

## STUDENT RESTRAINT AND SECLUSION

Breakthrough Academy promotes positive behavioral incentives to prevent behavioral problems. The school prohibits the aversive behavioral interventions listed in Section Ed 1113.04 of the New Hampshire Code of Administrative Rules. When there is a substantial and imminent risk of serious bodily harm to a student or others, the school may use restraint and seclusion in compliance with RSA 126-U to ensure the immediate physical safety of persons. School employees who have completed the school's training on student restraint and seclusion may use restraint and seclusion. Other persons who have completed the school's training on student restraint and seclusion, and are authorized by the Executive Director, may use restraint and seclusion.

### I. Definitions

A. **Restraint:** the bodily restriction of the freedom of movement of the torso, head, arms, or legs. New Hampshire law prohibits the use of mechanical devices or medication in schools.

"Prone restraint" is a prohibited physical restraint technique in which a student is intentionally placed face-down on the floor or another surface, and the student's physical movement is limited to keep the student in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.

"Restraint" does not include:

1. Brief touching or holding to calm, comfort, encourage, or guide a student, so long as limitation of freedom of movement of the student does not occur;
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 physical examinations and tests or for orthopedic, surgical, and other similar 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 the 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.

**B. Seclusion:** 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, a 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. 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.

“Seclusion” does not include: 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; circumstances in which there is no physical barrier, and the student is physically able to leave; or involuntary confinement of a student to a room or area with an adult who is actively engaging in a therapeutic intervention.

## II. Administrative Procedures

The Director shall establish procedures implementing this policy and the provisions of RSA 126-U and Ed 1113.04, including:

- A. Prohibited Aversive Behavioral Interventions (Ed 1113.04)
- B. Prohibition of Dangerous Restraint Techniques (RSA 126-U:4)
- C. Limitation of the Use of Restraint to Emergencies Only (RSA 126-U:5)
- D. Limitation of Restraint to Physical Restraint (RSA 126-U:6)
- E. Authorization and Monitoring of Extended Restraint (RSA 126-U:11)

F. Restriction of the Use of Mechanical Restraint During the Transport of Students (RSA 126- U:12)

G. Limitation on the Use of Seclusion (RSA 126-U:5-a)

H. Conditions of Seclusion (RSA 126-U:5-b)

I. Notice and Record-Keeping Requirements (RSA 126-U:7)

J. Injury or Death During Incidents of Restraint or Seclusion (RSA 126-U:10)

K. School Review Following the Use of Restraint or Seclusion (RSA 126-U:14)

References:

- Ed 1113.04
- RSA 126-U

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