

The Department of Education for the State of New Hampshire promotes the practices of positive behavioral interventions and prohibits the use of “aversive” behavioral interventions, which are defined in section Ed 1113.04; Ed 1114.07; and RSA 126-U, Limiting the Use of Child Restraint Practices. If restraint is used to protect a student or staff member from a threat of danger, the following definitions, outlined circumstances, and reporting procedures are supported in this policy.

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

(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.

Procedures for Managing The Behavior of Students:

The Dean is authorized to establish procedures for managing the behavior. Such procedures shall be consistent with this policy and all applicable laws. The Dean is further authorized to establish any other procedures 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.

Restraint will not be imposed for longer than is reasonably necessary to protect the student or others from the substantial and imminent risk of serious bodily harm. If restraints are necessary, the restraint will end when appropriate emergency response personnel take control of the student/incident.

Staff authorized to utilize restraint will be trained in the Nonviolent Crisis Intervention Program (CPI) and/or its equivalent as determined by the Dean of School or his/her designee. A team approach should be used, when possible, in situations that involve restraint. Untrained staff is prohibited from utilizing restraint and 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.

Circumstances in Which Seclusion May Be Used:

The Board recognizes the statutorily imposed conditions of seclusions and hereby adopts those

conditions, as defined by RSA 126-U:5-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.

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

Prohibition of Dangerous Restraint Techniques:

The Board recognizes and hereby prohibits the use of "dangerous restraint techniques" as defined in RSA 126-U:4.

Reporting Requirements and Parental Notification:

In the event restraint or seclusion is used on a student, Dean or designee will, within 24 hours, verbally notify the student's parents/guardian of the occurrence.

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

Unless prohibited by court order, the Dean or designee 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 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 aggressive misconduct or disruptive behavior, the Dean or designee will make reasonable efforts to inform the student's parent or guardian as soon as possible, but no later than the end of the school day. The Dean or 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:7, V.

Founders Policy Committee Approved: November 13, 2018

Founders Board of Trustees Approved: January 3, 2019

NHSBA:

Legal References:

RSA 126-U, Limiting the Use of Child Restraint Practices

Ed 1114.07 Behavioral Intervention

Ed 1113.04