

Policy

Monitored
 Mandated
 Other Reasons

USE OF PHYSICAL RESTRAINT & SECLUSION

Introduction

It is the policy of the West Orange Board of Education to promote a safe and productive educational environment and workplace for its students and employees. The West Orange Board of Education believes that the least restrictive positive educational strategies should be always used to respect the student’s dignity and that this especially pertains to the use of physical restraint and seclusion.

It is also the policy of the West Orange Board of Education to ensure that every student in the district is free from the unreasonable use of physical restraint. Physical restraint shall only be used with extreme caution in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain a student. An emergency is defined as a situation in which the student’s behavior poses a threat of imminent, serious physical harm to the student or others or imminent, serious property destruction.

Neither restraint or seclusion should be used as a punishment to force compliance or as a substitute for appropriate educational support.

A ***physical restraint*** is defined as the use of personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

A ***seclusion technique*** is defined as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, but does not include a timeout.

A ***timeout*** is defined as a behavior management technique that involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming.

- A. No person employed or engaged in the West Orange Public Schools shall inflict or cause to be inflicted corporal punishment upon a student attending such school or institution. However, any such person within the scope of his/her employment may use and apply such amounts of force as is reasonable and necessary (N.J.S.A. 18A:6-1):
 - 1. To quell a disturbance, threatening physical injury to others;
 - 2. To obtain possession of weapons or other dangerous objects upon the person or within the control of a student;
 - 3. For the purpose of self-defense; and
 - 4. For the protection of persons or property.

Any such acts, as described above, shall not be construed to constitute corporal punishment.

- B. In accordance with law when physical restraint is utilized on students with disabilities board shall ensure that:

1. Physical restraint is only utilized in an “emergency” when the student acts in a way that places the student or others in immediate physical danger;
 2. Students are not restrained in the “prone position,” lying flat with their chest facing the ground, unless the student’s primary care physician authorizes the use of this restraint technique;
 3. Staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity qualified to provide such training and that the training is updated at least annually;
 4. Parents or guardians of a student are immediately notified when physical restraint is used on the student, which notification may be by telephone or electronic communication;
 5. Schools provide the parent or guardian with a full written report detailing the incident within 48 hours of the occurrence of the incident. When applicable, this report should be utilized to develop or improve the student’s behavior intervention plan.
 6. Schools minimize the use of physical restraints by using positive behavior supports, and when applicable, as outlined by the student’s behavior intervention plan.
- C. No person employed or engaged in the West Orange Public Schools shall utilize seclusion techniques on students with disabilities unless the student’s primary care physician has authorized the use of seclusion techniques and given prior written consent.
- D. In accordance with law when seclusion is utilized on students with disabilities boards shall ensure that:
1. Seclusion is only used in an “emergency”, when the student acts in a way that places the student or others in immediate physical danger;
 2. Any student in seclusion must be continually observed by an adult both visually and aurally for the entire period of the seclusion, with occasional checks being unacceptable.
 3. Schools document in writing the details of the incident. When applicable, this report should be utilized to develop or improve the student’s behavior intervention plan;
 4. Schools minimize the use of seclusion by using positive behavior supports, and when applicable, as outlined by the student’s behavior intervention plan.
- E. Schools may employ a variety of environments that do not meet the definition of seclusion (confinement alone without immediate ability to leave), but which have at least some of the elements of seclusion. These might include detention rooms and in-school suspension rooms where students may not be alone or where they are not technically prevented from leaving, although they may perceive that they are prevented from leaving.

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 has 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.

Procedures

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 this 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 student'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 student'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 students, not just students with disabilities;
- E. Any behavioral intervention must be consistent with the student'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 student's breathing or harms the child;
- H. The use of restraint or seclusion, particularly when there is repeated use for an individual student, 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;
- 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 student, other students, teachers, and other personnel;
- L. Parents should be informed of the policies on restraint and seclusion at their student'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 student;
- 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.

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 non-physical interventions would not be effective and the student's behavior poses a 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 the in-depth training described in the section below titled *District's Training Requirements*. 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 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. Prone restraints, which involves the student lying flat with their chest to the ground, is prohibited, unless the student's primary care physician authorizes the use of such restraint in writing. 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 school administration, available members of 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 assess the child and generate 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.

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 ongoing 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 immediately;
5. The principal or his/her designee shall provide a written report to the student's parents or guardians

within 48 hours following the use of any physical restraint and/or any physical restraint that results in an injury to a student or staff;

6. 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 ongoing 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 and the Director of Special Services by no later than one school working day after the written report is received by the principal.

District's Training Requirements

A. For All Staff

Within the first month of each school year, the principal of each school shall provide all 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 by an authorized staff member;
4. A review of behavioral intervention plans, to note when a physical restraint may be administered by an authorized staff member in accordance with an individual student's known medical or psychological limitations; and
5. Identification of program staff who have received in-depth training certification in "Crisis Prevention Intervention" 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;
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 as detailed in the section above titled Reporting Requirements. 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 as detailed in the section above titled Reporting Requirements. The written complaint shall include:

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

The superintendent or his/her designee shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the superintendent or his/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/her designee 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.

Elopement

The board is committed to the safety and welfare of all students. The board directs the superintendent to take appropriate measures to reduce the risk of student elopement and/or wandering when the students are within the custody and care of the school district. Elopement is defined as a student leaving an assigned area without permission from or knowledge of staff, often to escape and/or avoid a school-related situation or task. Wandering is defined as meandering which results in a student getting lost, leaving a safe environment or entering an inappropriate place, often due to the student's inattention or distractibility.

**WEST ORANGE BOARD OF EDUCATION
USE OF PHYSICAL RESTRAINT & SECLUSION (Continued)**

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The superintendent or his/her designees shall establish procedures to prevent the occurrence of wandering and elopements and to direct actions to be taken when an elopement does occur that may/may not include physical restraint.

Adopted:

Key Words

Physical Restraint, Disruption,

Reference: Derived from the Bordentown Regional School District, Bordentown, New Jersey

Legal References:

<u>N.J.S.A.</u> 2C:12-1	Definition of assault
<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of students
<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:252	Authority over students
<u>N.J.S.A.</u> 18A:37-1 et seq.	Discipline of students
See particularly:	
<u>N.J.S.A.</u> 18A:37-15	
<u>N.J.S.A.</u> 18A:40A-1 et seq.	Substance Abuse
<u>N.J.S.A.</u> 18A:46-1.1 et seq.	Classes and facilities for handicapped children
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions
<u>N.J.A.C.</u> 6A:16-1.1 et seq.	Programs to Support student Development

Possible

Cross References:	*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	student 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
	*6171.3	Special education

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