area, isolated from adults and peers, and under circumstances where the student reasonably believes he or she will be prevented from leaving the area.

Policy

No employee shall inflict or cause the infliction of corporal punishment upon a student.

An employee is not prohibited from using reasonable and necessary restraint or force in self-defense or when otherwise appropriate to the circumstances to:

- a. obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
- b. protect a student or another person from physical injury;
remove a student who is violent from a situation; or
protect property from being damaged, when physical safety is also at risk.

All uses of physical restraint must be carried out using the Emergency Safety Intervention procedures set forth in section 4. below.

An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited by this policy and the laws it is intended to implement.

Any employee who "has knowledge of or has reason to suspect" the use of corporal punishment must follow the reporting and investigation requirements for suspected child abuse.

- a. Reports must be immediately made to the school director and to law enforcement or the Utah Division of Child and Family Services.
- b. The school director receiving a report must immediately file a report with law enforcement or the Utah Division of Child and Family Services.
- c. 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 the corporal punishment prohibition is

immune from any civil or criminal liability that might otherwise result from such reporting or cooperation.

- d. If a violation is confirmed, the behavior administrator will take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.
- e. All findings and actions taken by the behavior administrator will be reviewed by the executive director. The executive director may make additional recommendations.

An employee may appeal any discipline imposed under this policy through the use of the employee grievance procedure and/or orderly termination procedures for violations resulting in dismissal..

This policy does not prohibit the use of reasonable and necessary restraint or force with students who are educated pursuant to an individual education plan (IEP). Such use of reasonable and necessary restraint or force must meet state, federal, and local guidelines governing qualified students with disabilities.

Emergency Safety Interventions

An employee may not subject a student to physical restraint or seclusionary time out unless utilized as a necessary emergency safety intervention (ESI) in compliance with this section.

General Provisions

Teachers and other personnel who may work directly with students shall be trained on the use of effective alternatives to ESI as well as the safe use of ESI and a release criteria.

ESI shall:

- a. be applied for the minimum time necessary to ensure safety;
be discontinued as soon as imminent danger of physical harm to self or others has dissipated;
- b. be discontinued if the student is in severe distress;
never be used as punishment or discipline;
in no instance, be imposed for more than thirty (30) minutes.

Students with Disabilities Receiving Special Education

Use of ESI for a student with a disability receiving specialized educational services under IDEA or Section 504, shall be subject to the *State of Utah's Least Restrictive Behavioral Interventions (LRBI) Technical Assistance Manual*. The LRBI Manual provides guidance and information in creating successful behavioral systems and supports within Utah's public schools that:

promote positive behaviors while preventing negative or risky behaviors; and
create a safe learning environment that enhances all student outcomes.

Physical Restraint

An employee may, when acting within the scope of employment, use and apply physical restraint or force as an ESI as may be reasonable and necessary under the following circumstances:

- a. to protect the student or another person from serious physical harm; to take possession of a weapon, other dangerous objects in the possession or under the control of a student: or where the student is destroying property and physical safety is at risk.

When an employee exercises physical restraint as an ESI on a student, the following types of physical restraint are prohibited:

- a. prone, or face down;
- b. restraint which obstructs the airway or adversely affects the student's primary mode of communication;
- c. supine, or face up;

- d. mechanical restraint, except for seat belts or safety equipment used to secure students during transportation; or
- e. chemical restraint, except as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority and implemented in compliance with a student's Health Care Plan.

Seclusionary Time Out

If a public education employee uses seclusionary time out, the public education employee shall:

- a. use the minimum time necessary to ensure safety;
- b. use release criteria as outlined in LEA policies;
- c. ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and R710-4;
- d. maintain the student within line of sight of the public education employee;
- e. use the seclusionary time out consistent with the LEA's plan described in Section R277-609-4; and
- f. ensure that the enclosed area meets the fire and public safety requirements described in Rules R392-200 and R710-4.

If a student is placed in seclusionary time out, the school or the public education employee shall provide notice as soon as reasonably possible and before the student leaves the school to:

- a. the student's parent; and
- b. school administration.

A public education employee may not place a student in a seclusionary time out for more than 30 minutes.

If a public education employee places a student in seclusionary time out for more than 15 minutes, the school or the public education employee shall immediately provide notice to:

- a. the student's parent or guardian; and
- b. school administration.

Seclusionary time out may only be used for maintaining safety.

A public education employee may not use seclusionary time out as a means of discipline or punishment.

References R277-609

Revision History and Approval Date

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