

**281—103.7(256B,280) Reasonable and necessary force—use of physical restraint or seclusion.**

**103.7(1)** Physical restraint or seclusion is reasonable and necessary only:

- a.* To prevent or terminate an imminent threat of bodily injury to the student or others; or
- b.* To prevent serious damage to property of significant monetary value or significant nonmonetary value or importance; or
- c.* When the student's actions seriously disrupt the learning environment or when physical restraint or seclusion is necessary to ensure the safety of the student and others; and
- d.* When less restrictive alternatives to seclusion or physical restraint would not be effective, would not be feasible under the circumstances, or have failed in preventing or terminating the imminent threat or behavior; and
- e.* When the physical restraint or seclusion complies with all the rules of this chapter.

**103.7(2)** If seclusion or physical restraint is utilized, the following provisions apply:

- a.* The seclusion or physical restraint must be imposed by an employee who:
  - (1) Is trained in accordance with rule 281—103.8(256B,280); or
  - (2) Is otherwise available and a trained employee is not immediately available due to the unforeseeable nature of the occurrence.

- b.* A school will attempt to notify the student's parent using the school's emergency contact system as soon as practicable after the situation is under control, but no later than one hour or the end of the school day, whichever occurs first.

- c.* The seclusion or physical restraint must only be used for as long as is necessary, based on research and evidence, to allow the student to regain control of the student's 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.

Unless otherwise provided for in the student's written, approved IEP, BIP, IHP, or safety plan, if the seclusion or physical restraint continues for more than 15 minutes:

- (1) The student shall be provided with any necessary breaks to attend to personal and bodily needs, unless doing so would endanger the child or others.

- (2) An employee shall obtain approval from an administrator or administrator's designee to continue the 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. Approval will be documented in accordance with rule 281—103.8(256B,280).

- (3) The student's parent and the school may agree to more frequent notifications than is provided by this subrule.

- (4) Schools and employees will document and explain in writing, as provided by subrule 103.8(2), the reasons why it was not possible for them to obtain approval, notify parents, or take action under paragraphs 103.7(2) "b" and "c" within the prescribed time limits.

- (5) Schools and employees who initiate and then end the use of nonapproved restraints must document and explain in writing the reasons why they had no other option but to use this type of behavioral intervention. This subparagraph is not intended to excuse or condone the use of nonapproved restraints.

- d.* The area of seclusion shall be a designated seclusion room that complies with the seclusion room requirements of rule 281—103.9(256B,280), 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.* An employee shall not use any physical restraint that obstructs the airway of the student.

- g.* 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 shall be permitted to have the student's hands free of physical restraint, unless doing so is not feasible in view of the threat posed.

- h.* Seclusion or physical restraint shall not be used:

- (1) As punishment or discipline;
- (2) To force compliance or to retaliate;
- (3) As a substitute for appropriate educational or behavioral support;
- (4) To prevent property damage except as described in paragraph 103.7(1)“b”;
- (5) As a routine school safety measure; or
- (6) As a convenience to staff.

**103.7(3)** An employee must document the use of the seclusion or physical restraint in accordance with rule 281—103.8(256B,280).

**103.7(4)** Nothing in this rule will be construed as limiting or eliminating any immunity conferred by Iowa Code section 280.21, rule 281—103.11(256B,280), or any other provision of law.

**103.7(5)** An agency covered by this chapter will investigate any complaint or allegation that one or more of its employees violated one or more provisions of this chapter. If an agency covered by this chapter determines that one or more of its employees violated one or more of the provisions of this chapter, the agency will take appropriate corrective action. If any allegation involves a specific student, the agency will transmit to the parents of the student the results of its investigation, including, to the extent permitted by law, any ordered corrective action.

**103.7(6)** If a child’s IEP, BIP, IHP, or safety plan includes either or both physical restraint or seclusion measures, those measures will be individualized to the child; described with specificity in the child’s IEP, BIP, IHP, or safety plan; and be reasonably calculated to enable the child to make progress appropriate in light of the child’s circumstances.

**103.7(7)** These rules are binding whether or not a parent consents to the use of physical restraint or seclusion for the child.

**103.7(8)** If any alleged violation of this chapter is also an allegation of “abuse” as defined in rule 281—102.2(280), the procedures in 281—Chapter 102 are applicable.

**103.7(9)** Schools must provide a copy of this chapter and any school-adopted or school-used related policies, procedures and training materials to any individual who is not an employee but whose duties could require the individual to participate in or be present when physical restraints are or seclusion is being used. Schools must invite these individuals to participate in training offered to employees pursuant to this chapter.

**103.7(10)** The provisions of Iowa Code section 280.21(3) and 280.21(4) apply to proceedings under this chapter.

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