

CHILD RESTRAINT AND SECLUSION

The Nashua School District hereby authorizes school officials, when other interventions have failed or have been deemed inappropriate, to use 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.

For purpose of this policy and any accompanying procedures, the term “restraint” means bodily physical restriction, mechanical devices, or devices that immobilize a person or restricts the freedom of movement of the torso, head, arms, or legs. It includes mechanical restraints, physical restraints, and medication restraint used to control behavior in an emergency or any involuntary medication.

Restraint will not be used as punishment for behavior of a student.

Restraint will not be imposed for longer than is necessary to protect the student or others from the substantial and imminent risk of serious harm.

No period of restraint of a student may exceed 15 minutes without the approval of the Principal or a supervisory employee designated by the principal to provide such approval. No period of restraint of a student may exceed 30 minutes unless an assessment of the mental, emotional, and physical well-being of the student is conducted by the Principal or supervisory employee designated by the Principal who is trained to conduct such assessments Circumstances in which restraint may be used:

Restraint will only be used to ensure the immediate physical safety of any person which there is a substantial and imminent risk of serious bodily harm to the student or others.

Restraint shall not include the following:

- (1) A brief touching or holding to calm, comfort, encourage, or guide a child, so long as there is no limitation on the child’s freedom of movement.
- (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 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 transportation of a child in a motor vehicle.
- (5) The use of restraint techniques 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.

For purpose of this policy and any accompanying procedures, the term “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 lock or other mechanical device or barrier.

Seclusion will be used only by trained school staff.

Seclusion will not be used as a form of punishment for the behavior of a student.

Circumstances in which seclusion may be used:

The School Board recognizes the statutorily imposed conditions of seclusions and hereby adopts those conditions, as defined by RSA 126-U:5-b.

Seclusion may only be used when a student's behavior poses a substantial and imminent risk of physical harm to the student or others.

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 a child is able to leave which is supervised by an adult.
- (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.

School officials shall not use or threaten to use any dangerous restraint techniques or containment, any inappropriate aversive behavioral interventions, any medication restraints, or any mechanical restraints except as permitted for transporting students.

Physical restraint or seclusion except in situations when the child or others may be in danger or injured shall be used by trained personnel and 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.

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.

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

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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