

Concord School District Policy #430 *

Restraint and Seclusion

I. Introduction and purpose

Concord School District encourages the use of preventive and positive behavioral interventions to manage student behavior. In addition, the District strives to ensure that every student attending our schools is free from the unreasonable use of physical restraint and/or seclusion. The use of physical restraint and seclusion is limited to emergencies only.

II. Definitions

Parent shall mean the student's parent or legal guardian.

Physical restraint is the use of bodily force to restrict a student's freedom of movement or normal access to his or her body, but does not include conduct listed in Section V.

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 school or facility staff members, contractors, or otherwise under the control or direction of a school or facility.

Seclusion means the involuntary placement of a student alone in a place where no other person is present and from which the particular student is unable to exit, either due to physical manipulation by a person, a lock, or other mechanical device or barrier. Seclusion may be considered seclusion even if a window or other device for visual observation is present. 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.

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 of or impairment to the health or function of any part of the body.

Trained staff are those individuals who successfully complete and remain current in a training program that provides instruction in: preventing the use of restraint and seclusion; safe use of restraint and seclusion; evaluating the risk of harm in individual situations; and monitoring the effect of restraint and seclusion.

III. Use of restraint limited to emergencies only

Restraint shall only be used to ensure the *immediate physical safety* of persons when there is a *substantial and imminent risk of serious bodily harm to the student or others*.

It shall be used only by *trained staff*, using extreme caution, and in a manner consistent with the District's training program.

It shall be used *only when all other interventions have failed or have been deemed inappropriate*.

It shall be used only to the degree and length necessary to avoid serious bodily harm to the child or others, and in such a way to preserve the confidentiality and dignity of all persons involved.

Restraint shall never be used explicitly or implicitly as punishment for the behavior of a student.

Schools shall not use medication restraint and shall not use mechanical restraint except as otherwise permitted in the transportation of students as provided in this policy.

IV. Use of dangerous restraint prohibited

The use or threatened uses of any of the following restraint or behavior control techniques are prohibited:

Any physical restraint or containment technique that

- Obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity or restricts the movement required for normal breathing;
- Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a student;
- Obstructs the circulation of blood;
- Involves pushing on or into a student's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything, including soft objects such as pillows, blankets, or washcloths; or
- Endangers a student's life or significantly exacerbates a student's medical condition.

The intentional infliction of pain, including the use of pain inducement to obtain compliance.

The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a student for the purpose of controlling or modifying the behavior of or punishing the student.

Any technique that unnecessarily subjects a student to ridicule, humiliation, or emotional trauma.

V. Conduct not prohibited

The following does not constitute restraint and is not prohibited by this policy.

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

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.

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 permit a student to participate in activities without the risk of physical harm.

The use of seat belts, safety belts or similar passenger restraints during the transportation of a student in a motor vehicle.

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 student*, 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.

VI. Monitoring of extended restraint

Emergency physical restraint *shall not be imposed for longer than is necessary* to protect the student or others from the substantial and imminent risk of *serious injury*.

Trained staff shall engage in *continuous direct observation* of the restrained student.

No period of restraint may *exceed 15 minutes* without the approval of the supervisory staff designated to provide such approval.

No period of restraint may *exceed 30 minutes* unless a face to face assessment of the mental, emotional, and physical well being of the student is conducted by staff trained to conduct such assessments. The assessment shall also include a determination of whether the restraint is being conducted safely and for a purpose authorized by this policy.

Such assessments shall be repeated at least *every 30 minutes* during the period of restraint. Each such assessment shall be documented in writing and such records shall be retained by the school as part of the written notification required by this policy.

VII. Transportation

The 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.

VIII. Use of seclusion

Seclusion may not be used as a form of punishment or discipline. It may only be used when a child's behavior poses a substantial and imminent risk of physical harm to the child or to others, and may only continue until the danger has dissipated.

Seclusion shall only be used by trained personnel after other approaches to the control of 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 behavior.

Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation or emotional or physical harm.

Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion.

Seclusion may not be used unless the requirements for the use of physical space for seclusion as set out in **NH RSA 126-U:5:b** are met.

IX. Reporting requirements and parental notification

Initial internal report

Any staff member who administers physical restraint or seclusion shall verbally inform the Principal or designee of the restraint or seclusion immediately after the occurrence.

Initial parental notification

Unless prohibited by court order, the Principal or designee shall make reasonable efforts to verbally notify the student's parent or guardian by the time the student is returned to the parent or guardian or by the end of the business day, whichever comes earlier.

In the event a guardian ad litem is appointed, the guardian ad litem shall also be notified within the specified time period.

Written report to Superintendent

The Principal or designee shall, *within five (5) business days* after the use of restraint or seclusion, submit a written report containing the following information to the Superintendent or designee:

1. The date, time, and duration of the use of restraint or seclusion.
2. A description of the actions of the student before, during, and after the occurrence.
3. A description of any other relevant events preceding the use of restraint or seclusion, including the justification for initiating the use of restraint or seclusion.
4. The names of the persons involved in the occurrence.
5. A description of the actions of the staff member involved before, during, and after the occurrence.
6. A description of any interventions used prior to the use of the restraint or seclusion.

7. A description of the restraint or seclusion used, including any hold used and the reason the hold was necessary.
8. A description of any injuries sustained by, and any medical care administered to, the student, employees, or others before, during, or after the use of restraint or seclusion.
9. A description of any property damage associated with the occurrence.
10. A description of actions taken to address the emotional needs of the student during and following the restraint or seclusion incident.
11. A description of future actions to be taken to control the student's problem behaviors.
12. The name and position of the person completing the notification.
13. The anticipated date of the final report.

Written report to parents

Unless prohibited by court order, the Superintendent or designee shall, *within two (2) business days* of receipt of such report, send the information contained in the report to the student's parents by first class mail or email. In the event a guardian ad litem is appointed, the guardian ad litem shall also be notified within the specified time period.

Each report prepared under this section shall be retained by the school or facility for review by the State Board of Education and the Department of Health and Human Services.

Reporting and notification regarding intentional physical contact

Whenever a school employee has intentional physical contact with a student which is in response to a student's aggression, misconduct, or disruptive behavior, the notification and reporting procedures described in Section IX shall be used.

Notification and reporting requirements shall not apply in the following circumstances:

1. When a student is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the student to walk to a safe location. However, if the student is actively combative, assaultive, or self-injurious while being escorted, the requirements do apply.
2. When actions are taken such as separating students from each other, or inducing a student to stand, or otherwise physically preparing a student to be escorted.
3. When the contact with the student is incidental or minor, such as for the purpose of gaining a misbehaving student's attention. However, blocking of a blow, forcible release from a grasp, or other significant and intentional physical contact with a disruptive or assaultive student shall be subject to this requirement.

X. School review following the use of restraint or seclusion

Upon information that restraint or seclusion has been used for the first time with a student who is receiving services under an Individualized Educational Program (IEP) or Section 504 Plan, the school shall review the IEP or Section 504 Plan and make any adjustments indicated to eliminate

or reduce the future use of restraint or seclusion. A parent or guardian of a student with a disability may request such a review at any time following an instance of restraint or seclusion and the request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

XI. Training

Each Principal or designee shall train appropriate staff in the use of physical restraint and seclusion and the requirements of this policy. At the beginning of each school year, the Principal or designee of each school shall identify staff members who are authorized to use physical restraint and seclusion and/or to assist in ensuring the proper administration of physical restraint and seclusion under this policy.

Legal References:

RSA 126T:1 RSA 126-U

Adopted October 6, 2003. Revised December 6, 2010; December 1, 2014; August 6, 2018.

*Also Policy #536.1

Corresponds to NHSBA Policy JKAA