

DOVER SCHOOL DISTRICT	POLICY CODE: JKAA
DATE OF ADOPTION: MARCH 9, 2015	

PHYSICAL RESTRAINT POLICY

In accordance with RSA 126-U the Dover School District shall follow this policy for the use of physical restraint.

The Dover School District hereby authorizes school staff members or those under the control or direction of a school (e.g., contractors) to use physical restraint 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, and then only when other interventions have failed or have been deemed inappropriate, and in a manner consistent with state law and regulations.

The Superintendent of Schools shall develop procedures for the use of child restraint and seclusion.

Physical restraint or seclusion shall only be used: by trained personnel and only after other approaches to the control of behavior have been attempted and been unsuccessful or are reasonably believed to be unlikely to succeed based on the student's past history, and in compliance with the requirements of Ed 1113.06 Use of Aversive Behavioral Interventions of the New Hampshire Rules for the Education of Children with Disabilities. School staff shall not use restraint or seclusion except when a child's behavior poses a substantial and imminent risk of physical harm.

The following scenarios are NOT considered a restraint for the purposes of this document:

1. A brief holding or touching to calm, comfort, encourage, or guide a child, so long as there is no limitation on the child's freedom of movement, or intervening in an ongoing assault or fight;
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 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, 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 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.

Persons implementing a restraint will use extreme caution and 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.

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Seclusion shall not include:

1. 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.
2. 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.

In the event of a physical restraint, seclusion, or intentional physical contact with students who are actively combative, assaultive, or self-injurious, school officials shall comply with all state-mandated notification and record keeping requirements.

School staff shall not use or threaten to use physical restraint or seclusion as a punishment or consequence except to ensure the immediate physical safety of person when there is a substantial and imminent risk of serious bodily harm to the child or others, or except as permitted for transporting students.

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.

All employees shall follow the procedures as outlined in the document titled: “Procedures for Use of Restraint in the Dover School District”.

Definitions

For purpose of this policy and any accompanying procedures, the following definitions apply:

1. Physical restraint occurs when manual method is used to restrict a child’s freedom of movement or normal access to his/her body against his/her will.
2. Mechanical Restraint occurs when a physical device or devices are used to restrict the movement of a child and/or the movement or normal function of a portion of his/her body. Prohibited as per RSA 126-U:6.
3. Medication Restraint occurs when a child is given medication involuntarily for the purpose of immediate control of the child’s behavior. Prohibited as per RSA 126-U: 6.
4. Serious bodily injury is harm to the body that would require hospitalization or would result in the fracture of any bone, non-superficial lacerations, injury to any internal organ, second- or third-degree burns, or any severe, permanent, or protracted loss of or impairment to the health or function of any part of the body.
5. Intentional physical contact is in response to a child’s aggressive, combative, assaultive, or injurious behavior but does not meet the threshold of a restraint (e.g., blocking of a blow or forcible release from a grasp).

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6. Dangerous Restraint Technique is any 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 wash clothes, or
 - (1) Endangers a child's life or significantly exacerbates a child's medical condition.
 - (2) 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 the child for the purpose of controlling or modifying the behavior of or punishing the child.
 - (4) Any technique that subjects the child to ridicule, humiliation, or emotional trauma.

7. Trained Staff are those individuals who successfully complete and stay current in a training program that results in acquisition of skills in verbal de-escalation, preventing restraints, evaluating risk of harm in an individual situation, use of approved techniques and monitoring the effect of the restraint.

8. District/facility shall mean the Dover School District.

9. Parent shall mean the student's parent, legal guardian, surrogate parent or student over the age of 18.

10. 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, lock, or other mechanical device or barrier.

Legal Reference: RSA 126-U:1 to 13 (2014).

Cross Reference: JKAA-R – Procedures on Use of Child Restraint and Seclusion