Good Foundations Academy

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Corporal Punishment Prohibition and Emergency Safety Intervention Policy

PURPOSE AND PHILOSOPHY

Good Foundations Academy (GFA) is committed to creating a safe, productive, and positive learning environment for all students. This policy is designed to guide the development, enforcement, and reporting of reasonable and necessary physical restraint or seclusion of all students in the educational setting, and to prohibit corporal punishment consistent with the law.

Definitions

Chemical Restraint	The use of medication administered to a student, including medications 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.
Comprehensive Emergency Safety Intervention Training	A training required for key identified school employees that has the components described in R277-608-4(4).
Corporal Punishment	The intentional infliction of physical pain upon the body of a student as a disciplinary measure.
Emergency Safety Intervention (ESI)	The use of seclusion or physical restraint when a student presents an immediate danger to self or others; an ESI may not be used for disciplinary purposes.
Foundational Behavior Support Training	A training required for all school employees who supervise students or may be asked to assist in managing a student's behavior that has the components described in R277-608-4(1).
Immediate Danger	The imminent risk of physical violence toward self or others, or other physical behaviors which are likely to cause imminent risk of substantial or serious bodily injury.
Key Identified School Employee	A school employee who has completed foundational behavior support training and comprehensive ESI training and has been authorized by the Director to utilize an ESI at the school when necessary.
Mechanical Restraint	The use of any device or equipment to restrict a student's freedom of movement.
Physical Escort	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	A personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

Seclusion	A 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 room; or 2. Placing a student in a room where the door is blocked by furniture or held closed by staff.
Serious Bodily Injury	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.
Substantial Bodily Injury	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.

POLICY

1. This policy shall be made available to the public via the school website.
2. School personnel at GFA shall not use corporal punishment on any student, consistent with the law.
3. ESIs shall only be used consistent with the law and evidenced-based practices. Accordingly, the school hereby prohibits:
    a. Physical restraint, subject to the requirements of R277-608-5, except that physical restraint is allowed as described in Utah Code § 53G-8-301. Accordingly, key identified school employees may use reasonable and necessary physical restraint on a student when the student presents an immediate danger to self or others and when no other safe or effective intervention is available, but only:
        i. in self-defense;
        ii. to obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
        iii. to protect a student or another individual from physical injury;
        iv. to remove from a situation a student who is violent; or
        v. to protect property from being damaged, when physical safety is at risk.
    b. Prone, or face-down, physical restraint; supine, or face-up, physical restraint; physical restraint that obstructs the airway of a student or adversely affects a student's primary mode of communication.
    c. Mechanical restraint, except any device used by a law enforcement officer in carrying out law enforcement duties; restraints required by law, including seatbelts or any other safety equipment when used to secure students during transportation; and protective or stabilizing restraints as prescribed by an appropriate medical or related services professional.
    d. Chemical restraint.
    e. Seclusion, subject to the requirements of R277-608-5 and Utah Code § 53G-8-301, except when a student who is in grade 1 or higher presents an immediate danger of serious physical harm to self or others, when no other safe or effective intervention is available, and other less restrictive interventions have failed. When such an exception applies and a student is placed in a seclusion, any door to the enclosed area used for the seclusion must remain unlocked consistent with applicable fire and public safety requirements, a staff member who is familiar to the student must actively supervise the student for the duration of the

seclusion, the student must be observed at all times during the seclusion by school personnel who have received the comprehensive ESI training, and the seclusion must be time-limited to a maximum time of 30 minutes, per occurrence, and monitored.

f. For a student with a disability, ESIs being written into a student's individualized education program, as planned intervention, unless:
    i. school personnel, the family, and the individualized education program team agrees less restrictive means have been attempted;
    ii. a functional behavioral assessment has been conducted; and
    iii. a positive behavior intervention based on data analysis has been written into the plan and implemented.

g. Other dangerous practices as defined by the school, including dangerous practices outlined in the Least Restrictive Behavioral Interventions (LRBI) Technical Assistance manual.

4. Processes implementing positive behavior interventions and supports shall be developed, implemented, and reviewed by appropriate school personnel.
5. An ESI committee shall be established that includes at least one school administrator, at least one parent or guardian of a student enrolled in the school (as appointed by school administration), at least one licensed educational professional with behavior support training and knowledge in both state law and the school's discipline policies related to ESIs, and at least one other licensed educator. The ESI committee shall perform those duties outlined in R277-608-6.
6. Procedures for ongoing training and certification (if applicable) of appropriate school personnel in crisis management, ESIs, and GFA policies related to ESIs consistent with evidence-based practice shall be developed and tracked.
    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. This training must be completed within two months, or within 30 days if working directly with a student with disabilities, of employment at the School and bi-annually thereafter. This training shall include:
        i. behavioral or emotional crisis management, including de-escalation strategies consistent with the LRBI manual; and
        ii. this policy.
    b. Key identified school employees shall receive comprehensive ESI training in addition to foundational behavior support training. Comprehensive ESI training shall be completed before a key identified school employee may use an ESI with a student and annually thereafter. Comprehensive ESI training shall include:
        i. disengagement strategies;
        ii. the appropriate, safe, and effective use of ESIs; and
        iii. documentation of an ESI.
7. In the event an ESI is used on a student to protect the student or others from immediate danger, the ESI must:
    a. be applied for the minimum time necessary to ensure safety, as reasonably understood by the key identified school employee using the ESI;
    b. be released under the following circumstances (release criteria)
        i. as soon as the student is no longer an immediate danger of serious physical harm to self or others (e.g., student is no longer hitting, kicking, biting, throwing objects, self-harming, or making other movements that

create imminent risk of physical violence; student is able to respond to staff verbally or nonverbally in a regulated way; and/or the student exhibits signs of de-escalation, such as having a relaxed body, no longer attempting to break free, or breathing slowly); or

ii. if the student is in severe distress (e.g., student is having difficulty breathing or is vomiting, gagging, experiencing chest pain, or turning pale or blue in the face);

c. never be used as punishment or discipline;
d. in no instance be imposed for more than 30 minutes, per occurrence; and
e. be documented and reported, as required.

8. Additional requirements related to the use of physical restraint:
    a. A key identified school employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:
        i. the amount of time described in the school's ESI training program;
        ii. 30 minutes; or
        iii. When law enforcement arrives.
    b. A key identified school employee shall first use the least restrictive intervention available to the employee, including a physical escort, to address circumstances described in paragraph 3(a) of this policy.
    c. A student who has been physically restrained and then released shall, in addition to being promptly reassessed by the key identified school employee, be monitored for a reasonable period of time to help ensure the continued safety and well-being of the student and others. Monitoring should include observation for signs of such things as injury, respiratory distress, or continued escalation, and the Director and medical personnel shall be notified when warranted.
9. Additional requirements related to the use of seclusion:
    a. Students in kindergarten shall not be placed in seclusion.
    b. A school employee shall not place a student in seclusion:
        i. as a behavioral intervention;
        ii. as a disciplinary practice;
        iii. for coercion, retaliation, or humiliation;
        iv. due to inadequate staffing; or
        v. for the school employee's convenience.
    c. A student who has been placed in seclusion and then released shall be promptly reassessed by the key identified school employee and also monitored for a reasonable period of time to help ensure the continued safety and well-being of the student and others. Monitoring should include observation for signs of such things as injury, severe distress, or continued escalation, and the Director and medical personnel shall be notified when warranted.
    d. The Director shall ensure that all the following individuals are debriefed at an appropriate time after a student seclusion has taken place:
        i. all witnesses;
        ii. all school staff who were involved;
        iii. the student who was secluded; and
        iv. the parent of the student who was secluded.

e. The Director shall also ensure that a proper review of the decision to use seclusion is performed as soon as reasonably possible after a student seclusion has taken place.

f. The school does not allow the designation of any enclosed area in its building for the sole purpose of seclusion. If the school chooses to operate a room that is specifically designed for seclusion but is also used for other purposes, the room shall comply with the physical standards and other requirements for seclusion rooms set forth in Utah Code § 53G-8-301(14), in accordance with the procedures and interim milestones established by the USBE. These requirements include, but are not limited to, physical standards governing square footage, distance between walls, ceiling height, and construction design; requirements for lighting, ventilation, climate, safety features, and audio and video recording equipment; and compliance with building and fire codes.

10. Use of an ESI on a student with a disability receiving specialized educational services under IDEA or Section 504 shall be subject to all applicable state and federal laws, including LRBI policies and procedures for special education or Section 504 programs.
11. In the event an ESI is used on a student, the school or the employee who used the ESI shall immediately notify GFA administration and the student's parent or guardian, with such notification being provided no later than 15 minutes after the use of the ESI. If the student's parent or guardian cannot be reached after 15 minutes, and the 30-minute time limit has been reached, the school or the employee who used the ESI may conduct a reassessment of the student's condition, determine whether the student continues to pose an immediate and significant threat to the student or others, and if the school determines that the threat continues and that less restrictive interventions remain ineffective, place the student back in seclusion for an additional period not to exceed 30 minutes, after which the same process described above shall be repeated if necessary. The school's incident review team shall communicate or convene within 5 days of the incident. The team shall include at a minimum the adult witnesses, a school administrative representative, at least one family member of the student, and the student when appropriate. The team will discuss what positive behavior interventions should be implemented, determine what assessments might be needed, and ways to prevent ESIs in the future.
12. The school will document in its student information system any incident requiring the use of an ESI on a student, including the type of ESI that was used, the location where the ESI was used (and if a seclusion room was used, whether the room complied with Utah Code § 53G-8-301(14)), the date and time of the ESI, the length of time the ESI was used, the reason the ESI was used, the alternative interventions or de-escalation strategies attempted before the ESI was used, the demographic information on the student (sex, gender, age, grade, and disability status, if any), the school personnel who participated in or supervised the ESI, any injuries to student or staff which may have occurred as a result of the ESI, and how and when the parent or guardian, school administration, and the ESI committee was notified of the use of the ESI. This documentation shall be provided to the ESI committee and the student's parent or guardian. Within 48 hours of using an ESI, appropriate school personnel shall notify the student's parent or guardian that they may request a copy of any notes or additional documentation taken during the use of the ESI.
13. Documentation of any use of an ESI shall be provided to the student's parent or guardian upon written request.
14. A parent or guardian may request a time to meet with school staff and administration to discuss the use of an ESI.
15. The school shall, in accordance with Utah Code § 53G-8-301(11), report to the Utah State

Board of Education (“USBE”), through UTREx, each emergency incident where a school employee uses an ESI on a student.

16. A periodic review of special education behavior plans, procedures or manual, and ESI data as related to IDEA eligible students will occur in accordance with Utah’s Program Improvement Planning System (UPIPS).

COMPLIANCE

1. GFA will comply with all state and federal laws regarding corporal punishment and ESIs. Employees are subject to school disciplinary action for noncompliance with this policy, up to and including termination of employment.
2. The school shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation with respect to corporal punishment.
3. If the school identifies or receives a report of a violation of the physical standards applicable to a seclusion area or room, the school shall notify the school’s Board of Directors, develop a corrective action plan, and report the violation and corrective action plan to the USBE within the timeframe established by USBE rule. If the USBE identifies or receives a report of such a violation and notifies the school, the school shall investigate the matter and take corrective action as required by law. If the school fails to develop an appropriate corrective action plan or achieve compliance within the timeframe established by the USBE, the USBE may take further action as authorized by law.
4. If the school identifies or receives a report of a violation of the statutory requirements governing the use of seclusion or physical restraint, including improper use of seclusion or physical restraint, failure to provide the required parent notification, or failure to properly document the use of an ESI, the school shall investigate the matter, take appropriate disciplinary action against involved staff, and implement corrective measures to prevent future violations. Any violation constituting unlawful detention, including the use of seclusion or physical restraint in violation of Utah Code § 53G-8-301(10), shall be handled in accordance with applicable law, including a referral to local law enforcement and the Utah Professional Practices Advisory Commission.
5. Parents or employees wishing to appeal the decisions of school personnel shall follow the school’s Communication and Grievance Escalation Policy or applicable Special Education Policies and Procedures.