



POLICY

MEETING OF: March 7, 2017

TITLE: Review, Approve and Adopt Revisions to Governing Board Policy JKA - Behavior Management and Student Discipline

ITEM #: 11

Information:

Study: X

Action: X

PURPOSE:

STATEMENT OF POLICY:

The item enables the Governing Board to review and adopt potential revisions to Policy JKA to bring the policy into compliance with A.R.S. 15-105 using proposed language changes that have been approved by the U.S. Department of Education Office of Civil Rights ("OCR"). In February 2017, the OCR consented to proposed language changes for Policy JKA and requested that the new policy be implemented immediately and employees be trained on the policy changes through a plan to be proposed to OCR by March 13, 2017.

KEY POINTS ABOUT THE POLICY:

REPLACES WHAT POLICY:

EXECUTIVE SUMMARY:

OTHER POLICIES IMPACTED:

WHO HAS REVIEWED THE POLICY:

LEGAL CONSIDERATIONS:

Legal Considerations: ARS 15-105 states as follows: A. A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply: 1. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others. 2. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm. B. If a restraint or seclusion technique is used on a pupil: 1. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use. 2. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others. 3. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel. 4. The restraint technique employed may not impede the pupil's ability to breathe. 5. The restraint technique may not be out of proportion to the pupil's age or physical condition. C. Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.

D. Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements: 1. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident. 2. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use. 3. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment. E. If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, 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. F. This section does not prohibit schools from adopting policies pursuant to section 15-843, subsection B, paragraph 3. G. For the purposes of this section: 1. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following: (a) Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed. (b) The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location. (c) The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil. (d) Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person. 2. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona state schools for the deaf and the blind and a private school. 3. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

For all Intergovernmental Agreements (IGAs), Initiator of Agenda Item provides the name of the agency responsible for recording the Agreement after approval:

For amendments to current IGAs, Initiator provides original IGA recording number:

Legal Advisor Signature (if applicable)

BUDGET CONSIDERATIONS:

_____ District Budget
 _____ State/Federal Funds
 _____ Other
Budget Cost Budget Code

INITIATOR(S):

Todd A. Jaeger, J.D, General Counsel

03/01/17

Name

Title

Date

DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:

ATTACHMENTS:

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| JKA - revised |
| JKA-R Student Discipline |
| JKA Board Policy Considerations |

TUCSON UNIFIED SCHOOL DISTRICT

BOARD AGENDA ITEM
CONTINUATION SHEET
