

**CANDIA SCHOOL DISTRICT  
USE OF STUDENT RESTRAINT AND  
SECLUSION**

Candia School District hereby authorizes school officials 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 student 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 student restraint and seclusion.

For purpose of this policy and any accompanying procedures, the term "restraint" means any bodily physical restriction, mechanical devices, or any device that immobilizes 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 student, so long as there is no limitation on the student's freedom of movement.
- (2) The temporary holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student to stand, if necessary, and then walk to a safe location, so long as the student 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 student 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 student 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 student, 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 student or restrict the freedom of movement of the torso, head, arms, or legs of any student.

School staff shall not use physical restraint, including prone restraint, except to ensure the immediate physical safety of person when there is a substantial and imminent risk of serious bodily harm to the student or others.

For purpose of this policy and any accompanying procedures, the term "seclusion" means the involuntary confinement of a student alone in any room or area from which the student is unable to exit, either due to physical manipulation by a person, lock, or other mechanical device or barrier, or from which the student reasonably believes they are not free to leave; or, the involuntary confinement of a student to a room or area, separate from their peers, with one or more adults who are using their physical presence to prevent egress.

Seclusion shall not include:

- (1) The voluntary separation of a student from a stressful environment for the purpose of allowing the student to regain self-control, when such separation is to an area which a student is able to leave.
- 2) The involuntary confinement of a child to a room or an area with an adult who is actively engaging in a therapeutic intervention; or
- (3) Circumstances in which there is no physical barrier and student is physically able to leave.

A circumstance may be considered seclusion even if a window or other device for visual observation is present, if the other elements of this definition are satisfied.

School staff shall not use seclusion except when a student's behavior poses a substantial and imminent risk of physical harm to the student or others. Seclusion shall never be used explicitly or implicitly as punishment or discipline for the behavior of a student. If seclusion is used, school staff must designate a co-regulator to monitor the student and develop a plan to help the student manage their state of regulation and their return to a less restrictive setting.

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 shall be used only 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.

After the first incident of restraint or seclusion in a school year for students identified under special education or Section 504, the District shall hold an IEP or 504 meeting to review the student's IEP or 504 plan and make such adjustments as are indicated to eliminate or reduce the future use of restraint or seclusion.

Parents may request a 504 or IEP team meeting after any restraint or seclusion incident and that request must be granted "if there have been multiple instances of restraint or seclusion since the last review."

Any employee who has reason to believe that another employee has engaged in conduct that violates RSA 126-U (NH Restraint and Seclusion Law) and also believes or suspects that such violation constitutes misconduct, shall report the conduct to the Superintendent or designee within 24 hours.

Any employee who has reason to believe that another employee has engaged in conduct that violates RSA 126-U (NH Restraint and Seclusion Law) and also believes or suspects that such violation constitutes abuse or neglect, shall report the conduct to the Department of Superintendent or designee, as well as the Department of Human Services and the

Education's Bureau of Credentialing

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.

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

Legal References:

RSA 126-U:1 to 14 Ed 1200-1203 Ed 510

Adopted: December 2, 2010

Revised: May 7, 2015