

5561 USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES
FOR STUDENTS WITH DISABILITIES

The Board of Education strives to provide a safe, caring atmosphere that supports all 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/pupil with a disability in accordance with N.J.S.A. 18A:46-13.4 through 13.7. An emergency is defined as a situation in which the pupil's behavior poses a threat of imminent, serious physical harm to the pupil or others or imminent, serious property destruction.

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 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 full written 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 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 meeting. In accordance with N.J.S.A. 18A:6-1, no person employed or engaged in 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,

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~~as above, shall not be construed to constitute corporal punishment within the meaning and intentment of N.J.S.A. 18A:6-1.~~

~~"Physical restraint" means holding a pupil or otherwise restricting his/her movements. Physical restraint shall 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. Classroom and security interventions should be implemented, when possible, prior to the use of any physical restraint. The use of physical restraint shall be limited to only those circumstances and situations where other interventions 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 causing harm to him/herself, others, or imminent property destruction. The Principal or designee will notify the parent/legal guardian in the event an emergency existed and physical restraint was used on their child. The pupil shall be examined by the school nurse after any physical restraint.~~

Aversive Intervention Prohibitions:

~~There are certain interventions that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or their legality. The purpose of this section is to uniformly prohibit their use with students eligible for special education as follows:~~

- ~~(1) — Electric current. No student may be stimulated by contact with electric current.~~
- ~~(2) — Food services. No student who is willing to consume subsistence food or liquid when the food or liquid is customarily served may be denied or subjected to an unreasonable delay in the provision of the food or liquid.~~

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 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 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
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 individualized education plan meeting.

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 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 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.

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

PUPILS
5561/page 2 of 2
Use of Physical Restraint

~~(3)(a) Force and restraint in general. No force or restraint which is either unreasonable under the circumstances or which may be deemed to be an unreasonable form of corporal punishment as a matter of state law or regulation may be used. Prohibited force or restraint under this section include, but are not limited to:~~

~~i. Throwing, kicking, burning, or cutting a student.~~

~~ii. Striking a student with a closed fist.~~

~~iii. Shaking a student under age three.~~

~~iv. Interfering with a student's breathing.~~

~~v. Threatening a student with a deadly weapon.~~

~~vi. Doing any other act that is likely to cause bodily harm to a student greater than transient pain or minor temporary marks.~~

~~(3)(b) Hygiene care. No student may be denied or subjected to an unreasonable delay in the provision of common hygiene care.~~

~~(4) Medication. No student may be denied or subjected to an unreasonable delay in the provision of medication.~~

~~(5) Noise. No student may be forced to listen to noise or sound that the student finds painful.~~

~~(6) Noxious sprays. No student may be forced to smell or be sprayed in the face with a noxious or potentially harmful substance.~~

~~(7) Physical restraints. No student may be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object.~~

~~(8) Taste treatment. No student may be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration.~~

~~(9) Water treatment. No student's head may be partially or wholly submerged in water or any other liquid.~~

~~U.S. Department of Education, Secretary's Restraint and Seclusion Resource Document, May 2012~~

~~N.J.S.A. 18A:6-1~~

~~Initial Adoption: July 15, 2013~~

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