

RESTRAINT AND SECLUSION

This policy applies to all schools within ACE Leadership High School and all employees within the school. This policy shall be implemented using sound professional judgement with regard for the safety, welfare and dignity of all members of the school community.

Restraint and/or seclusion (“techniques”) shall be used only as a last resort to address situations in which the safety and wellbeing of the student or others may be at risk.

A. Definitions

This policy includes both mechanical and physical restraint.

1. “Physical restraint” means the use of physical force to restrict the free movement of a student’s body without using any mechanical materials or devices.
2. “Mechanical restraint” means the use of any device or material on or near the student’s body that restricts freedom of movement. This definition does not include mechanical supports or protective devices.
3. “Seclusion” refers to involuntary confinement of a student in a space from which egress is prevented. Seclusion does not refer to “time out” or separation for the purpose of “cooling off.”

B. Restraint may be used under the following circumstances:

1. A student’s behavior presents an imminent danger of serious physical harm to the student or others; *and*
2. Less restrictive interventions did not sufficiently mitigate the imminent danger of serious physical harm.

C. Staff duty during the use of restraint or seclusion:

1. School employees shall maintain continual visual observation of the student while using restraint or seclusion.
2. The technique shall end when the student’s behavior no longer present imminent danger of serious physical harm to the student or others.

3. Restraint or seclusion shall only be used by school employees who are trained in using the techniques, unless there is an emergency situation, in which the staff is to use its best professional judgment until trained personnel can step in to assist.
4. The technique shall not impede the student's ability to breathe or speak.
5. The technique shall be proportional to the student's age and physical condition.
6. Restraints should be used in conformance with standardized training techniques.

D. Staff duty following the use of restraint or seclusion:

1. Within 24 hours provide written or verbal notice of the use of a technique to the parent or guardian of the student.
2. Within two school days of the use of a technique, provide the student's parent or guardian with written documentation of the incident on a form developed under the direction of and approval by the Executive Director.
3. Convene a team to review the strategies used to address a student's dangerous behavior if a technique has been administered two or more times during a 30-day period. Within two weeks after the second incident the student's educational team will provide recommendations for avoiding further incidences.

E. The school will review strategies used to address a student's dangerous behavior if use of restraint or seclusion techniques for an individual student has occurred two or more times during any thirty-calendar-day period. The review will include:

1. A review of the incidents in which restraint or seclusion techniques were used and an analysis of how future incidents may be avoided, including whether the student requires a functional behavioral assessment.
2. A meeting of the student's individualized education program team, behavioral intervention plan team or student assistance team within two weeks of each use of restraint or seclusion after the second use within a thirty-calendar-day period to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion.

F. The Governing Council gives the Executive Director authority to:

1. Include guidelines, which are compliant with law and this policy, in the school Safety Plans.

2. Establish reporting guidelines and procedures for documentation of the use of these techniques.
3. Develop procedures to be followed by all school employees which support a student's successful reintegration into the school and classroom environment after a technique has been used.

Nothing in this policy shall be construed to prevent a school from calling law enforcement to restrain a student when deemed necessary by administration or designee; however, all reporting requirements shall remain in effect.

This policy shall be reviewed annually.

LEGAL REFERENCES

22-5-4.12 NMSA

6.11.2.10(E) NMAC

Passed by the ACE Leadership High School Governing Council this 26th day of April, 2023.