

Student Restraint Policy

Introduction

It is the policy of the Fargo Public School District (“District”) to promote a safe and productive workplace and educational environment for its employees and students, and to ensure that every student in the District is free from the unreasonable use of physical restraint, and that physical restraint shall only be used with extreme caution in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate.

School personnel shall only administer a physical restraint when it is needed to protect a student and/or a member of the school community from imminent danger of physical injury. When physical restraint needs to be utilized, school personnel shall seek to prevent or minimize any harm to the student as a result of the use of the physical restraint. It is important for school personnel to use other non-invasive techniques that work to reduce student behaviors.

When a student is placed in a restraint or removed from peers, they are not able to be in the same learning environment as their peers. School personnel need to be aware that using a restraint on a student with disabilities may result in a violation of the student’s right to receive a Free and Appropriate Public Education (“FAPE”), as defined by the Individuals with Disabilities Education Act (“IDEA”). A denial of FAPE means the school failed to provide education as required by law and could subject to the District to due process.

Physical restraints, seclusion, and mechanical restraints, which by definition are used to limit students’ bodily movements in response to students’ dangerous behaviors, are not to be confused with other means of limiting student engagement or physical freedom. There are times when it is necessary to use mechanical restraints for the sole purpose of safety. Mechanical restraints that are used for safety throughout the District include seatbelts, car seats, gait belts, and wheelchair belts. These mechanical restraints are used for specific safety purposes, none of which is a response to student behavior.

Definitions

The following definitions shall be applicable to this policy.

1. *Calming room* is a room or area in which a student is taking a “time-out.”
2. *Chemical restraint* shall mean the administration of medication for the purpose of restraint. The use of chemical restraints is prohibited.
3. *Dangerous Behavior* shall mean behavior which may immediately result or has resulted in harm to self or others.
4. *Dangerous weapon* shall mean the same as defined by North Dakota Century Code 62.1-01-01.
5. *Fight* means a physical altercation between two or more students with the express

purpose of inflicting bodily harm.

6. *Mechanical restraint* shall mean the use of a device or equipment to restrict or limit the movement of a student or the normal function of a portion of his or her body as a means to manage or address student behaviors. Note: protective or stabilizing device ordered by a physician, or similarly licensed professional, shall not be considered a mechanical restraint.
7. *Physical escort* means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is escalating to walk to a safe location. A physical escort is not considered a restraint.
8. *Physical restraint* shall mean the use of physical intervention intended to hold a student immobile or limit a student's movement by using body contact as the only source of restraint to de-escalate dangerous behavior.
9. *Restraint* shall mean any method used to restrict an individual's movement, physical activity, or normal access to their body.
10. *Safety devices* shall mean mechanical device that restrict movement but are not used as a response to student behaviors. Examples of safety devices include, but are not limited to motor vehicle seatbelts, car seats, wheelchair seatbelts, gait straps for use in physical therapy. A safety device is not considered a restraint.
11. *Seclusion* shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. The use of seclusion restraint is prohibited.
12. *Time-out* is a behavior management technique that is part of an approved program, involves the monitored separation of a student in a non-locked setting, and is implemented for purposes of calming the student.

Determining When to Use a Physical Restraint

A physical restraint can only be used when non-physical interventions would not be effective and the student exhibits dangerous behavior. Any physical restraint shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent danger of physical injury, or in the case that a student is engaging in a behavior that any reasonable person would anticipate that continuation of the behavior would lead to injury to the student themselves, or others.

Prohibitions on Use of a Physical Restraint and Seclusion

The use of a physical restraint as a means of punishment or as a response to the destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent danger of physical injury is expressly prohibited.

District employees are prohibited from engaging in the following restraints:

1. Prone physical restraints (student face-down on his/her stomach)
2. Supine physical restraints (student face-up on his/her back)
3. Any physical restraint that places pressure or weight on chest, lungs, sternum, diaphragm, back, neck, or throat
4. Mechanical restraints of any kind
5. Chemical restraints of any kind

Seclusion, mechanical restraint, physical restraint, prone restraint, and other prohibited physical restraints, are distinct from safety devices, physical escorts, and timeouts in that safety devices, physical escorts, and timeouts are of a benefit to the student in that they maintain the safety and dignity of the student. Seclusion, mechanical restraints, physical restraints, prone restraint, and other prohibited physical restraints are not beneficial to a student in that they do not consider the student's learning or dignity.

Proper Administration of a Physical Restraint

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received a specific, evidence-based crisis prevention and behavior management training program as approved by District Director of Student Support Services. The principal or administrative designee will identify individuals in the building who are current in the training. Restraints are only to be used when a student is demonstrating dangerous behavior. All staff are expected to use verbal de-escalation techniques when a student exhibits behavior that is not considered dangerous. Trained staff will only use holds in which they have been trained. The use of any hold while the student is lying on the ground is expressly prohibited.

The use of the physical restraint shall be monitored, if possible, by at least one adult who does not participate in the physical restraint. These personnel are referred to as auxiliary personnel. These personnel are expected to monitor a student's airway, breathing, and circulation, and to advise staff performing the restraint of any actions that are not in line with District policy. To ensure those engaged in the hold can focus their attention to the student's needs, Auxiliary Personnel will also monitor the environment and surrounds to ensure safety, reduce distractors to the greatest extent possible (i.e., unnecessary persons and/or physical objects) as well as protect the student's dignity. When using a physical restraint, school personnel shall use only the amount of force necessary to protect the student or others from physical injury.

In the case of extreme physical behaviors, it may be necessary to provide restraints in a separate room. If such a need exists, a minimum of one staff member will be present in the room at all times. Use of this room will be deemed necessary when restraint staff determines that there is an increased risk of injury by student to self or others if student is restrained in an area from which the student could elope.

It should be noted, however, that these training requirements shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons, or themselves from assault. See AP 6310 for specific information regarding student conduct and discipline.

School personnel shall review and follow any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student. No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student. A restraint shall be immediately released upon determination by the school personnel administering the restraint that the student is no longer exhibiting dangerous behavior.

Follow-up Procedures and Reporting Requirements

Follow-up Procedures

After a student has been released from a restraint, the principal or administrative designee of the school shall implement the follow-up procedures set forth below:

- a. review the restraint with the student to address the behavior that precipitated the restraint;
- b. review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed;
- c. consider whether any follow-up is appropriate for the students who witnessed the incident; and
- d. notify parent/guardian of student who was restrained to inform them of the use of physical restraint on their child.

Reporting Requirements

The Student Restraint Reporting Form must be completed in its entirety for each student restraint and include the following information:

- a. Documentation of parent notification of the incident.
- b. Detailed information about the student's conduct that caused the restraint.
- c. If the situation allowed, the specific de-escalation techniques used prior to the restraint.
- d. A description of the restraint used.
- e. The length of time the restraint lasted and the justification for the amount of time.
- f. Names and titles of staff members involved in the restraint.
- g. Names and titles of staff members involved in the debriefing meeting.
- h. All actions taken by the District designed to reduce repeated use of restraint on the student.

The principal or administrative designee shall provide the Office of the Superintendent or designee with a copy of the written report of a physical restraint when such restraint has resulted in a serious injury to a student or staff member, or when an extended restraint (20 minutes or longer) has been administered. This documentation must be provided no later than one school day after the written restraint report is received by the principal.

Retention of Restraint Records

The District will maintain restraint documentation for a minimum of three years. Documentation includes the Student Restraint Reporting form and all other documentation related to each incident of student restraints.

Staff Training

All essential staff will receive a specific, evidence-based crisis prevention and behavior management training program as approved by FPS Director of Student Support Services conducted by District staff who have been certified to provide the selected training. Essential staff are members of the 'First Responder Team,' staff that work extensively with a student population deemed to be high risk for behaviors, and, at minimum, one building administrator.

Restraint and Students with Disabilities

Restraint and/or exclusions shall not be used on students with disabilities, as defined by both IDEA and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), for behaviors that would not result in the restraint or seclusion of a student without identified disabilities. In addition, the use of restraints and/or seclusion shall not be used on students with disabilities in general. The use of restraint and seclusion shall not interfere with the right of a student with a disability to receive FAPE.

Child Find Obligations

If a student without disabilities is being restrained the District should consider whether there is an underlying disability that has not been identified. The building-level multi-tiered systems of support ("MTSS") teams should look for indicators such as multiple restraints, pattern of restraints, pattern of behavior triggering restraints, school anxiety, or school refusal. The District is responsible for finding students who may have a disability either under IDEA or Section 504, and if a disability is suspected, child find obligations must be initiated.

Timely Submission and Review of Restraint Reports

The building principal, or other qualified designee, shall submit any incident of a restraint within one workday of the occurrence of the restraint using the District's reporting system. The building principal will ensure that all sections of the restraint reporting form are filled out thoroughly.

The Director of Compliance, or other qualified designee, will have immediate access to forms submitted through the District's reporting system and review every incident of restraint or seclusion within ten (10) business days of the report being submitted.

Non-Disciplinary Behavior-Related Dismissals

No District personnel may send a student who has been placed in a restraint or seclusion home, or require, or encourage, a parent to take their student home, or refuse to allow a student to attend school following a restraint without documenting the removal from school as a suspension, or if it applies, an exclusion. Any removal of a student following a restraint must have documentation to indicate:

1. The specific reason why the parent was requested or required to come to the school to take their student home or be required to keep their student at home.
2. The results of the request or requirement of the parent to take their student home; and
3. The District's action to ensure the student was provided with a reasonable opportunity to make up any missed work.

If a student is suspended after being placed in a restraint, the student's MTSS team, Section 504 team, or IEP team, must consider whether an evaluation or re-evaluation is warranted in order for the student to access educational programming. This may include conducting a Functional Behavioral Assessment ("FBA") and, if warranted, creating a Behavioral Intervention Plan ("BIP"). Only people who are appropriately trained may conduct the evaluations that are determined to be necessary for a student to access education.

Involvement of School Resource Officers

The District prohibits the involvement of School Resource Officers ("SROs") in the restraint process unless District personnel first attempted to restrain a student and could not manage the situation to such a degree that imminent danger of safety or physical injury to students, District staff, or other members of the District community continues to exist. SROs can either initiate or provide additional physical presence in order to break up a fight or intervene if a student is engaging in criminal behavior.

Presence of Dangerous Weapon or Significant Threat

This policy is not intended to provide guidance in circumstances where any person is in possession of a dangerous weapon on school property or at a school function. District employees and SROs may intercede, or attempt to eliminate or reduce, imminent danger or physical harm to students, staff, or other members of the District committee.

Policy Review

This policy shall be reviewed by building principals annually at the beginning of each school year.

The Superintendent, or designee, will annually review this policy with the supervisors of the School Resource Officers working in the district.

Complaint Process

A parent/guardian who has concerns regarding a specific use of a restraint may follow the procedure set forth in District Policy AP 7010. Questions or concerns regarding restraints and/or seclusions should be sent to Dr. Patricia Cummings, Director of Compliance, District Office at 700 7th Street South, Fargo, North Dakota, at (701) 446-1009 or via email at cumminp1@fargo.k12.nd.us.

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