

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

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 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.

School staff shall not use physical restraint 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.

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 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 staff shall not use seclusion except when a child’s behavior poses a substantial and imminent risk of physical harm to himself/herself or others.

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).

Board Approved: 11/30/15

[Replaces POPPS JKA]