



# Independence Community School District

1207 1st Street West  
Independence, Iowa 50644

(319) 334-7400 Phone  
(319) 334-7404 Fax

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Dear Independence Families,

Each year the Independence Community School District provides annual notifications to families through our handbooks and via our school website. One of these annual notifications, corporal punishment, was updated in January of 2021 by Iowa Legislation. School districts across the state were also made aware of Senate File 2360 which provides processes and procedures on if a classroom must clear due to student behavior. Finally, updates to 281 Iowa Administrative Code Chapter 103 on Seclusion and Restraints had significant changes take place. All the updates to these important legislative actions are below. Board policies have been changed and those updates can be found on our website.

## **Corporal Punishment**

Corporal Punishment policy has expanded to now refer to it as Corporal Punishment, Mechanical Restraint and Prone Restraint. The use of corporal punishment, mechanical restraint and/or prone restraint is prohibited in all Iowa schools.

Corporal punishment is defined as the intentional physical punishment of a student. It includes the use of unreasonable or unnecessary physical force or physical contact made with the intent to harm or cause pain.

Mechanical restraint means the use of a device as a means to restrict a student's freedom of movement. Mechanical restraint does not mean a device used by a trained individual for specific approved therapeutic or safety purposes.

Prone restraint means any restraint in which the student is held face down on the floor.

## **Senate File 2360**

This senate file prohibits room clears to be included in a student's IEP or Behavior Intervention Plan (BIP). A room clear may be utilized "only if necessary to prevent or terminate an imminent threat of bodily injury to a student or another person in the classroom." By the end of the school day, or within 24 hours, the building administrator must notify the parents of all students in the classroom that was cleared. A meeting will be set up with the building administrator and parent/guardian of the student involved. For a student with an IEP and/or BIP, an IEP meeting must be called.

## **Seclusion and Restraint of Students**

The Independence Community School District will comply with 281 Iowa Administrative Code Chapter 103 for the use of physical restraint and seclusion of students including, but not limited to:

- A. Physical restraint and seclusion will be used only by employees who have been trained in accordance with applicable law unless a trained employee is not immediately available due to the unforeseeable nature of the occurrence.

*"Educating people to be life-long learners and respectful, responsible citizens"*

- B. As soon as practical after the situation is under control, but within one hour after either the occurrence or the end of the school day, whichever occurs first, the school will attempt to contact the student's parents or guardians.
- C. The seclusion or physical restraint is used only for as long as necessary based on research and evidence to allow the student to regain control of their behavior to the point that the threat or behavior necessitating the use of the seclusion or physical restraint has ended, or when a medical condition occurs that puts the student at risk of harm. If the seclusion or physical restraint continues for more than 15 minutes:
  - 1. The student will be provided with any necessary breaks to attend to personal and bodily needs, unless doing so would endanger the student or others.
  - 2. An employee will obtain approval from an administrator [or designee] to continue seclusion or physical restraint beyond 15 minutes. After the initial approval, an employee must obtain additional approval every 30 minutes thereafter for the continuation of the seclusion or physical restraint.
  - 3. The student's parents or guardians and the school may agree to more frequent notifications than is required by law.
  - 4. School and district employees must document and explain in writing the reasons why it was not possible for the employees to obtain approval, notify parents, or take action within the prescribed time limits.
  - 5. School and district employees who begin and then end use of non approved restraints will document and explain in writing the reasons why they had no other option but to use this type of behavioral intervention.
- D. The area of seclusion will be a designated seclusion room that complies with the seclusion room requirements in accordance with law, unless the nature of the occurrence makes the use of the designated seclusion room impossible, clearly impractical, or clearly contrary to the safety of the student, others, or both; in that event, the school must document and explain in writing the reasons why a designated seclusion room was not used.
- E. An employee must continually visually monitor the student for the duration of the seclusion or physical restraint.
- F. If an employee restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode of communication, the student will be permitted to have their hands free of physical restraint, unless doing so is not feasible in view of the threat posed.
- G. Seclusion or physical restraint will not be used as punishment or discipline; to force compliance or to retaliate; as a substitute for appropriate educational or behavioral support; to prevent property damage except as provided by law; as a routine school safety measure; or as a convenience to staff.
- H. The Director of School Improvement will investigate any complaint or allegation that one or more employees violated any provisions of 281 Iowa Administrative Code Chapter 103.
- I. The district must comply with and implement Chapter 103 whether or not a parent consents to the use of physical restraint or seclusion.

The law requires debriefing meetings be held for such occurrences under the following circumstances.

- a. Following the first instance of seclusion or physical restraint during a school year;
- b. When any personal injury (including physical, mental and/or psychological) occurs as part of the use of seclusion or physical restraint;
- c. When a reasonable educator would determine a debriefing session is necessary;
- d. When suggested by a student's IEP team;
- e. When agreed to by the parents/guardians and school officials; and
- f. After seven instances of seclusion or physical restraint of the student.