

AMHERST Policy

JKAA – USE OF PHYSICAL RESTRAINT

I. INTRODUCTION

The School District sets forth this policy for managing the behavior of students. This policy shall describe how and under what circumstances restraint is used and shall be provided to the parent, guardian, or legal representative of each student as mandated by NH RSA 126-T. In accordance with RSA 126-T-6, the school district is limited to physical restraint. Schools shall not use medication restraint and shall not use mechanical restraint except as otherwise permitted in the transportation of student's pursuant to RSA 126-T:12.

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. Physical restraint of a student is a temporary measure to be used only when necessary to facilitate the safety welfare and security for all. Restraint will be utilized until the situation is stable and or the tension is reduced. 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 Administrator, 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.

II. DEFINITIONS

1. **Physical restraint** occurs when a manual method is used to restrict a student's freedom of movement or normal access to his or her body. Physical restraint is a temporary measure to be used only when necessary to facilitate care, welfare, safety, and security for all.
2. **Prevention Strategies** are positive and constructive methods to deescalate potentially dangerous situations.
3. **Substantial risk** is the serious, imminent threat of bodily harm where there is the ability to enact such harm. Substantial risk shall exist only if all other less restrictive alternatives to diffuse the situation have been exhausted and have failed, or the level of risk prohibits exhausting other means.
4. **Restraint** means bodily physical restriction, mechanical devices, or any device that unreasonably limits freedom of movement. For the purposes of this policy restraint includes mechanical restraint for transportation purposes only and physical restraint to control behavior in an emergency.
5. **Trained Staff** are those individuals who successfully complete and stay current in a training program that results in acquisition of skills in preventing restraints, evaluating risk of harm in an individual situation, use of approved techniques and monitoring the effect of the restraint.
6. **Parent** shall mean the student's parent, legal guardian, surrogate parent, or the student if he/she is over the age of 18.

III. EVENTS NOT CONSIDERED RESTRAINTS

1. Holding a student to calm or comfort the student, holding a student's hand or arm to escort the student safely from one area to another, or intervening in an ongoing assault or fight.
2. 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 student from completing an act that potentially would result in physical harm to himself or herself or to another person, or to remove a disruptive student who is unwilling to leave an area voluntarily.
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 student 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 student in a motor vehicle.

5. The use of force by a person to defend himself or herself or a third person from what they reasonably believe to be the imminent use of unlawful force by a student, when he or she uses a degree of force which he or she reasonably believes to be necessary for such purpose.

IV. TRAINING

1. The District shall identify personnel to be trained in the use of prevention strategies and physical restraint procedures. Efforts will be made to apply physical restraint only as a last resort.

2. 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.

4. Staff will receive ongoing training to maintain the requirements of the training program chosen by the District.

5. Staff will follow the guidelines relative to the prohibition of dangerous restraint techniques and the authorization and monitoring of extended restraints in accordance with RSA 126-T:11

V. TRANSPORTATION

1. The District shall not use mechanical restraints during the transportation of students unless case-specific circumstances dictate that such methods are necessary.

2. Whenever a student is transported to a location outside a school or facility, the director shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the student in a manner which:

(a) Prevents physical and psychological trauma;

(b) Respects the privacy of the student; and

(c) Represents the least restrictive means necessary for the safety of the student.

VI. INFORMED DECISION MAKING

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.

VII. DOCUMENTATION AND REPORTING REQUIREMENTS

1) All restraints must be documented.

2) Appropriate personnel will use the following protocol after each incident:

a. In the event restraint is used on a student, the building principal or designee will, preferably within that school day, but no later than 24 hours, make reasonable efforts to verbally notify the student's parents/guardian of the occurrence. The physical restraint incident report will be made available upon the request of the parent/guardian.

b. The building principal or designee will, within 5 business days after the occurrence, submit a written notification/report to the Superintendent or his or her designee. The notification shall contain all the requirements and information as mandated by RSA 126-T:7,II.

c. Unless prohibited by court order, the Superintendent or designee shall, within 2 business days of receipt of the notification, send by first class mail or electronic mail to the student's parent or guardian, the information contained in the notification.

d. Each notification shall be retained by the school for review in accordance with the rules adopted under RSA 541-A.

VIII. ANNUAL REVIEW PROCESS

Adopted – January 6, 2011

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

Legal References:

RSA 126-T