

MicroSociety Academy Charter School
USE OF PHYSICAL RESTRAINT, SECLUSION, AND INTENTIONAL PHYSICAL CONTACT

Approved: 7/25/2019

The MicroSociety Academy Charter School through its Board of Trustees (hereinafter "MACS") sets forth the following Policy for physical restraint, seclusion, and intentional physical contact related to students.

MACS is obligated to follow and does follow regulations that equally apply to public and private schools related to physical restraint, seclusion, and intentional physical contact. The Department of Education Advisory is hereby incorporated herein by reference at the following link: <https://www.education.nh.gov/standards/documents/restraint.pdf> (for hard copies provide a printed version).

It is understood that at times the physical restraint of a student may be needed, and the law sets forth parameters regarding notifications to parent(s) or guardians, the MACS Director, and at times the Department of Education. Physical restraint under the law of a body is a physical restriction which immobilizes a child or restricts their freedom of movement of their torso, head, arms, or legs. Staff at no time should provide medication to students to restrain them. Further, while on the premises, staff will not use mechanical restraint. Of course, mechanical restraints such as seat belts may be used to transport children from/to MACS for school-related activities. These rules apply to restraint by any of our employees, contractors, or others who are in the direction and control of MACS.

Restraint does not include touching or holding to calm, comfort, encourage, or guide a child so long as does not limit their freedom of movement such as holding a child's hand, wrist, arm, shoulder, or back for purposes of inducing the child to stand or walk to a safe location so long as the child is in an upright position and moving towards the safe location. The use of force by a person to defend themselves or another from a child even if the person does not immobilize the child or restrict the freedom of movement of the torso, head, arms, or legs of the child should still be reported to the child's parent or guardian and the MACS Director regardless of whether the person believes the protocols within the Advisory have been followed. In other words, reporting the incident is not an indication someone believes the restraint was inappropriate.

MACS staff shall not practice seclusion on its students as the term seclusion is defined in RSA 126/U.

MACS staff may use "time outs" which include the voluntary separation of a child from a stressful environment for the purpose of allowing the child to regain self control when such separation is to an area from which the child is able to leave and has not been forbidden to leave and MACS staff has visual contact.

If restraint or seclusion is used on a student as defined by RSA 126/U, the MACS employee who used the seclusion must submit a written report within five business days to the MACS Director with the following description of and information as to:

- (1) date, time, and duration of the use of the seclusion or restraint;
- (2) actions of the child before, during, and after the occurrence;
- (3) any other relevant events preceding the use of the seclusion or restraint including the justification for initiating the use of restraint;
- (4) names of persons involved in the occurrence;
- (5) actions of the facility or the MACS employees involved before, during, and after the occurrence;
- (6) any interventions used prior to the use of the seclusion or restraint;
- (7) seclusion or restraint used, including any hold used or the reason any hold was necessary;
- (8) any injuries sustained by, and any medical care administered to, the child, employees, or other before, during, or after the use of the seclusion or restraint;
- (9) any property damage associated with the occurrence;
- (10) actions taken to address the emotional needs of the child during and following the incident;
- (11) future actions to be taken to control the child's problem behaviors;
- (12) name and position of employee completing the notification; and
- (13) anticipated date of a final report.

In the case that seclusion or restraint has been used on a child, MACS will immediately notify the child's parent(s) or guardian as soon as practical and in no event later than the time of the return of the child to the parent or guardian or by the end of the business day whichever is earlier. That notification is to be made in a manner calculated to give the parent or guardian actual notice of the incident as the earliest practical time. The notification may be by phone call or email to the parent or guardian.

If a MACS employee has intentional physical contact with a child which does not fit the definition of restraint and is in response to that child's aggression, misconduct, or disruptive behavior, MACS must make eff

orts to notify the child's parent(s) or guardian. Again, this notification requirement issue is tied to physical contact being in response to the child's aggression, misconduct, or disruptive behavior, not such activities as for example physical contact in assisting a child putting on his coat. Within five business days MACS must prepare a written report which documents the incident which contains at a minimum:

- (a) date and time of incident;
- (b) brief description of actions of the child before, during, and after the occurrence;
- (c) names of persons involved in the incident;

(d) brief description of the actions of the facility or MACS employees involved before, during, and after the occurrence; and

(e) description of any injuries sustained and any medical administered to the child, employees, or others before, during, or after the incident.

The Advisory from the Department of Education provides further information as to under what circumstances the report should not be made; however, MACS instructs its staff to err on the side of caution in providing notices to parents and guardians as well as the MACS Director. All these reporting requirements are not an indication that the physical restraint and intentional physical contact under the circumstances were inappropriate.