



In-School Suspension & New Rules on Physical Confinement and Detention

There have been some questions raised about whether in-school suspensions counted as “physical confinement and detention” for purposes of chapter 103. The Department does not intend that typical in-school suspension arrangements count as “physical confinement and detention.”

Physical confinement and detention is defined as “the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student’s egress is restricted.” Iowa Admin. Code r. 281 – 103.6. While in-school suspension may constitute physical confinement and detention, the factors that the questioners have listed do not compel this conclusion. A teacher ordering a student to remain in an in-school suspension room, standing alone, does not constitute a physical confinement of a student. Likewise, merely closing the door of an in-school suspension room does not restrict the student’s egress to the point where a student would be considered “confined” in the room. If closing the door of a room elevated the classroom to a place of confinement, then any closed classroom door would be considered an instance of physical confinement and detention.

In summary, the Department has always believed that typical in-school suspension arrangements are not physical confinement and detention. A more restrictive in-school suspension arrangement, however, may constitute physical confinement and detention. *Cf. id.* r. 281 – 103.3(4).