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**LINCOLN-WOODSTOCK COOPERATIVE SCHOOL DISTRICT**

**POLICY AND PROCEDURES ON USE OF CHILD RESTRAINT AND SECLUSION**

The Lincoln-Woodstock Cooperative School District establishes this Policy and Procedures to describe how and in what circumstances restraint and seclusion is used in this District. This Policy and Procedures are adopted for the purposes of meeting the District’s obligations under state law and shall be interpreted in a manner consistent with state law and regulations.

**Definitions:**

**“Child”** includes a person in actual attendance at a District school who is less than 22 years of age and who has not received a high school diploma.

**“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 employees, contractors, or otherwise under the control or direction of the District.

**“Medication Restraint”** occurs when a child is given medication involuntarily for the purpose of immediate control of the child's behavior.

**“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/her body.

**“Physical Restraint”** occurs when a manual method is used to restrict a child’s freedom of movement or normal access to his/her body.

**“Restraint”** shall not include the following:

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 a child.

**“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.

**Prohibition of Dangerous Restraint Techniques**

No school employee, contractor or person otherwise under the direction of the District shall use or threaten to use any of the following restraint and behavior control techniques:

1. Any physical restraint or containment technique that:
2. Obstructs a child’s respiratory airway or impairs the child’s breathing or respiratory capacity or restricts the movement required for normal breathing;
3. Places pressure or weight on, or causes the compression of, the chest, lungs, sternum, diaphragm, back, or abdomen of a child;
4. Obstructs the circulation of blood;
5. 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
6. Endangers a child’s life or significantly exacerbates a child’s medical condition.
7. The intentional infliction of pain, including the use of pain inducement to obtain compliance.
8. 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.
9. Any technique that unnecessarily subjects the child to ridicule, humiliation, or emotional trauma.

**Limitation of the Use of Restraint to Emergencies Only**

1. Restraint shall only be used in a school to ensure the immediate physical safety of persons when there is a substantial and imminent risk of serious bodily harm to the child or others. The determination of whether the use of restraint is justified under this Section may be made with consideration of all relevant circumstances, including whether continued acts of violence by a child to inflict damage to property will create a substantial risk of serious bodily harm to the child or others. Restraint shall be used only by trained personnel using extreme caution when all other interventions have failed or have been deemed inappropriate.
2. Restraint shall never be used explicitly or implicitly as punishment for the behavior of a child.

**Limitation on the Use of Seclusion**

1. Seclusion may not be used as a form of punishment or discipline. It may only be used when a child’s behavior poses a substantial and imminent risk of physical harm to the child or to others, and may only continue until that danger has dissipated.
2. Seclusion shall only be used by trained personnel after all other approaches to the control of behavior have been attempted and been unsuccessful, or are reasonably concluded to be unlikely to succeed based upon the history of actual attempts to control the behavior of a particular child.
3. Seclusion shall not be used in a manner that unnecessarily subjects the child to the risk of ridicule, humiliation, or emotional or physical harm.

**Conditions of Seclusion**

1. When permitted, seclusion may only be imposed in rooms which:
2. Are the size which is appropriate for the chronological and developmental age, size, and behavior of the children placed in them;
3. Have a ceiling height that is comparable to the ceiling height in the other rooms in the building in which they are located;
4. Are equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which they are located;
5. Are free of any object that poses a danger to the children being placed in the room(s);
6. Have doors which are either not equipped with locks, or equipped with devices that automatically disengage the lock in case of an emergency. For the purposes of this subparagraph, an “emergency” includes, but is not limited to:
   * 1. The need to provide direct and immediate medical attention to a child;
     2. Fire;
     3. The need to remove a child to a safe location during a building lockdown; or
     4. Other critical circumstances that may require immediate removal of a child from seclusion to a safe location.
7. Are equipped with unbreakable observation windows or equivalent devices to allow the safe, direct, and uninterrupted observation of every part of the room.
8. Each use of seclusion shall be directly and continuously visually and auditorially monitored by a person trained in the safe use of seclusion.

**Notices and Record-Keeping Requirements When Restraint or Seclusion Occur**

1. Unless permitted by court order, the Principal shall make reasonable efforts to verbally notify the child’s parents or guardian and guardian ad litem whenever seclusion or restraint has been used on the child. Such notification shall be made as soon as practicable 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. Notification shall be made in a manner calculated to give the parent/guardian actual notice of the incident at the earliest practicable time. At the same time, the Principal shall notify the Superintendent.
2. A school employee who uses seclusion or restraint, or if the school employee is unavailable, the Principal or designee shall, within five (5) business days after the occurrence, submit a written notification containing the following information to the Principal:
   1. The date, time, and duration of the use of seclusion or restraint.
   2. A description of the activities of the child before, during, and after the occurrence.
   3. A description of any other relevant events preceding the use of seclusion or restraint, including the justification for initiating the use of restraint or seclusion.
   4. The names of the persons involved in the occurrence.
   5. A description of the actions of the school employees involved before, during, and after the occurrence.
   6. A description of any interventions used prior to the use of seclusion or restraint.
   7. A description of the seclusion or restraint used, including any hold used and the reason why the hold was necessary.
   8. A description of injuries sustained by, and any medical care administered to, the child, employees, or others (before, during, or after) the use of seclusion or restraint.
   9. A description of any property damage associated with the occurrence.
   10. A description of actions taken to address the emotional needs of the child during and following the incident.
   11. A description of future actions to be taken to control the child’s problem behaviors.
   12. The name and position of the employee completing the notification.
   13. The anticipated date of the final report.
3. Unless prohibited by court order, the Principal shall, within two (2) business days of the receipt of the notification required in Paragraph 2 of this Section, send or transmit by first class mail or electronic transmission to the child’s parent/guardian and the guardian ad litem the information contained in the notification. Within the same time frame, the Principal shall also forward the report to the Superintendent for retention that office.
4. Each written report referenced in this Section shall be retained by the Principal and Superintendent for review consistent with any rules adopted by the State Board of Education for that purpose.

**Physical Contact with a Child in Response to a Child’s Aggression,**

**Misconduct, or Disruptive Behavior**

1. Whenever a school employee has intentional physical contact with a child which is in response to a child’s aggression, misconduct, or disruptive behavior, the Principal shall make reasonable efforts to promptly notify the child’s parent or guardian. Such notification shall be made no 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. Notification shall be made in a manner calculated to give the parent or guardian actual notice of the incident at the earliest practicable time. At the same time, the Principal shall notify the Superintendent.
2. In any case requiring notification under Paragraph 1, the Principal shall within five (5) business days of the occurrence, prepare a written description of the incident. Within the same time frame, the Principal shall also forward the report to the Superintendent. Such description shall include at least the following information:
   1. The date and time of the incident.
   2. A brief description of the actions of the child before, during, and after the occurrence.
   3. The names of the persons involved in the occurrence.
   4. A brief description of the actions of the school employees involved before, during, and after the occurrence.
   5. A description of any injuries sustained by, and any medical care administered to the child, employees, or others before, during or after the incident.
3. The notification and record-keeping requirements of Paragraphs 1 and 2 of this Section shall not apply in the following circumstances:
4. When a child is escorted from an area by way of holding of the hand, wrist, arm, shoulder, or back to induce the child to walk to a safe location. However, if the child is actively combative, assaultive, or self-injurious while being escorted, the requirements of Paragraphs 1 and 2 of this Section shall apply.
5. When actions are taken such as separating children from each other inducing a child to stand, or otherwise physically preparing a child to be escorted.
6. When the contact with the child is incidental or minor, such as for the purpose of gaining a misbehaving child’s attention. However, blocking a blow, forcible release from as grasp, or other significant and intentional physical contact with a disruptive or assaultive child shall be subject to the requirements of Paragraphs 1 and 2 of this Section.
7. When an incident is subject to the requirements under Notice and Record-Keeping Requirements When Restraint on Seclusion Occur.

**Injury or Death during Incidents of Restraint or Seclusion**

In cases involving serious injury or death to a child subject to restraint or seclusion in a school, the Principal and/or Superintendent shall, in addition to the provisions of RSA 126-U:7, notify the Commissioner of the Department of Education, the Attorney General, 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, II.

**Authorization and Monitoring of Extended Restraint**

1. When restraint may be used on a child, school employees, contractors, or others under the control or direction of the District must comply with the following:
2. Restraint shall not be imposed for longer than necessary to protect the child or others from the substantial and imminent risk of serious bodily harm.
3. Children in restraint shall be the subject of continuous direct observation by personnel trained in the safe use of restraint.
4. No period of restraint of a child may exceed 15 minutes without the approval of the Principal or a supervisory employee designated by the Principal to provide such approval.
5. No period of restraint of a child may exceed 30 minutes unless a face-to-face assessment of the mental, emotional, and physical well being of the child is conducted by the Principal or by a supervisory employee designated by the Principal 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 this chapter. Such assessments shall be repeated at least every 30 minutes during the period of the 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-U:7, II.

**Restriction of the Use of Mechanical Restraint During the Transport of Children**

1. Mechanical restraints shall not be used during the transportation of children unless case-specific circumstances dictate that such methods are necessary.
2. Whenever a child is transported to a location outside a school facility, the Principal shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort the child 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.
3. Whenever a child is transported using mechanical restraints, the Principal shall document in writing the reason for the use of mechanical restraints. Such documentation shall be treated as a notification of restraint under RSA 126-U:7.

**School Review of Restraint and Seclusion Incidents**

Upon information that restraint or seclusion has been used for the first time upon a child with a disability as defined in RSA 186-C:2, I or a child who is receiving services under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 701, and its implementing regulations, the school shall review the individual educational program and/or Section 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion. A parent or guardian of a child with a disability may request such a review at any time following an instance of restraint or seclusion and such request shall be granted if there have been multiple instances of restraint or seclusion since the last review.

**Policy and Procedures Dissemination and Training**

The Principal shall distribute to employees on an annual basis a copy of the School Board’s Policy and Procedures on Use of Child Restraint and Seclusion. The Superintendent or his/her designee shall make arrangements so that appropriate staff are trained in the use of physical restraints and seclusion. A copy of this Policy and Procedures will be provided to parents and/or guardians annually in the Student Handbook.

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