

Use of Restraint and Seclusion

School district personnel are responsible for the safety and wellbeing of all students. In doing so, on occasion, trained personnel are authorized to restrain students when they are a danger to themselves or others.

Definitions:

Restraint means bodily physical restriction, mechanical devices, or any device that limits freedom of movement. It includes physical restraint, mechanical restraint, and medication restraint used to control behavior in an emergency. It is limited to the actions taken by persons who are school or facility staff members contractors, or otherwise under the control or direction of a school or facility. Restraint shall not include:

1. Brief touching or holding a child to calm, or comfort encourage or guide a student so long as limitations of freedom of movement of the student does not occur.
2. The temporary holding of the hand, wrist, arm shoulder, or back for the purpose of inducing a student to stand, if necessary, and then walk to a safe location, so long as the student is in an upright position and moving toward a safe location.
3. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a student in a motor vehicle.
4. 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 student to participate in activities without the risk of physical harm.
5. The use of force by a person to defend himself/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/she reasonably believes to be necessary for such purpose and the actor does not immobilize a student or restrict the freedom of movement of the torso, head, arms, or legs of any student.

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

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/her body.

Medication restraint occurs when a student is given medication involuntarily for the purpose of immediate control of the student's behavior.

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. The term shall not include the voluntary separation of a student from a stressful environment for the purpose of allowing the student to regain self-control, when such separation is to an area, which a student is able to leave. Seclusion does not include circumstances in which there is no physical barrier between the student and any other person or the student 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.

Limitations on Use of Restraint:

- Restraint will only be used to ensure the immediate physical safety of any person when there is a substantial and imminent risk of harm to the student or others.
- Restraint will only be used by trained school staff.
- Restraint will not be used as a 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.
- Restrained students shall be the subject of continuous direct observation by personnel trained in the safe use of restraint.

Limitations on the Use of Seclusion:

- Seclusion may not be used as a form of punishment or discipline.
- It 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 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 student.
- Seclusion shall not be used in a manner that unnecessarily subjects the student to the risk of ridicule, humiliation or emotional or physical harm.
- Students in restraint shall be the subject of continuous direct observation by personnel trained in the safe use of seclusion.

Conditions of Seclusion:

When permitted, seclusion may only be imposed in rooms which:

- A. The size which is appropriate for the chronological and developmental age, size and behavior of the students 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 students being placed in the rooms.
- E. Have doors which are either not equipped with locks, or are equipped with devices that automatically disengage the lock in case of an emergency. "Emergency" includes but is not limited to:
 - a. The need to provide direct and immediate medical attention to a student;
 - b. Fire;
 - c. The need to remove a student to a safe location during a building lockdown; or,
 - d. Other critical situations that may require immediate removal of a student 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.

Reporting requirements and parental notification:

In the event restraint is used on a student, the building principal will be notified as soon as possible.

The principal or his/her designee will, within 24 hours, make reasonable efforts to verbally notify the child's parent/guardian of the occurrence of restraint being used.

School personnel who use restraint, with the building principal or his/her designee shall within 5 business days of of after the occurrence, submit a written notification containing the following information to the Superintendent or his/her designee:

- a. The date, time, and duration of the use of restraint or seclusion.
- b. A description of the actions of the student before, during and after the occurrence.
- c. A description of any other relevant events preceding the use of restraint or seclusion, including the justification for initiating the use of restraint.
- d. The names of the persons involved in the occurrence.
- e. A description of the action of the school employees involved before, during and after the occurrence.
- f. A description of any interventions used prior to the use of the restraint or seclusion.
- g. A description of the restraint or seclusion used, including any hold used and the reason the hold was necessary.
- h. A description of any injuries sustained by, and any medical care administered to, the student, employee(s) or others before, during, or after the use of restraint or seclusion.
- i. A description of any property damage associated with the occurrence.
- j. A description of actions taken to address the emotional needs of the student during and following the incident.
- k. A description of future actions to be taken to control the student's problem behaviors.
- l. The name and position of the employee(s) completing the notification. The anticipated date of the final report.

The Superintendent or his/her designee shall, within 2 business days of receipt of the written report, send or transmit by first class mail or electronic transmission to the student's parent/guardian the information contained in the notification. Each report shall be retained by the school in the student's confidential file.

Following the first use of a restraint or seclusion on the student or upon request of the student, parent or guardian the individualized education program (IEP) or section 504 plan of a child with a disability shall be reviewed.

If a student suffers serious injury or death during a restraint or seclusion the Superintendent, Superintendent's designee, acting Superintendent's designee or school administrator must ~~very~~ notify the Commissioner of the New Hampshire Department of Education, the Attorney General, and the New Hampshire Disability Rights Center as soon as possible. A written report must be provided to the above entities within five business days and must include the information contained within the incident report that is required to be filled out after each incident of restraint or seclusion. The allegations may also be referred to law enforcement for investigation.

Legal References:

R.S.A. 126-U, Limiting the Use of Child Restraint Practices

Approved: 03/01/11
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RESTRAINT/SECLUSION NOTIFICATION

Student's Name: _____ Date: _____

School: _____ Grade: _____ Date of Incident: _____

Time of Incident: _____ Duration of Incident: _____

Name & Position of Individual completing the notification: _____

**This form will be completed with the assistance of the building principal or designee and submitted to the Superintendent or designee within 5 business days of the occurrence. Please be as detailed as possible, using complete sentences.

1. Describe actions of the student before, during and after the occurrence:

2. Describe any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint:

3. Names of the persons involved in the occurrence:

4. Describe the actions of the employees involved before, during and after the occurrence:

5. Describe any interventions used prior to the use of the seclusion or restraint:

6. Describe the seclusion or restraint used, including any hold used and the reason the hold was necessary:

7. Describe any injuries sustained by, and any medical care administered (during or after the use of seclusion or restraint) to
 - a. The student:
 - b. The employees:
 - c. Others:

8. Describe any property damage associated with the occurrence:

9. Describe actions taken to address the emotional needs of the student during and following the incident:

10. Describe future actions to be taken to control the student's problem behaviors: