

USE OF RESTRAINT

Definitions:

- A child is a person in actual attendance at a school who is less than 22 years of age and who has not received a high school diploma (RSA 126-U:1, I).
- Director: A program director, school principal, or other official highest in the rank and with authority over the activities of a school or facility. (RSA 126-U:1, II)
- Restraint (RSA 126-U, IV):
 "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.
 - (a) "Medication restraint" occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.
 - (b) "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.
 - (c) "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.
 - (d) 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

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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

Circumstances in which restraint may be used (RSA 126-U:5)

Restraint will be used only when the physical action of a student creates a substantial risk of harm to self or others; and/or as a last resort when all other positive interventions have failed, or the level of immediate risk prohibits exhausting other means.

Restraint is appropriate only when a student is displaying physical behavior that presents substantial risk to the student or others, and considered when, in the opinion of the supervising adult, the threat is imminent. Persons implementing a restraint will use extreme caution, and will use the reasonable amount of physical strength necessary to protect the student. The use of physical intervention should not exceed that necessary to avoid injury. The degree of physical restriction employed must be in proportion to the circumstances of the incident and the potential consequences. School administration may elect to contact the local law enforcement agency for support if necessary.

A restraint of a student will be conducted in a manner consistent with the techniques prescribed in the District approved training program. The purpose of the restraint is to assist the student to regain behavioral stability. It should last only as long as is necessary to accomplish this. To the extent possible, it will be conducted in such a way as to preserve the confidentiality and dignity of all involved.

Use of restraint in schools shall be limited to physical restraint as permitted by this chapter. Schools shall not use medication restraint and shall not use mechanical restraint except as otherwise permitted in the transportation of children pursuant to RSA 126-U:12. (RSA 126-U:6)

It is incumbent upon the Superintendent to ensure the appropriate staff is trained in a district-approved program; only such staff is authorized to use restraint. Restraint should be carried out by trained persons authorized by the Superintendent or Special Education Administrator, Principal or his/her designee. Untrained staff is limited to physically intervening by using the minimal amount of physical contact with the student to protect the student and ensure the safety of others until trained staff is available. Untrained staff should request assistance from trained staff as soon as possible.

Authorization and Monitoring of Extended Restraint

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1. Restraint shall not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious bodily harm. Students in restraint shall be continuously and directly observed by district personnel. When possible such observations shall be performed by someone trained in the safe use of restraint.
2. No period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the director to provide such approval.
3. 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 supervisory employee designated by the director who is 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 chapter. 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 facility or school as part of the written notification required in RSA 126-T:7, II.

The Following are Prohibited by Statute (RSA 126-U:4)

1. Any physical restraint or containment technique that:
 - (a) Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing.
 - (b) Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
 - (c) Obstructs the circulation of blood;
 - (d) Involves pushing on or into the child'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
 - (e) Endangers a child's life or significantly exacerbates a child's medical condition.
2. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
3. The intentional release of noxious, toxic, caustic, or otherwise unpleasant substances near a child for the purpose of controlling or modifying the behavior of or punishing a child.
4. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

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Seclusion (RSA 126-U:5-a)

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 that 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 the behavior of a particular child.

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

Conditions of Seclusion (RSA 126-U:5-b)

Seclusion may only be imposed in rooms which:

- (a) Are of a size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them.
- (b) Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which they are located.
- (c) Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located.
- (d) Are free of any object that poses a danger to the children being placed in the rooms.
- (e) Have doors that are either not equipped with locks, or are equipped with devices that automatically disengage the lock in case of an emergency.

For the purposes of this policy an "emergency" includes, but is not limited to:

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- (1) The need to provide direct and immediate medical attention to a child;
- (2) Fire;
- (3) The need to remove a child to a safe location during a building lockdown; or
- (4) Other critical situations that may require immediate removal of a child from seclusion to a safe location.

(f) Are equipped with unbreakable observation windows or equivalent devices to allow the safe, direct, and uninterrupted observation of every part of the room.

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

Mandatory Team Meeting

A student's IEP or Section 504 team must meet following the first time restraint or seclusion is used. The team(s) must review the student program and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion.

Reporting Requirements and Parental Notification (RSA 126-U:7)

In the event restraint is used on a student, the building principal, or designee will make reasonable efforts to promptly notify the child's parent or guardian. Such notification shall be made no later than the time of the return of the child to the parent or guardian or the end of the business day, whichever is earlier. Notification shall be made in a manner calculated to give the parent or 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 or designee. 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 shall, 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 the guardian ad litem, if appropriate, the information contained in the notification/report. Each notification/report prepared under this section shall be retained by the school or facility for review in accordance with rules adopted under RSA 541-A by the state board of education

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and the department of health and human services.

Transportation (RSA 126-U:12)

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;
3. Represents the least restrictive means necessary for the safety of the child.

Whenever a student is transported using mechanical restraints because case-specific circumstances dictate, the Superintendent or designee will document in writing the reasons for the use of the mechanical restraints.

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