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STUDENTS WITH DISABILITIES (M)

[See POLICY ALERT Nos. 192, 215, 216, and 237]

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The Board of Education strives to provide a safe, caring atmosphere that supports all students learners in the least restrictive environment. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain or seclude a student with a disability in accordance with N.J.S.A. 18A:46-13.4 through 13.7.

For the purpose of this policy:

Physical restraint means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body. See N.J.S.A. 18A:46-13.4.

Seclusion technique means 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. See N.J.S.A. 18A:46-13.4.

Timeout means 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. See N.J.S.A. 18A:46-13.4.

A school district, an educational services commission, or an approved private school for students with disabilities (APSSD) that utilizes physical restraint on students with disabilities shall ensure that:

1. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
2. A student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;
3. Staff members, including contracted staff, who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the Board ~~of Education~~ to be



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qualified to provide such training, and that the training is updated at least annually;

4. The parent of a student is immediately notified when physical restraint is used on the student. This notification may be by telephone or electronic communication. A post-incident full written notification report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident;
5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in this Policy and Regulation 5561 - Use of Physical Restraint and Seclusion Techniques for Students with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and
6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan (IEP) meeting.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's behavior intervention plans developed by the IEP individualized education plan team.

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on students with disabilities shall ensure that:

1. A seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in this Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and



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3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next ~~IEP individualized education plan~~ meeting. The parent of a student is immediately notified when a seclusion technique is used on the student. This notification may be by telephone or electronic communication. A full written report of the incident of seclusion shall be provided to the parent within forty-eight hours of the occurrence of the incident;

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's behavior intervention plans developed by the ~~IEP individualized education plan~~ team.

The New Jersey Department of Education shall establish guidelines for school districts, educational services commissions, and APSSDs to ensure a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student's ~~IEP individualized education plan~~ team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or APSSD may determine to revise a staff member's professional development plan pursuant to N.J.S.A. 18A:46-13.7.

The Superintendent or designee may gather input from school staff members and parents of students with disabilities on this Policy and Regulation 5561 - Use of Physical Restraint and Seclusion Techniques for Students with Disabilities. All students with disabilities and their parents shall be afforded the procedural safeguards provided by the Individuals with Disabilities Education Act (IDEA).

The Superintendent or designee shall report all incidents of restraint and seclusion through the Student Safety Data System (SSDS). The Superintendent or designee shall annually inform parents of students with disabilities about this Policy and Regulation 5561 regarding restraint and seclusion.

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N.J.S.A. 18A:46-13.4.; 18A:46-13.5.; 18A:46-13.6.; 18A:46-13.7.
New Jersey Department of Education Restraint and Seclusion
Guidance for Students with Disabilities – July 10, 2018



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~~N.J.S.A. 18A:46-13.4; 18A:46-13.5; 18A:46-13.6; 18A:46-13.7~~

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