

USE OF PHYSICAL RESTRAINT AND SECLUSION

The Board strives to provide a safe atmosphere and learning environment that supports all pupils in the least restrictive environment. On occasion, during crisis event, a situation may arise making it necessary to temporarily physically restrain or seclude a pupil.

For purposes of this Policy a “crisis event” is defined as a situation in which the pupil’s behavior poses imminent danger of serious physical harm to self or others.

In addition, for purposes of this Policy, “physical restraint” refers to 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, which means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is action out to walk to a safe location. “Physical restraint” shall also include the use of specific, planned techniques and shall only be used with reasonable limitations by school staff members who shall receive training in the use of physical restraint.

Furthermore, for purposes of the Policy, “Seclusion” refers to the involuntary 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, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

In accordance with applicable State law, no person employed or engaged in a school or educational instruction, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution. However, any such person may, within the scope of his/her employment, use and apply such amounts of force as is reasonable and necessary: to quell a disturbance, threatening physical injury to others; to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil, for the purpose of self-defense; and for the protection of persons or property. Any such acts shall not be construed to constitute corporal punishment within the meaning and intent of N.J.S.A. 18A:6-1.

Interventions consisting of positive, lesser restrictive strategies and supports should be implemented whenever possible prior to the use of any physical restraint or seclusion. The use of physical restraint or seclusion shall be limited to only those circumstances and situations where such interventions or strategies are not possible or have been unsuccessful.

A pupil shall be released from physical restraint immediately upon a determination by the school staff member administering the restraint that the pupil is no longer in imminent danger of serious physical harm to self or others. The Building Principal or his/her designee will notify the parent/legal guardian in the event an emergency existed and physical restraint was used on their child as soon as possible. The pupil will also be examined by the school nurse after any physical restraint. All incidents involving the use of physical restraint will be documented.

This policy, and accompanying regulation, applies to all Board pupils, including both general and special education pupils.

For pupils that are eligible for special education and related services, the use of specific interventions and application of physical restraint may be set forth in, and thus, are governed by, the pupil's Individualized Education Plan (IEP). The application of physical restraint to regular education pupils that constitutes a pattern should be considered for referral for IR&S and/or receipt of special education and related services.

Date Approved: June 25, 2012
Date Revised: January 28, 2013

Legal References:

N.J.S.A. 18A:6-1 Corporal punishment of pupils
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:25-2 Authority over pupils
N.J.A.C. 6A:14-1.1 *et seq.* Special Education
N.J.A.C. 6A:16-1.1 *et seq.* Programs to Support Student Development
20 U.S.C.A. 1400 *et seq.* - Individuals With Disabilities Education Act,
29 U.S.C.A. 794 *et seq.* - Section 504 of the Rehabilitation Act of 1973
34 CFR 76.1 *et seq.* - General Administrative Regulation EDGAR
34 CFR 77.1 *et seq.* - General Administrative Regulation EDGAR
34 CFR 300 *et seq.* - Assistance to States for the Education of Children with
Disabilities (IDEA Regulations)
Melissa S. v. Sch. Dist. of Pittsburgh, (3d Cir. 2006)
Ebonie S. v. Pueblo Sch. Dist., (D. Colo. 2011)
Couture v. Bd. of Ed. of Albuquerque Pub. Schs., (10th Cir. 2008)

Cross References

4131/4131.1 Staff development; inservice education/visitations/conferences
5114 Suspension and expulsion
5120 Assessment of individual needs

**USE OF PHYSICAL RESTRAINT
(continued)**

File Code: 6171.5

5125	Pupil records
5131	Conduct/discipline
6171.4	Special Education
6171.4R	Special Education
6171.41R	Special Education -- Location, Identification and Referral
6171.42R	Special Education -- Free and Appropriate Education
6171.43R	Special Education -- Transition from Early Intervention to Preschool
6171.44R	Special Education -- Instructional Materials to Blind or Print Disabled
6171.5R	Use of Physical Restraint and