



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Chapter 42

Seclusion and Restraint in Schools

STATEMENT OF REASONS

A careful analysis of enabling statutes, local district and department practices, and public concerns regarding collection of sensitive student data has led the Wyoming Department of Education to propose amendments to the Chapter 42 Education rules. Section 10 of these rules currently state that schools shall annually collect and report the WISER ID (unique student identifier) of all students involved in incidents of seclusion and restraint and the type of regulated intervention utilized. The proposed amendment to Section 10 will allow schools to submit an aggregated report to better meet the privacy needs of our students while still collecting data sufficient to meet the requirements set forth in Wyoming statute and federal law.

Additionally, Sections 3, 4, and 5 as well as other small portions throughout the chapter were eliminated because they were either not required or already included in other statute.

The suggested change to the rules will presumably be well received by student data privacy advocates, local districts, and policy makers looking to streamline bureaucratic processes. In addition, seclusion and restraint counts are small, and the WDE program staff will continue to be able to identify students during monitoring visits if necessary.

Chapter 42

Seclusion and Restraint in Schools

Section 1. Authority.

The Wyoming rules are authorized by Wyoming Statute 21-2-202(a)(xxxii) and W.S. 21-3-110(a)(xxxii).

Section 2. Scope.

(a) The State Superintendent shall review the policy of each school district for compliance with the state statute governing Seclusion and Restraint in Schools and approve those policies only after determining that compliance has been achieved.

(b) To the extent that these rules governing Seclusion and Restraint in Schools overlap with other state or federal rules or regulations, compliance with the regulation or rule offering greater student protection shall be deemed compliance with this rule. To the extent that these rules governing Seclusion and Restraint in Schools exceed the requirements of other state or federal rules or regulations, school districts shall comply with the requirements of this rule. In the event of conflict with another state agency's rules or federal rules or regulations, school districts shall comply with this rule.

Section 3. Definitions.

(a) "Administrative Review" is when an administrator or other appointed-personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

(b) "Appropriate Disciplinary Measures" includes classroom, school-wide, or district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. 21-4-308 or other appropriate authority.

(c) "Appropriately Trained Professional" or "Professional Team" includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers' instructions.

(d) “Assistive or Protective Device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(e) “Aversive” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

(f) “Behavior Intervention” is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student’s behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.

(g) “Debriefing Process” The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. The district may conduct a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, the outcome of the intervention, including any injuries to student(s) or staff that may have resulted from the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the district deems appropriate.

(h) “Escort” means guiding a student by touching the student’s back, arm, or hand, or holding the student’s arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

(i) “Evidence Based Training Program” includes programs that are externally developed and have a record of successful implementation in a variety of settings that, at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive and the specific techniques to encourage the safe reentry of the student into the educational environment.

(j) “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

(k) “Isolating” means visually, auditorally, or physically separating a student from the learning environment, school activity, or peers.

(l) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact that upon release immediately permits the door to be opened from the inside.

(m) “Mechanical Restraints” include devices or equipment used to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which the devices or equipment were designed and prescribed.

(n) “Prohibited Practices” means that certain activities or objects are prohibited from being used with students under any circumstances

(o) “Prone Restraints” include holding a student in any position that will:

- (i) Obstruct a student’s airway or impair the ability to breathe;
- (ii) Obstruct a staff member’s view of a student’s face;
- (iii) Restrict a student’s ability to communicate distress;
- (iv) Place pressure on a student’s head, neck, or torso; or
- (v) Straddle a student’s torso

(p) “Restraint” means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student’s body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

(q) “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. The term does not include a student requested break or in-school suspension, detention, or other appropriate disciplinary measure.

(i) “Seclusion from the Learning Environment” means visually or auditorally isolating the student from the classroom or other school activity or away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities.

(ii) “Isolation Room” means placing the student in an enclosed room built in compliance with all relevant health and safety codes.

(r) “Time-out” means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment and the student is now physically prevented from having the time-out area.

Section 4. Policy Requirements

(a) Staff Training and Professional Development. School district policies shall, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district’s policy on the safe use of seclusion and restraint shall be incorporated into each school’s annual professional development programming.

(b) Procedures. School policies shall, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to use restraint as part of a planned behavior intervention unless a bona fide emergency constituting an imminent risk to the health or safety exists.

(B) Schools shall not use prohibited practices as part of student restraint at any time.

(C) Restraint shall be used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) School shall develop restraint duration guidelines including a release strategy based on the student's ability to regain control and staff's ability to reestablish safety.

(E) Restraints exceeding the durational limits set forth in the school's guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion:

(A) School staff shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in Section (c) below.

(D) Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:

(I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.

(II) School shall develop seclusion from the learning Environment duration guidelines.

(F) Isolation Room:

(I) An isolation room may be used in an emergency.

(II) Schools shall develop Isolation Room duration guidelines including a reentry strategy based on the student's ability to regain control and staff's ability to reestablish safety.

(III) Isolation Room seclusion exceeding the durational limits set forth in school's guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.

(IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:

(1.) The room shall provide a means of continuous visual and auditory monitoring of the student.

(2.) The room shall be adequately lighted with switches to control lighting located outside the room.

(3.) The room shall be adequately ventilated with switches to control fans or other ventilation devices located outside the room.

(4.) The room shall maintain a temperature within the normal human comfort range and consistent with the rest of the building with temperature controls located outside of the room.

(5.) The room shall be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.

(6.) The room shall be constructed of materials safe for its intended use, including wall and floor coverings designed to prevent injury to the student.

(7.) The room shall be able to be opened from the inside immediately upon the release of a security mechanism held in place by constant human contact.

(8.) The dimensions of the room shall be adequate width, length, and height to allow the student to move about and recline comfortably.

(c) **Mandatory Documentation.** Schools shall complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) **Incident Report:** At a minimum, the incident report shall include:

(A) Antecedents, interventions, and other relevant factors;

(B) Description of the regulated intervention used;

(C) Time and duration of the seclusion;

(D) Student's response to the seclusion;

(E) Administrative Review, if necessary;

(F) Release or reentry factors;

(G) Injuries to the student, if any;

(H) Debriefing.

(ii) The district shall provide to the parents copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) **Parent Notification.** The school shall develop a parent notification procedure that includes, at a minimum, written notification within 24 hours, or other timeframe as agreed upon by the school or parent, of using a regulated procedure. Notification shall be complete upon mailing, personal deliver, or electronic transmission of the notice.

Section 5. Enforcement of Policy.

(a) Schools shall specify a procedure for the lodging and investigation of complaints regarding misuse of the school district's policy on seclusion and restraint. Policies must include a process for notifying the Wyoming Department of Education when seclusion and restraint complaints are received. In order to support districts the WDE may review violations and policies and work with the school and district to create an improvement plan that includes:

(i) Increase monitoring, evaluation, and on site review;

(ii) Offer support, including training and capacity building, for schools to meet the varied and specialized learning needs of children with and without disabilities;

(iii) The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance;

(iv) If the school where the violation(s) occurred does not meet the requirements of the plan to the satisfaction of the department, the department will require onsite technical assistance with necessary district staff to assist in the development and monitoring of a compliant plan. The department will increase monitoring and evaluating of district progress plan.

Section 6. Publication of Policy. Schools must include their seclusion and restraint policies within their district/school handbooks and handbooks shall be posted on the district website where they are accessible to both the Wyoming Department of Education and the public.

Section 7. Data Collection Requirements. Schools shall collect and report annually to the Wyoming Department of Education the number of students involved in the use of regulated intervention, the number of incidents of seclusion and restraint, and the type of regulated intervention utilized.

WYOMING DEPARTMENT OF EDUCATION

CHAPTER 42

SECLUSION AND RESTRAINT IN SCHOOLS

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Wyoming Department of Education

Chapter 42

Seclusion and Restraint in Schools

Section 1. Authority.

The Wyoming rules are authorized by Wyoming Statute ~~W.S. §21-2-202(a)(xxxii)~~ and W.S. 21-3-110(a)(~~xxx~~xi).

Section 2. Scope.

~~(a)~~ All provisions ~~W.S. §21-2-202(a)(xxxii)~~ and ~~W.S. §21-3-110(a)(xxx~~xi), including any subsequent amendments or revisions of the law and/or rules, apply to every school district as defined in ~~W.S. §§21-3-102 through 21-3-104~~.

~~(a)(b)~~ Wyoming statute requires the State Superintendent of Public Instruction to ensure the requirements of law, regulation, rule, and educational standards are met in all education programs administered, approved, and/or accredited by the state. Pursuant to ~~W.S. § 21-2-202(a)~~,^t The State Superintendent shall review the policy of each school district for compliance with the state statute governing Seclusion and Restraint in Schools and approve those policies only after a ~~determination~~ determining that compliance has been achieved.

~~(b)(c)~~ To the extent that these rules governing Seclusion and Restraint in Schools overlap with other state or federal rules or regulations, compliance with the regulation or rule offering greater student protection shall be deemed compliance with this rule. To the extent that these rules governing Seclusion and Restraint in Schools exceed the requirements of other state or federal rules or regulations, school districts ~~must~~ shall comply with the requirements of this rule. In the event of conflict with another state agency's rules or federal rules or regulations, school districts shall comply ~~must ensure compliance~~ with this rule.

Section 3. Purpose.

~~Schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. Each student has a right to be free from seclusion or restraint used as a means of coercion, punishment, convenience, or retaliation. Seclusion and restraint are instructional tools for the development of prosocial behavior. Proactive and preventative behavioral interventions should be initiated and ongoing to diffuse disruptive and volatile situations.~~

Section 4. Applicability; No Civil Liability Created; Immunity

~~(a) This rule shall not be interpreted to prevent a party from seeking redress pursuant to any other applicable civil or criminal law. This rule does not create or alter any civil cause of action for monetary damages against any person or school district nor shall it constitute grounds for any claim or motion raised by either the estate or defendant in any proceedings, except that the defense of immunity shall be retained and may be asserted in any action arising under this rule.~~

Section 5. Promulgation, Amendment, or Repeal of Rules.

~~Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (W.S. §§16-3-101 through 16-3-115).~~

Section 36. Definitions.

(a) “Administrative Review” is when an administrator or other appointed personnel, who have received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

~~(b)~~(a) “Appropriate Disciplinary Measures” includes classroom, school-wide, ~~and/or~~ district-wide plans for student conduct adopted pursuant to a school policy promulgated under the authority of W.S. § 21-4-308 or other appropriate authority.

~~(c)~~(b) “Appropriately Trained Professional” or “Professional Team” includes individuals who are appropriately licensed, trained, and knowledgeable regarding the acceptable use of assistive or protective devices consistent with recognized professional standards and manufacturers’ instructions.

~~(d)~~(e) “Assistive or Protective Device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child or protect a child from harm.

(e) “Aversive” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.

~~(f)~~(d) “Behavior Intervention” is a systematic implementation of procedures developed in conjunction with the parent intended to result in lasting positive changes in a student’s behavior. Interventions may include positive strategies, program or curricular modifications, and aids and supports required to address the disruptive behaviors.

~~(e)~~ “Emergency” means a situation constituting an imminent risk to health or safety.

(g) “Debriefing Process” The debriefing session provides an opportunity to discuss the circumstances resulting in the use of physical restraint and/or seclusion. The district may conduct a review of the factors that precipitated the event, the de-escalation techniques used, the physical restraint technique(s) utilized, the outcome of the intervention, including any injuries to student(s) or staff that may have resulted from the incident, prior incidents of physical restraint or seclusion utilized with this student, and any other relevant factors that the district deems appropriate.

~~(h)(f)~~ “Escort” ~~includes~~ means guiding a student by touching the student’s his/her back, arm, or hand, or holding the student’s arm or hand to escort the student safely from one area to another as long as the student is not refusing to comply with the escort. The term does not include the use of coercion or force to move a student from one location to another.

~~(i)(g)~~ “Evidence Based Training Program” includes programs that are externally developed and have a record of successful implementation in a variety of settings; that, at a minimum, emphasize training in de-escalation procedures, the specific techniques used in safe restraint ranging from the least to most restrictive and the specific techniques to encourage the safe reentry of the student ~~back in to~~ into the educational environment.

~~(j)(h)~~ “Imminent Risk” means an immediate and impending threat of a person causing substantial physical injury to self or others.

~~(k)(i)~~ “Isolating” means visually, auditorally, or physically separating a student from the learning environment, school activity, or peers.

(l) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact that upon release immediately permits the door to be opened from the inside.

(m) “Mechanical Restraints” include devices or equipment used to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which devices or equipment were designed and prescribed.

~~(n)(j)~~ “Prohibited Practices” means that certain activities or objects are prohibited from being used ~~utilized~~ with students under any circumstances. ~~Prohibited elements include:~~

~~(o)(k)~~ “Prone Restraints” include holding a student in a face down position or in any position that will:

- (i) Obstruct a student’s airway or impair the ability to breath;
- (ii) Obstruct a staff member’s view of a student’s face;
- (iii) Restrict a student’s ability to communicate distress;
- (iv) Place pressure on a student’s head, neck, or torso; or
- (v) Straddle a student’s torso

~~(vi) “Aversives” means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors.~~

~~(vii) “Locked Seclusion” means a seclusion room with locking device that is engaged by leverage of an inanimate object, key, or other mechanism to keep the door closed without constant human contact. The term does not include a securing mechanism requiring constant human contact, that upon release immediately permits the door to be opened from the inside.~~

~~(viii) “Mechanical Restraints” include devices or equipment designed or utilized to restrict the free movement of all or a portion of a student’s body. The term does not include assistive or protective devices or equipment prescribed by an appropriately trained professional or professional team that are used for the specific and approved purposes for which such devices or equipment were designed and prescribed.~~

~~(ix) “Prone Restraints” include holding a student in a face down position or in any position that will:~~

- ~~(A) Obstruct a student’s airway or impair the ability to breathe;~~
- ~~(B) Obstruct a staff member’s view of a student’s face;~~
- ~~(C) Restrict a student’s ability to communicate distress;~~
- ~~(D) Place pressure on a student’s head, neck, or torso; or~~
- ~~(E) Straddle a student’s torso~~

~~(p)(4)~~ “Restraint” means the use of physical force, with or without the use of any device or material, to restrict the free movement of all or a portion of a student’s body. Restraint does not include comforting or calming a student, holding the hand or arm of a student to escort the student if the student is complying, intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team. ~~The term does not encompass any of the prohibited practices described in this rule.~~

~~(m)~~ “School” includes a school district as defined in W.S. §§21-3-102 through 21-3-104.

~~(n)~~ “School Activity” means any activity taking place at school, on school premises, or to or at a school function under the jurisdiction of the state or school district.

~~(q)(e)~~ “Seclusion” means removing a student from a classroom or other school activity and isolating the student in a separate area. Seclusion occurs when a student is placed in a room or location by school personnel, purposefully separated from peers, and prevented from leaving that location. Separation in an area where the student is prevented from leaving is always considered seclusion. ~~There are two distinct categories: i) Seclusion from the Learning Environment, and ii) Isolation Room.~~ The term does not include a student requested break or ~~in-school suspension~~ in-school suspension, detention, or other appropriate disciplinary measure.

(i) “Seclusion from the Learning Environment” means visually or auditorally isolating the student from the classroom or other school activity or, away from peers in an area that obstructs the student’s ability to participate in regular classroom or school activities. ~~The student is prevented from rejoining the learning environment or school activity until directed by staff.~~

(ii) “Isolation Room” means purposefully placing the student in an enclosed room built in compliance with all relevant health and safety codes. ~~The student is not released from the Isolation Room and permitted to rejoin the learning environment or school activity until directed by staff. An Isolation Room is not the same as locked seclusion, which is a prohibited practice.~~

~~(r)(e)~~ “Time-out” means providing the student with a brief opportunity to regain self-control in a setting that does not physically remove the student from peers or the learning environment, and the student is now physically prevented from having the time-out area. ~~The use of time-out without seclusion is not regulated by these rules.~~

Section 47. Policy Requirements

(a) Staff Training and Professional Development. School district policies ~~must~~ shall, at a minimum, include the following staff training and professional development components:

(i) All staff shall receive training in evidence-based techniques shown to be effective in ~~the prevention of~~ preventing physical restraint and seclusion, including evidence-based skills training related to positive behavior supports, safe physical escort, conflict prevention, de-escalation, and conflict management.

(A) The minimum amount of training required for all staff shall be the number of hours recommended by the evidence-based training program selected by the school.

(B) Ongoing training for all staff shall be provided as recommended by the evidence-based training program selected by the school.

(ii) A ratio of classified and non-classified staff, as determined by the school considering school size and the location of specialized programs, shall receive training in evidence-based techniques in the safe use of physical restraint.

(A) The minimum amount of training for the ratio of staff shall be the number of hours necessary to obtain certification by the evidence-based training program selected by the school.

(B) Certification shall be maintained as prescribed by the evidence-based training program selected by the school.

(iii) Information regarding the school district's policy on the safe use of seclusion and restraint shall be incorporated into each school's annual professional development programming.

(b) Procedures. School policies ~~must~~ shall, at a minimum, include the following procedural components:

(i) Restraint:

(A) Only trained, certified staff consistent with Section 7(a)(ii) above shall be permitted to ~~utilize~~ use restraint as part of a planned behavior intervention unless a bona fide emergency ~~situation~~ constituting an imminent risk to the health or safety exists.

(B) Schools shall not ~~utilize aversive interventions, mechanical restraints, or prone restraints~~ use prohibited practices as part of student restraint at any time.

(C) Restraint shall be ~~utilized~~ used for the minimum amount of time necessary to permit the student to regain control and for staff to restore safety.

(D) School ~~must~~ shall develop restraint duration guidelines including a release strategy based on the student's ability to regain control and staff's ability to reestablish safety.

(E) Restraints exceeding the durational limits set forth in the school's guidelines shall require immediate administrative review to determine if and under what conditions the restraint may continue.

(F) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(G) Schools must document each restraint consistent with the Mandatory Documentation requirements specified in paragraph (c) below.

(ii) Seclusion: ~~There are two distinct seclusion categories: Seclusion from the Learning Environment and Isolation Room.~~

(A) School staff ~~must~~ shall be able to see and hear the student in seclusion at all times.

(B) Student placed in seclusion ~~must~~ shall be permitted to access to normal meals and personal hygiene opportunities. Meals and bathroom breaks may be separate and supervised if needed to ensure safety.

(C) Schools ~~must~~ shall document each occurrence of seclusion consistent with the Mandatory Documentation requirements specified in ~~paragraph~~ Section (c) below.

(D) ~~The use of~~ Using timeout without seclusion is not regulated by these rules.

(E) Seclusion from the Learning Environment:

(I) Seclusion from the Learning Environment may be used as a planned behavior intervention strategy.

(II) School ~~must~~ shall develop seclusion from the learning Environment duration guidelines.

~~(III) Completion of an incident report is not required for use of Seclusion from the Learning Environment.~~

(F) Isolation Room:

(I) An isolation room may be used in ~~a bona fide~~ an emergency.

(II) Schools ~~must~~ shall develop Isolation Room duration guidelines, including a reentry strategy based on the student's ability to regain control and staff's ability to reestablish safety.

(III) Isolation Room seclusion exceeding the durational limits set forth in school's guidelines shall require immediate administrative review to determine if and under what conditions the Isolation Room seclusion may continue.

(IV) Schools shall develop an incident review strategy or debriefing strategy. The incident review or debriefing process shall address what, if any, subsequent actions need to be taken.

(V) Physical Space Requirements for Isolation Rooms:

(1.) The room ~~must~~ shall provide a means of continuous visual and auditory monitoring of the student.

(2.) The room ~~must~~ shall be adequately lighted, with switches to control lighting located outside the room.

(3.) The room ~~must~~ shall be adequately ventilated, with switches to control fans or other ventilation devices located outside the room.

(4.) The room ~~must~~ shall maintain a temperature within the normal human comfort range and consistent with the rest of the building, with temperature controls located outside of the room.

(5.) The room ~~must~~ shall be clean and free of objects and fixtures that could be potentially dangerous to a student and must meet all fire and safety codes.

(6.) The room ~~must~~ shall be constructed of materials safe for ~~the its~~ intended use, including wall and floor coverings designed to prevent injury to the student.

(7.) The room ~~must~~ shall be able to be opened from the inside immediately upon the release of ~~a the~~ security mechanism held in place by constant human contact.

(8.) The dimensions of the room ~~must~~ shall be adequate width, length, and height to allow the student to move about and recline comfortably.

(c) Mandatory Documentation. Schools ~~must~~ shall complete the mandatory documentation for all use of Restraint and Isolation Room seclusion.

(i) Incident Report: At a minimum, the incident report ~~must~~ shall include:

(A) Antecedents, interventions, and other relevant factors;

(B) Description of the regulated intervention ~~utilized~~ used;

(C) Time and duration of the seclusion;

(D) Student's response to the seclusion;

(E) Administrative Review, if necessary;

~~(F) Status assessment;~~

(G) Release or reentry factors;

(H) Injuries to the student, if any; and

(I) Debriefing.

(ii) The ~~parent district~~ shall ~~receive~~ provide to the parents copies of all mandatory documentation according to the parent notification procedure developed by the school.

(d) Parent Notification. The school shall develop a parent notification procedure ~~to include that includes~~, at a minimum, written notification within 24 hours ~~of the use of a regulated procedure~~, or other timeframe as agreed upon by the school or parent, of using a regulated procedure. ~~Written notification~~ Notification shall be complete upon mailing, personal deliver, or electronic transmission of the ~~written~~ notice.

Section 58. Enforcement of Policy.

(a) Schools shall specify a procedure for the lodging and investigation of complaints regarding misuse of the school district's policy on seclusion and restraint. Policies must include a process for notifying the Wyoming Department of Education when seclusion and restraint

complaints are received. In order to support districts the WDE may review violations and policies and work with the school and district to create an improvement plan that includes:

- (i) Increase monitoring, evaluation, and on site review;
- (ii) Offer support, including training and capacity building, for schools to meet the varied and specialized learning needs of children with and without disabilities;
- (iii) The department shall review the plan to ensure that it complies with applicable federal law and the statutes and regulations of this state. The department may require appropriate revision of the plan to ensure compliance;
- (iv) If the school where the violation(s) occurred does not meet the requirements of the plan to the satisfaction of the department, the department will require onsite technical assistance with necessary district staff to assist in the development and monitoring of a compliant plan. The department will increase monitoring and evaluating of district progress plan.

Section 69. Publication of Policy. Schools must include their seclusion and restraint policies within their district/school handbooks and handbooks shall be posted on the district website where they are accessible to both the Wyoming Department of Education and the public. ~~Schools shall provide for the manner in which the policy is to be publicized within the school community.~~

Section 710. Data Collection Requirements. Schools shall collect and report annually to the Wyoming Department of Education the ~~WISER ID for each student~~ number of students involved in the use of regulated intervention, the number of incidents of seclusion and restraint ~~for each student~~, and the type of regulated intervention utilized ~~for each student~~.