

Policy 2101

Student Management

In today's school environment, it is essential for school personnel to make a good faith effort to define their authority in clear terms when dealing with the issue of physical contact with students. It has long been clear that under state and federal laws, a school employee may use force that is reasonable and necessary under the circumstances, in response to a student action inside the school zone, to address one or more of the following situations:

1. To protectively defend themselves from the actions of another.
2. To protectively restrain an individual from harming themselves or harming others.
3. To protectively restrain an individual or individuals from fleeing your immediate area who have clearly established the intent to flee so as to harm others or to harm themselves.
4. To protect property from being damaged or to prevent property from being used to cause harm.
5. To secure a weapon.
6. To control and/or pacify a disturbance or disorder.

The use of actual force by a school official should always be *defensive* in nature. Further, the force must never be *offensive*, which is defined as the type of force initiated by an individual not in response to a threat or for purposes of protecting or defending against a threat, but initiated solely for the purpose of inflicting harm upon another. Analyzing the propriety of the use of force by a school official must always be done on a case by-case basis. Notwithstanding that, school officials at Windsor Bergen Academy follow the following guidelines:

- A. First exhaust if circumstances permit, all verbal commands and all other non-force methods, to address one or more of the six situations set forth above.
- B. If it is determined that actual force is necessary, issue verbal commands during and after use of force.
- C. The level of force used should correspond with the level of the threat. (As the threat increases, the level of force may increase.)
- D. All force shall be completely *defensive* in nature and never initiated with the intent to harm others.
- E. Detailed incident reports shall be prepared in a timely manner by any and all staff having any involvement in the incident

Windsor Bergen Academy officials understand that the use of physical contact invades a student's privacy right and therefore only resort to such measures when absolutely necessary.

The above policy is based upon the 15 principles listed below which were issued by the United States Department of Education, Office of Special Education and Rehabilitative Services with regard to the use of restraint and seclusion in the education of students with

disabilities. The New Jersey Department of Education, Office of Special Education, endorses the use of these principles when developing Individual Education Programs (I.E.P.'s).

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
5. Any behavior intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
6. Restraint or seclusion should never be used as punishment or discipline (e.g. placing in seclusion for out-of-seat behavior), as means of coercion or retaliation, or as a convenience.
7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.
8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.
9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.

11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers and other personnel.
12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State or local laws.
13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.
14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.