

RESTRAINT, SECLUSION AND INTENTIONAL PHYSICAL CONTACT

Definitions:

1. (a) "**Restraint**" means bodily physical restriction, mechanical devices, or any device that immobilizes a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication. It is limited to actions taken by persons who are District staff members, contractors, or otherwise under the control or direction of the District.

(b) "Restraint" shall not include:

(1) Brief touching or holding to calm, comfort, encourage, or guide a child, so long as limitation of freedom of movement of the child does not occur.

(2) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a child to stand, if necessary, and then walk to a safe location, so long as the child is in an upright position and moving toward a safe location.

(3) Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.

(4) The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.

(5) The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose and the actor does not immobilize a child or restrict the freedom of movement of the torso, head, arms, or legs of any child.

2. "**Medication restraint**" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

3. "**Mechanical restraint**" occurs when a physical device or devices are used to restrict the movement of a child or the movement or normal function of a portion of his or her body.

4. "**Physical restraint**" occurs when a manual method is used to restrict a child's freedom of movement or normal access to his or her body.

5. **"Seclusion"** means the involuntary placement of a child alone in a place where no other person is present and from which the particular child is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. The term shall not include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self-control, when such separation is to an area which a child is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the child and any other person or the child is physically able to leave the place. A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

6 **"Serious Injury"** means any harm to the body which requires hospitalization or results in the fracture of any bone, non-superficial lacerations, injury to any internal organ, second or third-degree burns, or any severe, permanent, or protracted loss or impairment to the health or function of any part of the body.

7 (a) **Intentional Physical Contact"** means contact by a school employee with a child, in response to a child's aggression, misconduct or disruptive behavior, and includes, but is not limited to, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive child.

(b) Intentional physical contact does not include:

- (1) Escorting a child from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location, unless the child is actively combative, assaultive, or self-injurious while being escorted.
- (2) Actions such as separating children from each other, inducing a child to stand, or otherwise physically preparing a child to be escorted.
- (3) Incidental or minor contact, such as for the purpose of gaining a misbehaving child's attention.

Procedures for Managing The Behavior of Students:

The Superintendent is authorized to establish procedures for managing and reporting on the behavior of students. Such procedures shall be consistent with this policy and all applicable laws and regulations. The Superintendent is further authorized to establish any other procedures and forms necessary to implement this policy and/or any other legal requirements.

Circumstances in Which Restraint May Be Used:

Restraint will only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of serious bodily harm to the student or others. The determination of whether the use of restraint is justified may be made with consideration of all relevant

circumstances, including whether continued acts of violence by a student to inflict damage to property will create a substantial risk of serious bodily harm to the student or others.

Restraint will only be used by trained school staff using extreme caution when all other interventions have failed or have been deemed inappropriate.

Restraint will not be used as punishment for the behavior of a student.

Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm.

A student in restraint shall be continuously and directly observed by district personnel trained in the safe use of restraint. No period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the Building Principal to provide such approval. No period of restraint of a student may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well-being of the student is conducted by a trained and authorized supervisory employee. The assessment shall include a determination of whether the restraint is being conducted safely and for a purpose authorized by law and District policy. Such assessments shall be repeated at least every 30 minutes during the period of restraint. Every assessment must be documented in writing and such records will be retained as part of the written notification described herein.

The use of restraint is limited to physical restraint and mechanical restraint when necessary for the safe transport of pupils as set forth in RSA 126-U and this policy. Medication restraint is strictly prohibited.

Circumstances in Which Seclusion May Be Used:

The School Board recognizes the statutorily imposed conditions of seclusions and hereby adopts those conditions, as defined by RSA 126-U:S-b.

Seclusion may only be used when a student's behavior poses a substantial and imminent risk of physical harm to the student or others and may only continue until that danger has dissipated.

Seclusion will be used only by trained school staff after other approaches to the control of the student's behavior have been attempted and been unsuccessful, or are reasonably concluded to be unlikely to succeed based on the history of actual attempts to control the behavior of a particular student.

Seclusion will not be used as a form of punishment for the behavior of a student and shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

Prohibition of Dangerous Restraint Techniques:

The School Board recognizes and hereby prohibits the use of "dangerous restraint techniques" as defined in RSA 126-U:4. Employees shall report suspected violations of RSA 126-U in accord with Ed 1201.

Reporting Requirements and Parental Notification:

Unless prohibited by court order, in the event restraint or seclusion is used on a student, the building principal or his/her designee will make reasonable efforts to verbally notify the student's parents/guardian and guardian ad litem of the occurrence. Such notification will be made as soon as practicable and in no event later than the time of the return of the child to the parent/guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent/guardian actual notice of the incident at the earliest practicable time.

The building principal will, within 5 business days after the occurrence, submit a written notification/report to the Superintendent. The notification shall contain all the requirements and information as mandated by RSA 126-U:7, II. The Superintendent may develop a reporting form or other documents necessary to satisfy these reporting requirements.

Unless prohibited by court order, the Superintendent will, within 2 business days of receipt of the notification required in the above paragraph, send by first class mail to the child's parent or guardian and guardian ad litem the information contained in the notification/report. Each notification/report prepared under this section shall be retained by the school for review in accordance with state board of education rules and the department of health and human services rules.

If a school employee has intentional physical contact with a student in response to a student's aggression, misconduct, or disruptive behavior, the building principal or his/her designee will make reasonable efforts to promptly inform the student's parent or guardian. Such notification shall be made no later than the time of the return of the child to the parent/guardian, or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent/guardian actual notice of the incident at the earliest practicable time.

The building principal or his/her designee will also prepare a written report of the incident within five (5) business days of the incident. The report will include information required under RSA 126-U:?, V. The notification and written report are not required when the incident does not constitute intentional physical contact, as defined above.

In cases involving serious injury or death to a child subject to restraint or seclusion, the Superintendent or his/her designee shall also notify the Commissioner of the Department of Education, Attorney General, and the Disabilities Rights Center, the State's federally-designated protection and advocacy agency for individuals with disabilities. Initially notification should be made verbally, with the written notification required above to follow within 5 business days.

Transportation: (RSA 126-U:12)

The school district will not use mechanical restraints during the transportation of children unless case-specific circumstances dictate that such methods are necessary.

Whenever a student is transported to a location outside the school, the Superintendent or designee will ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

1. Prevents physical and psychological trauma;
2. Respects the privacy of the child; and
3. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints. Such documentation shall be treated as a notification of restraint under RSA 126-U:7 (described above).

School Review of Restraint or Seclusion

When restraint or seclusion is used for the first time on a child with a disability as defined in RSA 186-C:2, I, or a child receiving services under Section 504 of the Rehabilitation Act of 1973, the student's team shall review the individualized educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent/guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

Legal References:

RSA 126-U, Limiting the Use of Child Restraint Practices
Ed 1200, Restraint and Seclusion for Children

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