

USE OF RESTRAINTS AND SECLUSION

- A. **Policy Statement.** This policy is designed to help ensure the safety and dignity of all students by limiting and regulating the use of restraint and seclusion only as crisis or emergency responses. Restraint and seclusion of students is prohibited in the District except as described below.
- B. **Definitions.** For the purposes of this policy:
1. "**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. "**Prone restraint**" is a prohibited physical restraint technique which occurs when a child is intentionally placed face-down on the floor or another surface, and the child's physical movement is limited to keep the child in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.
 - e. **Exceptions to Definition of Restraint.** The term "restraint" DOES NOT, however, include:
 - i. 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.
 - ii. The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose

2. **“Dangerous Restraint Technique”** are prohibited forms of restraint and/or behavior techniques that include:

- a. Prone restraint, or any other physical restraint or containment technique that:
 - i. Obstructs a child's respiratory airway or impairs the child's breathing or respiratory capacity or restricts the movement required for normal breathing;
 - ii. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
 - iii. Obstructs the circulation of blood;
 - iv. 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
 - v. Endangers a child's life or significantly exacerbates a child's medical condition.
- b. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
- c. 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.
- d. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.
- e. Other forms of physical and medical restraint shall be administered in such a way so as to prevent or minimize physical harm. During the administration of restraint, the physical status of the child, including skin temperature, color, and respiration, shall be continuously monitored. The child shall be released from restraint immediately if they demonstrate signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discolora0.9 (s)-2M ; unc(si)-2w be a-3.9 (e)9.2 (dC v1 (a)

history background checks under Board policy GBCD receive *general training* in the requirements and prohibitions of this policy, as well as basic de-escalation procedures. *Personnel who have only received such general training are not authorized to use restraint or seclusion upon any student.*

- D. **Procedures for Managing the Behavior of Students.** General procedures for managing student behavior r (i312cesi)-4 (tsa.8-22 (i)2.7 (o12.8 t(dur62 (v)12-1.72(i)6(f)94 (op)24 (ol.72((h (f)94 (oen).8 t(dur62

form provided by the New Hampshire Departments of Education and Health and Human Services (the “DOE/DHHS form”) to the Superintendent. In the absence of the availability of the DOE/DHHS form, the submission shall nonetheless be in writing and include all of the information required under RSA 126-U:7, II. The DOE/DHHS form or other writing used will be referred to as the Written Notification.

If the use of restraint on a child exceeded 30 minutes, the Written Notification shall also include information pertaining to the assessments described in Section E.1.b, above.

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1. **Complaint Contents.** The written complaint or complaint summary should include:
 - a. The complainant's name, unless the complaint refuses;
 - b. The date or approximate date of the alleged incident;
 - c. The location of the alleged incident;
 - d. The name of the child or children subject to the alleged restraint or seclusion, if known;
 - e. The name of the school personnel alleged to have restrained or secluded the child, if known;
 - f. A description of the alleged restraint or seclusion; and
 - g. The date of complaint.
2. **Investigation and Resolution of Complaint.** The complaint or grievance will be investigated by the Superintendent, or another person designated by the Superintendent. The Complainant should be contacted no later than 5 business days (excluding school year vacations) following the date of the complaint.

In most cases, investigation of the complaint should be completed within 20 days following receipt of the complaint. If the Superintendent is not personally conducting the investigation, however, the extension o

and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion.

If there have been multiple instances of restraint or seclusion of a child with a disability since the last IEP/504 plan review, an additional review shall occur at the request of the parent or guardian of the child.

- K. **Prohibition Against Retaliation or Harassment.** No person shall subject any individual to harassment or retaliation for filing, in good faith, a report under this policy, RSA 126-U, or Department of Education Rules Ed 1200. **Dissemination of Policy.** Copies of the policy need to be made available to parents/guardians after the first restraint/seclusion as part of procedural safeguards.

- L. **Dissemination of Policy.** A copy of this policy shall be provided to the parent, guardian, or legal representative of each full or part-time student upon enrollment, and annually thereafter included in each student handbook. Additionally, the policy will be included on each school’s website and/or the online School Board Policy Manual available to the general public.

Legal Reference:

RSA 126-U, Limiting the Use of Child Restraint Practices
RSA 169-C:29-39, Reporting Law
RSA 186-C, Special Education
NH Code of Admin. Rules Chapter 1200, Restraint and Seclusion for Children
Section 504, 29 USC 701, et. seq., Section 504 of The Rehabilitation Act of 1973

Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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 08/30/2021 (Replaces POPPS JKA)
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