

**Policy**

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PHYSICAL RESTRAINT

Introduction

It is the policy of the Bordentown Regional School District to promote a safe and productive workplace and educational environment for its employees and students, and to ensure that every student in the district is free from the unreasonable use of physical restraint, and that physical restraint shall only be used with extreme caution in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate. School personnel shall only administer a physical restraint when it is needed to protect a student and/or a member of the school community from imminent physical harm. When a physical restraint needs to be administered, school personnel shall seek to prevent or minimize any harm to the student as a result of the use of the physical restraint. This policy shall not be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, this policy shall not be construed to preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent physical harm.

The superintendent, in consultation with the director of special services, shall develop written procedures and guidelines related to this policy in accordance with the *Fifteen Principles* established by the United States Department of Education, as per the following:

- A. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion;
- B. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional);
- C. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated;
- D. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities;
- E. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse;
- F. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience;
- G. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child;
- H. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them;
- I. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior;

PHYSICAL RESTRAINT (continued)

- J. Teachers and other personnel should be trained regularly on the appropriate use of effective alternative to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion;
- K. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel;
- L. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as, applicable Federal, State or local laws;
- M. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child;
- N. This policy will be reviewed regularly and updated as appropriate;
- O. Each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principals;

Definitions

- A. "Physical restraint" is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.
- B. "Physical escort" means a temporary touching or holding of the hand, wrist, arm shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
- C. "Extended restraint" shall mean a physical restraint, the duration of which is more than twenty (20) minutes. Extended restraints increase the risk of injury and, therefore, require additional written documentation.
- D. "Mechanical restraint" is the use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical (or related services) professional and are used for the specific and approved purpose for which such devices were designed, such as:
  1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  3. Restraints for medical immobilization; or
  4. Orthopedically prescribed devices that permit a student to participate in activities without risk or harm.
- E. "Seclusion restraint" is the voluntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming. The use of a seclusion restraint is expressly prohibited.

Determining When to Use a Physical Restraint

If all other less intrusive alternatives have failed or been deemed inappropriate to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student, a physical restraint may be used. In other words, a physical restraint can only be used when nonphysical interventions would not be effective and the student's behavior poses a

PHYSICAL RESTRAINT (continued)

threat of imminent physical harm to himself/herself or others. Any physical restraint shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent physical harm.

Prohibitions on Use of a Physical Restraint

The use of a physical restraint as a means of punishment or as a response to the destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, physical harm is expressly prohibited.

Proper Administration of a Physical Restraint

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received either the in-depth training detailed below, or who have received the required basic training detailed below. Whenever possible, the administration of the physical restraint shall be witnessed by at least one adult who does not participate in the physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary to protect the student or others from physical injury.

Additionally, school personnel administering a physical restraint shall use the safest method available and appropriate to the situation in accordance with the safety requirements detailed below, and shall discontinue the restraint as soon as possible. Floor and prone restraints are prohibited unless the school personnel administering the restraint has received in-depth training, and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present. It should be noted, however, that these training requirements shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from assault or imminent physical harm.

Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to himself, herself or others. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm.

If, at any time during a physical restraint the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance. School personnel shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student. At any time during the administration of a physical restraint, school personnel may seek to contact the office of special education behavioral specialists, or the crisis intervention team, or take other steps to seek medical assistance if it appears that the student is demonstrating significant physical distress. Any time a physical restraint causes distress or leaves a mark, the school nurse must be notified immediately to check the child and make an injury report.

Follow-up Procedures and Reporting Requirements

## A. Follow-up Procedures

At an appropriate time after a student has been released from a restraint, the school shall implement the follow-up procedures set forth below:

1. Review the restraint with the student to address the behavior that precipitated the restraint;
2. Review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed; and
3. Consider whether any follow-up is appropriate for the students who witnessed the incident.

PHYSICAL RESTRAINT (continued)

## B. Reporting Requirements

1. Any physical restraint shall be reported immediately to administration and in the case of injury, to the nurse;
2. The school staff member who administers a physical restraint shall verbally inform the principal or his/her designee of the restraint as soon as possible and no later than the close of the school day in which the restraint was administered. A written report shall be completed and provided to the principal of the school no later than the next working day after the restraint was administered;
3. The principal of the school shall maintain an on-going record of all reported instances of physical restraint;
4. The principal or his/her designee shall verbally inform the student's parents or guardians of any physical restraint by a written report postmarked no later than one school working day following the use of any physical restraint and/or any physical restraint that results in an injury to a student or staff;
5. The principal shall provide the office of the superintendent and the director of special services with a copy of the written report of a physical restraint when such restraint has resulted in an injury to a student or staff member, or when an extended restraint (20 minutes or longer) has been administered as well as a copy of the school's on-going record of all reported instances of physical restraint for the thirty days preceding the reported physical restraint.

This documentation must be provided to the Office of the Superintendent by no later than one school working day after the written report is received by the principal.

District's Training Requirements

## A. For All Program Staff

Within the first month of each school year, the principal of each school shall provide all program staff with training on this policy. Additionally, for all new school employees that are hired after the start of the school year, the principal shall, within the first month of their employment, provide the new employees with training on this policy. The training shall consist of the following:

1. This policy and related procedures and guidelines developed by the superintendent;
2. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
3. Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
4. Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
5. Identification of program staff who have received in-depth training certification in "Handle With Care" procedures.

## B. For Staff Authorized to Serve As A School-Wide Resource on the Proper Administration of Physical Restraints

At the beginning of each school year, the principal of each school shall identify program staff that is authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. The content of the in-depth training shall include, but not be limited to:

1. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
2. Description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
3. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

PHYSICAL RESTRAINT (continued)

4. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
5. Demonstration by participants of proficiency in administering physical restraint.

Complaint Procedures

## A. Informal Resolution of Concern About Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above. The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously.

If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process.

## B. Formal Resolution of Concern About Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the superintendent.

The student and/or his/her parent/guardian should submit this letter to the superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed above. The written complaint shall include:

1. The name of the student; (b) the name of the school where the physical restraint allegedly occurred;
2. The name of the individuals involved in the alleged physical restraint;
3. The basis of the complaint or concern; and
4. The corrective action being sought.

The superintendent or his or her designee shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the superintendent or his or her designees shall contact those individuals that have been referred to as having pertinent information related to the complaint.

Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The superintendent and/or his or her designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

Adopted: May 2, 2007  
NJSBA Review/Update: June 2014

Key Words

Physical Restraint, Disruption,

**Legal References:** N.J.S.A. 2C:12-1 Definition of assault  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:25-2 Authority over pupils  
N.J.S.A. 18A:37-1 et seq. Discipline of Pupils  
See particularly:

PHYSICAL RESTRAINT (continued)

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| <u>N.J.S.A.</u> 18A:37-15                |                                       |
| <u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u> | Substance Abuse                       |
| <u>N.J.A.C.</u> 6A:14-2.8                | Discipline/suspension/expulsions      |
| <u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u> | Programs to Support Pupil Development |
| <u>N.J.A.C.</u> 6A:32-12.1               | Reporting requirements                |
| <u>N.J.A.C.</u> 6A:32-12.2               | School-level planning                 |

**Possible****Cross References:**

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| *1410          | Local units  |
| *3510          | Operation and maintenance of plant                             |
| *3516          | Safety   |
| *4112.4/4212.4 | Employee health  |
| *4131/4131.1   | Staff development; inservice education/visitations/conferences |
| *5125          | Pupil records  |
| *5131          | Conduct/discipline   |
| *5131.1        | Harassment, intimidation and bullying                          |
| *5131.6        | Substance abuse  |
| *5131.7        | Weapons and dangerous instruments                              |
| *5141          | Health   |
| *5141.1        | Accidents  |
| *5141.2        | Illness  |
| *5141.6        | Self destructive behavior                                      |
| *5141.21       | Administering medication                                       |
| *5142          | Pupil safety   |
| *5145.11       | Questioning and apprehension                                   |
| *5145.12       | Search and seizure   |
| *6142.4        | Physical education and health                                  |

\*Indicates policy is included in the Critical Policy Reference Manual.