

Thornton School Board
USE OF RESTRAINTS POLICY

Definitions: (RSA 126-U:1, IV)

1. “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 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.

(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.

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.

Circumstances in Which Restrain May Be Used: (RSA 126-U:2)

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.

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 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.

Restraint should be carried out by trained persons authorized by the Superintendent, Director of Special Education, Principal, or designees. 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.

Authorization and Monitoring of Extended Restraint: (RSA 126-U: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 district personnel 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 administrator or the school administrator.
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 School Administrator 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 restraint. Each such assessment shall be documented in writing and such records shall be retained by the facility or school as part of the written notification required in RSA 126-U:7, II.

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, including 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-U:7)

In the event restraint is used on a student, the building principal will, within 24 hours, verbally notify the student's parents/guardian of the occurrence.

The building 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 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.

Transportation: (RSA 126-U:12)

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.

Injury or Death During Incidents of Restraint. (RSA 126-U:10)

I. In cases involving serious injury or death to a child subject to restraint in a facility, the facility shall, in addition to the provisions of [RSA 126-U:7](#), notify the commissioner of the department of health and human services, the attorney general, and the state's federally-designated protection and advocacy agency for individuals with disabilities. Such notice shall include the notification required in [RSA 126-U:7](#), II.

II. In cases involving serious injury or death to a child subject to restraint in a school, the school shall, 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](#), II.

1st Reading: October 25, 2010

2nd Reading and Approval: November 22, 2010

SAU #48
Physical Restraint Incident Report

A. Identifying Information:

1. Name of School: _____
Name of Student: _____ Date of Restraint: _____
Age: _____ Grade level: _____ Gender M / F
Date of this report: _____ Time of restraint: _____
Location of restraint: _____
Duration of the use of restraint: _____

2. Staff administering restraint:

Name: _____ Title: _____
Trained to administer restraints: Yes No
Name of training provider/vendor /instructor: _____

3. Staff monitoring restraint:

Name: _____ Title: _____
Trained to monitor restraints: Yes No

4. Name and title of the employee completing the notification:

Name: _____ Title: _____
Name of training providers/vendor/instructor: _____

5. Other observers (if any)

Name: _____ Title: _____
Name: _____ Title: _____

6. Administrator who was verbally informed following the restraint:

Name: _____ Title: _____
Reported by: _____ Title: _____
Date and Time Notified: _____

7. Parent who was informed of this restraint:

Name: _____
Telephone: _____
Called by: _____
Title: _____
Date and Time Called: _____

B. Specific Event Information

1. Description of the actions of the child before, during and after the occurrence:

2. Description of any other relevant events proceeding the use of restraint, including the justification for initiating the use of restraint:

3. Description of the actions of the facility or school employees involved before, during and after the occurrence.

4. Description of any interventions used prior to the use of the restraint.

5. Description of the restraint used, including any hold used and the reason the hold was necessary.

6. Description of any injuries sustained by, and any medical care administered to the child, employees or others before, during or after the use of restraint.

7. Description of any property damage associated with the occurrence.

8. Description of actions taken to address the emotional needs of the child during and following the restraint incident.

9. Further action to be taken (Attach separate page if necessary). The school will take the following action: (check as many as apply)

Review incident with student to address behavior that precipitated the restraint

Review incident with staff to discuss whether proper restraint procedure was followed

Consider whether follow-up is necessary for students who witnessed the incident

Contact with parents, responsible school district, other state agency (Describe below)

Meet to discuss possible changes/future activities to student's programming to control the child's behaviors (Describe)

Contact with other professionals or agencies (describe)

10. Justification of Physical Restraint:

Justification for initiating physical restraint (Check all that apply)

- Non-physical interventions were not effective
- To protect student from imminent, serious, physical harm
- To protect other student/staff from imminent, serious physical harm
- To implement necessary restraint in accordance with the student's IEP or other written plan (describe pertinent provisions of IEP or other plan):

11. Parent/Guardian Notification (required for all restraints):

Parent verbally informed of physical restraint as documented on page 2 of this report.

This written report of restraints sent to parent/guardian on _____ (date) at the following address: _____

Parent/guardian was offered opportunity to discuss the administration of physical restraint with teacher/administrator. Results of discussion (Attach separate page if necessary)

12. This report was filed with the following school district official:

Name: _____ Date: _____

Date: _____

Signature of person preparing report

cc. Building Principal _____

Date Received by Building Principal

Superintendent of Schools _____

Date Received by Superintendent

In accordance with SB396. Chapter 126U:10: For case involving serious injury or death to a child subject to restraint in a school, copies to:

Commissioner of the Department of Education

State Attorney General

Disabilities Rights Center