

## **JKAA – USE OF PHYSICAL RESTRAINT**

### **Definitions (RSA 126-T:1)**

1. “Student” means a person who has not reached the age of 18 years. “Parent” means the student’s parent legal guardian, surrogate parent, or student over the age of 18.
2. “Restraint” means bodily physical restriction, mechanical devices, or any device that unreasonably limits freedom of movement. It includes mechanical restraint, physical restraint, and medication restraint used to control behavior in an emergency or any involuntary medication.

Restraint shall not include:

- a. Holding a child to calm or comfort the child, holding a child’s hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight.
  - b. Brief periods of physical restriction by person-to-person contact, without the aid of medication or mechanical restraints, accomplished with minimal force and designed either to prevent a child from completing an act that potentially would result in physical harm to himself or herself or to another person, or to remove a disruptive child who is unwilling to leave an area voluntarily.
  - c. Physical devices, such as orthopedically prescribed appliances, surgical dressings, and bandages, and supportive body bands, or other physical holding when necessary for routine physical examination 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.
  - d. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.
  - e. 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.
3. “Medication restraint” occurs when a child is given medication involuntarily for the purpose of immediate control of the child’s behavior.
  4. “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.

5. "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.

### **Procedures for Managing the Behavior of Students (RSA 126-T:2)**

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

The District authorizes staff members to use physical restraints in limited situations. The District does not authorize medication restraint and mechanical restraint except as permitted in the transportation of children per RSA 126-U:6.

It shall be used only by trained personnel using extreme caution. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child per RSA 126-U:5.

### **Training**

The District shall identify personnel to be trained and to use prevention strategies and physical restraint procedures only as a last resort. The District will notify all new personnel working in programs where the use of restraint is "anticipated" of the Policy and Procedures for the Use of Physical Restraint. Staff will receive ongoing training to maintain the requirements of the training program chosen by the District.

### **Risks of Restraint**

All physical restraints involve some risk. This may include injury, including in rare instances death, to the person being restrained and/or to staff. For this reason, it is essential that staff is trained in appropriate techniques that minimize the possibilities of risk. There is also the risk of psychological impact in using restraints. An individual's past experience with abuse or the fear involved with being restrained may cause unanticipated responses. For some students, the use of physical restraint might have the unintended consequence of acting as a positive reinforcer for their behavior. In addition, staff should be conscious of individual perceptions, experiences and cultural orientation and recognize that for some students any touching may be unwelcome and misinterpreted despite good intentions. In these situations, touching the student may evoke an extreme and intense response and make the use of restraint more dangerous for both student and staff.

### **Circumstances in Which Restraint May Be Used (RSA 126-T:2)**

Physical 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.

Physical 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 least 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 physical 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 emotional 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.

Physical restraint should be carried out by trained persons authorized by the Superintendent, Special Education Director, 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.

### **Processing the Incident**

Immediately after the student has restored emotional and behavioral control, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the restraint. This will be verified by the school nurse or other health professional. The individuals involved with the incident shall complete a written report no later than the end of the following school day. The staff member involved with the physical restraint will have the opportunity to meet with his/her supervisor after the incident. The purpose is to have staff process the incident, look at what could have been done to prevent the restraint and look at other options. The student, with assistance from staff, will process the event at the earliest appropriate time.

### **Written Plan for Physical Restraint**

If the District anticipates that the use of physical restraint will be necessary for a student, a written plan for that student shall be developed. When the use of physical restraint is included in a student's written plan, the District will provide the parent/guardian with a copy of the Policy and Procedures for the Use of Physical Restraint. The parent/guardian will also be asked to share relevant information with school personnel. This information should include, but not be limited to, medical, health and/or psychological considerations, past experiences, patterns of behavior that may signal an imminent situation and/or de-escalation techniques that have proven to be successful. Whenever staff becomes aware of a medical condition, it is their responsibility to work with the parent/guardian to identify viable modifications/alternatives. To the extent possible, the District will collaborate with the parent to identify appropriate and effective techniques for supporting student behavior. Ultimately, it is the responsibility of the District to

provide for the safety of all students. The general welfare and safety of both the student and others must be considered at all times. In dangerous situations where the student can cause serious, probable and imminent bodily harm to himself/herself or others, restraint may be used.

### **Authorization and Monitoring of Extended Restraint (RSA 126-T:11)**

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.
2. Students in restraint shall be continuously and directly observed by school administration or school staff authorized by the Superintendent or designee and trained in the safe use of restraint.
3. No period of restraint of a student may exceed 15 minutes without the approval of a supervisory employee designated by the Superintendent or designee to provide such approval.
4. 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 Superintendent or designee 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 RSA 126:T. 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 in RSA 126-T:7.

### **Transportation (RSA 126-T:12)**

The District will not use mechanical restraints during the transportation of students 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 in 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. This documentation will be treated as a notification of restraint under RSA 126-U:7.

### **Prohibition of Dangerous Restraint Techniques (RSA 126-U:4)**

Use of the following restraint and behavior control techniques is prohibited:

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, excluding 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 the child.
4. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

### **Reporting Requirements and Parental Notification (RSA 126-T:7 & 8)**

1. The School Principal will be notified as soon as possible.
2. All restraints must be documented. An incident of restraint report form will be completed no later than the end of the following school day and given to the School Principal or designee. Each staff member involved in an incident will engage in a processing session(s).
3. Unless prohibited by court order, the School Principal or designee will make reasonable efforts to verbally notify the parent as soon as possible, but no later than the end of the school day that a restraint was used. The School Principal or designee will update the parent on the student's current emotional state and discuss strategies to assist the parent in dealing with any residual effects of the incident. (Notation – law requires within 24 hours)
4. Unless prohibited by court order, the written incident of restraint report will be given to the parent no later than the following school day after submission to the School Principal or designee after the use of restraint. The report may be given in person, sent by first class mail, or delivered by electronic transmission. (Notation – law requires within 2 business days)
5. A copy of the incident of restraint report will be placed in the student's confidential file.

6. A copy of the incident of restraint report will be submitted to the Superintendent within 5 business days after the restraint occurrence. The Superintendent may develop a reporting form or other documents necessary to satisfy these reporting requirements.

### **Reporting Requirements to State Agencies (RSA 126-U:10)**

The Superintendent or designee will complete the reporting requirements for the annual report use of restraints in schools as required by the NH Department of Education.

In cases involving serious injury or death to a child subject to restraint in school, the Superintendent or designee will, in addition to the provisions of RSA 126-U:7, notify the Commissioner of the Department of Education, the Attorney General, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the written notification required in RSA 126-U:7.

### **Policy, Procedures, and Annual Review Process (RSA 126-U:2)**

The District shall have a written policy and procedures for managing the behavior of children. Such policy shall describe how and under what circumstances restraint is used and shall be provided to the parent, guardian, or legal representative of each child at school.

The District shall review and update the Policy and Procedures for the Use of Physical Restraint based on governmental requirements and licensing standards.

### Statutory/Regulatory/Policy/Handbook Cross References

RSA 126-U (Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities)  
NH Special Education Rules ED 1114.09 (Use of Aversive Behavioral Interventions)  
Handbook (Referenced in Handbooks)

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