

405: Prohibition of Corporal Punishment and Use of Emergency Safety Interventions

1. Purpose:

St. George Academy protects the safety of students and acknowledges that every student should have the opportunity to learn in an environment which is safe and conducive to the learning process. SGA implements discipline and safety consistent with [Utah Code 53G-8-3](#) and [R277-608](#).

2. Policy:

2.1. This policy applies to students under the age of 19 and receiving educational services; or up to age 22 and receiving educational services as an individual with a disability under the Individuals with Disabilities Education Act (IDEA).

2.2. Corporal punishment is prohibited at St. George Academy.

2.2.1. A school employee may not inflict or cause the infliction of corporal punishment upon a student under any circumstance.

2.3. Emergency Safety Interventions may only be imposed when a student presents an immediate danger to others and/or threatens or causes serious bodily injury to others.

2.3.1. A school employee may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate to obtain possession of a weapon or other dangerous object, protect a student or another individual from physical injury, remove a student who is violent from a situation or to protect property from being damaged when safety is threatened.

2.4. A school employee is encouraged to use less intrusive means whenever possible, including physical escort to address circumstances as described above.

2.5. Prohibition of Corporal Punishment and use of reasonable and necessary physical restraint as per this policy does not apply to a law enforcement officer. ([UCA 53G-8-302\(6\)](#)).

2.6. Definitions:

2.6.1. Corporal Punishment means the intentional infliction of physical pain upon the body of a minor child as a disciplinary measure.

2.6.2. Emergency Safety Intervention (ESI) means the use of physical restraint or seclusion.

2.6.3. Physical restraint means personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body, or head freely.

Board Rule [R277-608](#)

2.6.4. Seclusion means that a student is placed in a safe enclosed area by school personnel to purposefully be isolated from adults and peers. The student is prevented from leaving, or reasonably believes that they may not leave.

2.6.5. Immediate danger is considered to be an imminent threat of physical violence or actual presence of aggression toward oneself or others that is likely to cause serious physical harm.

2.6.6. Physical escort means temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of guiding a student to another location.

2.6.7. Serious bodily harm/injury means a serious risk of death; protracted or obvious disfigurement; protracted loss of impairment of the function of a bodily organ, member or mental faculty; or extreme physical pain.

3. Procedure:

3.1. An emergency safety intervention is not for disciplinary purposes.

3.1.1. An SGA employee may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate as per circumstances described in 2.3.1.

3.1.2. The use of restraint must only be for the minimum time necessary, but not to exceed 30 minutes, to ensure safety and meet criteria; including that the student must be standing or sitting. The law prohibits physical restraint if the student is prone (lying face-down); supine (lying face-up); has an obstructed airway; or primary mode of communication is obstructed in anyway.

3.1.3 Mechanical restraint is prohibited, except those that are protective, stabilizing or required by law, and/or a device used by a law enforcement officer in carrying out law enforcement duties, including seatbelts or any other safety equipment when used to secure students during transportation.

3.1.4. Chemical restraint is prohibited, except as prescribed by a licensed physician or other qualified health professional acting, for the standard treatment of a student's medical or psychiatric condition; and administered as prescribed by the licensed physician or other qualified health professional.

3.1.5. Seclusion shall only be used for the minimum time necessary to ensure safety; the door shall remain unlocked; the student must be within the line of sight of an employee at all times. The enclosed area must be in accordance with the requirements of Design, Health & Safety of Schools ([R392-200](#)) and Building Fire Safety ([R710-4](#)).

3.2. Emergency Safety Intervention Notification:

If an employee uses physical restraint or seclusion, the school shall notify the student's parent/guardian and the school administration as soon and possible, but no later than the end of the school day.

****Policy adapted from Washington County School District
Board Approved 12-15-2016
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Board Rule [R277-608](#)

3.2.1. Within 24 hours, the school shall notify a parent/guardian that they may request a copy of any notes or additional documentation taken during a crisis situation.

3.2.2. Notice to the parent shall be documented within the student information system.

3.2.3. A parent may request a time to meet with school staff and administration to discuss the crisis situation as per [R277-609](#).

3.3. Emergency Safety Intervention (ESI) Committee

SGA shall establish an ESI committee which includes at least two administrators; at least one parent of a student and at least two certified educational professionals with behavior training and knowledge in both state rules and the board's conduct and discipline policies.

3.3.1. The committee shall meet often enough to monitor the use of ESI within the school and determine and recommend professional development needs and review policies for dispute resolution processes to address concerns regarding disciplinary actions.

3.4. Training:

SGA shall provide ongoing training of appropriate school personnel in crisis intervention training and emergency safety intervention professional development which are consistent with evidence-based practice. ([R277-609-4\(h\)](#))

3.5. Investigation of Complaint

3.5.1. The reporting and investigation requirements of Title 62, Chapter 4a, Part 4 Child Abuse or Neglect Reporting Requirements, apply to complaints regarding corporal punishment.

3.5.2. Any school employee or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

3.5.3. If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action to ensure against a repetition of the violation.

3.5.3.1. Employees disciplined for a violation of this policy may appeal as per SGA Policy 312: Employee Grievance.

3.5.3.2. Employees who use corporal punishment may be subject to civil or criminal sanctions ([UCA 53G-8-304](#)).

3.6. Reporting:

Child abuse and complaints of misuse of Emergency Safety Interventions or corporal punishment must be reported as per SGA Policy 408: Child Abuse and Neglect Reporting Policy.

**Policy adapted from Washington County School District
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Board Rule [R277-608](#)

3.7. Any individual who has reason to believe that a child has been subjected to abuse or neglect, or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, that individual shall immediately report the alleged abuse or neglect to the nearest peace officer, law enforcement agency, or office of Human Services/Child and Family Services. (UCA 62A-4a-402)

3.7.1. If the alleged violator is a school employee, SGA Administration must be informed.

3.7.2. Reports made on violations of this policy are subject to the same requirements of confidentiality as provided under FERPA.

3.8. Reports of corporal punishment are private, protected, or controlled records under Title 63G, Chapter 2, Government Records Access and Management Act, and may only be made available to:

(a) a police or law enforcement agency investigating a report of known or suspected abuse or neglect, including members of a child protection unit;

(b) a physician who reasonably believes that a child may be the subject of abuse or neglect;

(c) an agency that has responsibility or authority to care for, treat, or supervise a minor who is the subject of a report;

(d) a contract provider that has a written contract with the division to render services to a minor who is the subject of a report;

(e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural parents of the child, and the guardian ad litem;

(f) a court, upon a finding that access to the records may be necessary for the determination of an issue before the court, provided that in a divorce, custody, or related proceeding.

(g) an office of the public prosecutor or its deputies in performing an official duty;

(h) a person authorized by a Children's Justice Center, for the purposes described in Section 67- 5b-102;

(i) the State Board of Education, acting on behalf of itself or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, limited to information with substantiated or supported findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or any alleged offense against the person.

(j) other entities as determined by the Superintendent of WCSD and/or designee when presented with a GRAMA request.