

## JKAA - USE OF RESTRAINTS AND SECLUSION

### Definitions:

(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 a child 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.

**JKAA Procedures for Managing The Behavior of Students:**

The Superintendent is authorized to establish procedures for managing the behavior. 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.

**Circumstances in Which Restrain 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 only be used by trained school staff. Restraint will not be as 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.

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. No period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by a trained and authorized employee.

**Circumstances in Which Seclusion May Be Used:**

The School Board recognizes the statutorily imposed conditions of seclusion 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 be used only by trained school staff.

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

**Prohibition of Dangerous Restraint Techniques**

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

**Civil or Criminal Liability – School Officials:**

Nothing in the District's Policy or Procedures on the use of child restraint should be understood in any way to undercut the protection from civil and criminal liability provided school officials for the use of force against a minor, consistent with state law found at RSA 627:1, 4 and 6.

**Reporting Requirements and Parental Notification:**

In the event restraint or seclusion is used on a student, the Principal will notify the student's parents/guardian/guardian ad litem of the occurrence, as soon as practical and in no event 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.

The Principal will, within 5 business days after the occurrence, submit a written notification/report to the Superintendent. 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 two (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 or facility for review in accordance with rules adopted under RSA 541-A by the state board of education and the department of health and human services.

If a school employee has intentional physical contact with a student in response to a student's aggressive misconduct or disruptive behavior, the building principal 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 Principal 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.

#### **Transportation:**

The school 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.

#### **Legal References:**

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

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New Policy, First Reading, Mason: August 14, 2017