

**MILFORD SCHOOL BOARD  
AGENDA  
Monday, April 4, 2011  
Milford High School – Lecture Hall Room # 182**

1. Call to Order
2. Board Member Comments
3. Public Comments
4. Reports and Presentations
  - a. Superintendent's Report
  - b. Quarterly Reports: Granite Town Media Advisory Committee, Wellness, ATC, Technology, Professional Development.
5. New Business
  - a. Acceptance of ESOL Plan **EXHIBIT**
  - b. Insurance Renewal **EXHIBIT**
  - c. Staff Recognition Day
  - d. School Board Goals **EXHIBIT**
  - e. Appointment to CIP-CAC (Capital Improvements Plan Citizen's Advisory Committee)
6. Old Business
  - a. 2011-2012 Budget **EXHIBIT**
  - b. Policy Proposals
    1. Policy # 2305 Buildings and Grounds Management (2<sup>nd</sup> Reading) **EXHIBIT**
    2. Policy # 2315 Student Transportation Management (2<sup>nd</sup> Reading) **EXHIBIT**
    3. Policy # 5013 Use of Physical Restraint (2<sup>nd</sup> Reading) **EXHIBIT**
7. Housekeeping Items
  - a. Approval of Minutes 3/21/11
  - b. Approval of Treasurer's Report – January 2011
  - c. Approval of Manifests  
Vouchers # 1173,1174,1175,1176,1177,1178,1181,1182
8. Public Comment
9. Non Public Session RSA 91-A :3II (c), (e)
  - a. Personnel
10. Adjournment

## **April 4<sup>th</sup> School Board Session – ESOL District Plan Presentation**

*On October 21<sup>st</sup>, 2010, Sue Stepick, the Title III Director and ESOL Consultant for the Department of Education, reviewed Milford's ESOL program and ESOL District Plan. Prompted by her review, the ESOL District-Wide Team has recommended changes to the plan, which was approved by the board in 2006.*

Included in the 2011 drafted revision:

- References to kindergarten
- Updated documentation, such as the Home Language survey, to match new state expectations
- A revised ESOL screening, classification, and exiting process that reflects changes in the law
- A consolidation of student records to assist in sharing student background information
- Revised teacher-support documentation based on staff feedback

### **Notes about our current ESOL Population:**

44 students are in the ESOL program. 29 ESOL students receive direct service – more than one-third receive these services daily. 15 ESOL students are currently on monitor status, as they have met the state standards for academic English language proficiency and no longer receive direct service. These students are monitored until the end of a two-year probationary period.

The population is very diverse. Of those receiving direct service, only 20% have a Spanish or Portuguese speaking background. 80% speak one of the following 12 languages: Bosnian, Dutch, Japanese, Khmer, Mandarin, Nepali, Patois, Romanian, Swahili, Thai, Ukrainian, and Urdu.

The plurality of students is at Heron Pond, and the second largest group at the Middle School.

MILFORD SCHOOL DISTRICT

**RATE COMPARISON - PRIMEX CAP PROPOSAL**

	2007/08 ACTUAL	2008/09 ACTUAL	2009/10 ACTUAL	2010/11 ACTUAL	2011/12 NTE	2011/12 NTE-CAP (5% discount)	2012/13 CAP	2013/14 CAP
P&L	\$ 125,116	\$ 88,334	\$ 90,774	\$ 69,835	\$ 74,544	\$ 70,817	\$ 75,774	\$ 81,078
		-29%	3%	-23%	7%	1%	(7% inc MAX)	(7% inc MAX)
W/C	\$ 61,250	\$ 41,882	\$ 52,539	\$ 61,042	\$ 64,705	\$ 61,470	\$ 66,387	\$ 71,698
		-32%	25%	16%	6%	1%	(8% inc MAX)	(8% inc MAX)

**TOTAL 2011/12 SAVINGS: \$ 6,962**

NTE was \$75,993 in Nov when budget was set (9% increase). Has gone down some - savings of \$1,449. Could go down more before rates set by April 15th.

=NTE (not to exceed) less 5% discount (\$3,727)

NTE (not to exceed) less 5% discount (\$3,235)

## Actions to Implement 2011-2012 School Board Goals

**DRAFT**

### 1. Contract Negotiations

Negotiate with the Milford Educational Support Staff Association for a successor collective bargaining agreement to present to the voters on the March warrant.

Date	Item	Status
May #1	Determine extent of board involvement and/or use of paid negotiator	
May #2	Discuss parameters for negotiations	
June #1	Establish parameters for negotiations	
Ongoing	Regular updates to the board	
Nov #1	Tentative approval to the Board for approval in time for budget consideration	
January	Presentation to the voters	

### 2. Capital Improvement Projects

Review, and update if necessary, the district's capital improvement projects.

Date	Item	Status
Sept # 1	Review the District's capital improvement needs	
Sept # 2	Establish District priorities	
Nov # 1	Present priorities for budget consideration	
January	Presentation to voters pending budget considerations	

### 3. Information Technology Improvements

Review the status of the District's staffing and equipment.

Date	Item	Status
May # 1	Review District's proposed Technology Plan	
May # 2	Act on the proposed Technology Plan	
Nov # 1	Present priorities for budget consideration	
January	Presentation to voters	

**Fr: Bob Suprenant**

**To: Milford School Board**

**Re: Reductions Necessary to Meet State Downshift Costs**

**Dt: April 4, 2011**

The following table was presented to the School Board at the March 21<sup>st</sup> meeting. It represents my recommendations to create flexibility in the 2011-2012 budget to meet the possible downshifting of \$655,000 in retirement costs to the District.

There are all sorts of scenarios that could ultimately result from the School Board's decision on Ed Jobs Funding and from NH legislative action. (The House budget, by the way, restores building and catastrophic aid at anticipated levels – about \$340,000 in revenue for Milford). Regardless, our Principals are currently in a state of uncertainty about next year's scheduling and teacher recruitment. High School positions listed in rows 12 and 13, for instance, will be vacant effective the end of this school year while students cannot be assigned to elementary classrooms until Principals are aware of staffing.

If the Board were to accept Ed Jobs Funding as unanticipated revenue for next year and use it to support staffing, we could at least ensure one year positions for rows 12-15, regardless of legislative action. Should the legislature ultimately restore at least 20% of the retirement fund, Milford would realize \$384,000 and we could restore positions 10-15. We could then use Ed Jobs funds to restore rows 2, 3, 4, 7, 8, and 9 for one year.

	Program/Position	Cost	Results
1	Website Redesign	\$5,000	
2	Non-affiliated raises	\$19,496	No salary increase.
3	Summer Custodial Help	\$10,000	Reduced from 4 to 2.
4	Balance of SAU Secretarial Time	\$19,400	Reduction of 1 FT position.
5	Reduce DW Student Periodicals by 50%	\$10,500	
6	Reduce DW Library Books by 50%	\$15,000	
7	Eliminate MS Guidance Sec Position	\$19,519	Reduction of PT positon.
8	Eliminate New Elem IT Position	\$21,000	
9	Eliminate 6 SPED Program Associate Positions	\$196,000	1 Assoc per program
10	PT High School English Teacher	\$49,620	20:1 to 24:1
11	FT MS Foreign Language Teacher	\$75,000	Reduced foreign language
12	FT High School Science Teacher	\$62,617	Reduced electives
13	PT High School Math Teacher	\$38,678	22:1 to 26:1
14	Heron Pond Teacher	\$56,000	21:1 to 23:1 at grade 2.
15	Grade 1 Teacher	\$57,400	20:1 to 22:1
		\$655,230	

## MILFORD POLICY PROPOSAL OVERVIEW – April 4, 2011

POLICY TITLE	PROPOSED CODE	CURRENT CODE	PROPOSAL STATUS	REASON FOR CHANGE / SUBSTANCE OF CHANGE	NHSBA POLICY REFERENCE
Buildings And Grounds Management	2305	2305	2 <sup>nd</sup> Reading	Revision	EBBD
Student Transportation Management	2315	2315	2 <sup>nd</sup> Reading	Revision	ECAAF,EEA,EEAE,EEAEC
Use of Physical Restraint	5013	N/A	2 <sup>nd</sup> Reading	New	JKAA

1. **Insurance Program**

It is the policy of the District that all the property and personnel of the District shall be covered by a comprehensive plan of insurance including casualty, liability, fire insurance, etc.

In setting the amount of coverage, the Board shall follow wherever possible, the recommendations of the insurance underwriters.

The Board shall periodically invite bids for its insurance program on the basis of specifications provided by the Superintendent/designee.

2. **Safety**

It shall be the policy of the Board to take every reasonable precaution for the safety of the students, employees, visitors, patrons, and all others having business with the District. The Board believes that safety is important to everyone concerned with the schools not only as a protective measure during school hours, but also as an instructional means of developing an appropriate mode of behavior to minimize accidents at all times.

Each Principal is responsible for the supervision of the safety program for his/her school, and the supervisor of the safety program for the entire District is the responsibility of the Superintendent/designee.

Each Principal, with the Director of Buildings and Grounds and Lead Custodian, shall periodically conduct safety inspections of the school and grounds and submit reports to the Superintendent of Schools or designee. Reports shall be submitted to the School board when appropriate or upon request.

3. **Security**

The Director of Buildings and Grounds after consultation with the Building Principal, shall be responsible to establish and maintain a procedure which will assure building security after regular school hours.

4. **Cleaning Programs**

An effective cleaning program is important to prevent deterioration of the school buildings and grounds. It is the responsibility of the Director of Buildings and Grounds to coordinate an efficient cleaning program.

5. **Repairs**

It is the policy of the Board that the Business Administrator shall prepare and keep up to date with the Director of Buildings and Grounds in consultation with Building Principals, a continuous program of repairs and maintenance of buildings and grounds. Each year prior to the preparation of the budget, the Business Administrator shall submit to the Superintendent a recommended program of repairs and maintenance for the next fiscal year. Upon adoption and financing of this annual program, he/she shall proceed with plans and specifications for all projects requiring public bidding of contracts and with the program of work on all other items.

**6. Emergency Repairs**

Should an emergency occur which might endanger the safety of students and/or employees or impair the functioning of the school, the Building Principal shall notify the Superintendent who will assume the responsibility for initiating proper action.

**7. Air Quality on School Property**

**The Superintendent/designee shall establish procedures to eliminate and/or minimize the effect of emissions from buses, cars, and other motorized vehicles upon students and school employees. Anti-idling and clear air measures established by state and federal environmental services shall be taken into account.**

**The Superintendent/designee shall make a good faith effort to evaluate physical conditions that can impact indoor air quality, including general cleanliness, ventilation, moisture control, and chemical use and storage. A checklist developed by the Department of Education shall be completed and filed annually with the Department. The Superintendent/designee who has conducted said report under RSA 200:11 shall be immune from civil liability.**

RSA 200:48  
RSA 200:11-a

Adopted: 3/95  
Revised: 11/06

### 1. **Contracted Services**

Student transportation to and from school is provided through contracted services in accordance with bid specifications. The Superintendent/designee is responsible for the preparation of the specifications for contracted transportation services and to have the services put out to bid. All contracted buses shall be **maintained and inspected as required by the laws and rules of the State of New Hampshire.**

### 2. **Scheduling and Routing**

The scheduling and routing of the contracted buses is the responsibility of the Business Administrator ~~or his~~ /designee. Each year, prior to the opening of school, he/she shall meet with the contractor to determine the routes and time schedules, taking into consideration primarily the safety and well-being of the students. He/she will also coordinate for scheduling of buses with the opening and closing of all schools to obtain maximum efficiency in the use of the buses. **Pupils attending private schools, up to and including the twelfth grade, shall be entitled to the same transportation privileges within the District as are provided for pupils in public schools.** The final determination of schedules and routes shall be vested in the School Board through the Superintendent/designee.

**The Milford School District provides student transportation in accordance with the laws and rules of the State of New Hampshire. Kindergarten students are provided transportation to school for the morning program and from school for the afternoon program; mid-day transportation is the responsibility of the parent(s)/legal guardian(s). Full Day students through grade 5 are provided transportation to and from school. Students in grades 6 through 12 who live at least one and one half (1 ½ ) miles from school are provided transportation to and from school.**

**Kindergarten, Readiness, and first grade students may not be discharged from afternoon buses unless:**

- **Child is met by a parent or guardian;**
- **Child is to be met by another adult when a parent/guardian has provided signed, written instruction;**
- **Child is released with or met by an older sibling (2<sup>nd</sup> grade and above) when a parent/guardian has provided signed, written instruction;**
- **A parent/guardian has provided signed, written instruction that the child is to be released to walk to his/her destination alone from the bus stop;**

**Any person meeting a Kindergarten, Readiness, or first grader who is not known to the bus driver may be required to show identification to the driver.**

~~The Milford School District shall furnish transportation to all pupils in grade 1 through grade 8 who live more than two (2) miles from the school to which they are assigned. The local school board may furnish transportation to kindergarten pupils, pupils in grades above the eighth or to any pupils residing less than two (2) miles from the school to which they are assigned, when it finds that this is appropriate, and shall furnish it when so directed by the commissioner of education.~~ Ref: RSA 189:6

~~Pupils entitled to transportation in accordance with RSA 189:6 may be required to walk a distance not to exceed one mile to a school bus stop established by the local school board. Pupils residing in areas which are inaccessible by a local school district's established mode of transportation may be required to walk a distance not to exceed 1 1/2 miles to a school bus stop, provided that the vehicle, route and schedule have been approved by the commissioner of education. School districts shall assure that pupils shall not be subject to unsafe conditions while walking the required distance to a school bus stop and that the school bus stop is established in a safe location. Ref: RSA 189:8~~

### ~~3. Safety~~

~~All contracted buses shall be **maintained and** inspected **as required by the laws and rules of the State of New Hampshire** by the New Hampshire Motor Vehicle Department, as well as other required inspections. All bus drivers are required to have an annual physical examination at the expense of the contractor. The contractor is required to report to the Office of the Superintendent/designee the results of all inspections and physical examinations, as well as all requirements set forth in the specifications.~~

### **4. 3. Use of Bus Video/Audio Recorders**

**Video cameras may be used on school buses to monitor student behavior. Audio recordings in conjunction with video recordings may also be captured on school buses, in accordance with the provisions of RSA 570-A:2.**

**Notification of such recordings is hereby established in this policy. The superintendent/designee will ensure that there is a sign prominently displayed on the school buses informing the occupants of the school buses that such video and audio recordings are occurring.**

**The Superintendent is charged with establishing administrative procedures to address the length of time the recording is retained, ownership of the recording, limitations on who may view and listen to the recording, and provisions for erasing or destroying the recordings.**

**All recordings shall be retained for a period not to exceed ten (10) days, unless the Superintendent determines that the recording is relevant to a disciplinary proceeding.**

**Recordings may be reviewed only by the following persons and only after expressly authorized by the Superintendent/designee.**

- **Superintendent/designee**
- **Business Administrator**
- **Building Administrator**
- **Law Enforcement Officers**
- **Transportation Contractor Official**
- **Parents**

**Parents of a student against whom a recording is being used as part of a disciplinary proceeding will be permitted to listen to the recording.**

In the event a video recording is used as part of a student discipline proceeding, such video may become part of a student's educational record. Should the parents/guardians wish to view the video recording as part of a subsequent disciplinary hearing, the superintendent/designee shall take steps to ensure that the privacy rights of other students on the bus, whether involved in the disciplinary incident or not, are protected.

#### 4. **Transporting Ill Students**

It is the responsibility of the parent to provide transportation for children sent home because of illness. ~~In case of no~~ **instances when a parent or legal guardian is not available to provide transportation for an ill child**, a ~~duly authorized person or persons~~ **duly authorized by the parent or legal guardian** may transport the child. ~~provided arrangement have been made with parents or designated responsible person or persons to care for the child upon arrival.~~

~~Any person transporting students must show evidence of insurance coverage. This coverage shall include liability limits of \$100/300,000, \$50,000 property damage and \$1,000 medical payments. Provided further, any person transporting students must hold a valid operator's license and the vehicle used must meet state inspection standards.~~

~~School District personnel authorized to transport pupils must be informed of their primary liability in the event of a lawsuit.~~

~~Principal's approval is required on the form that will be signed by personnel authorized to transport students. Authorized personnel include the Principal, Assistant Principal, School Nurse, Guidance Counselor and Truant Officer.~~

#### 5. **Emergency Transportation**

**When an immediate response is needed, particularly when time is of the essence, transportation will be at the discretion of the Building Principal/designee.**

If a student requires transportation by ambulance, the cost of the ambulance service will be charged to **the responsibility of** the parents.

~~If a staff member requires transportation by ambulance, the cost of the ambulance service will be charged to the staff member.~~

~~When an immediate response is needed, where time is of the essence transportation will be at the discretion of the Building Principal or his/her designee.~~

#### 6. ~~**Transportation Reimbursement**~~

~~Authorized personnel transporting ill children, called upon for transporting in an emergency situation, or conducting official school district business shall be reimbursed monthly at the established rate provided by the Internal Revenue Service.~~

#### 7. ~~**Bus Video/Audio Camera Monitors**~~

~~The Milford School Board authorizes the installation of video/audio cameras to assist in providing a safe and secure environment for all who ride the school buses. The Board authorizes the Superintendent to develop and maintain guidelines and procedures for the viewing and storage of video recordings.~~

## 7.6. Use of Private Vehicles to Transport Students

- ~~Any use of private vehicles to transport students to or from school, field trips, athletic events, or other school functions, must have prior written authorization by the Superintendent/designee. The Board specifically forbids any employee to transport students, except the teacher's own children, for school purposes without prior written authorization by the Superintendent/designee. Individuals providing unauthorized student transportation do so at their own expense and liability.~~
- ~~Employees or private citizens using their own or a rented vehicle to provide school-authorized student transportation must have automobile insurance of not less than \$100,000 per person, \$300,000 per accident, \$100,000 property damage and \$10,000 medical payment coverage. Combined Single Limit and provide a Certificate of Insurance naming the District as an Additional Insured. The District will maintain liability insurance, which will be in excess of the owner's primary insurance for authorized student transportation.~~
- ~~Employees or private citizens providing transportation on an incidental basis, i.e., not specifically as part of a contract to transport, must have a valid driver's license, and the vehicle used must have a current New Hampshire inspection sticker. A commercial license is required for any vehicle that has a capacity of 16 or more.~~
- ~~Except in cases of emergency, students being transported by employees or private citizens shall, prior to being transported, be required to obtain the prior written permission of a parent or legal guardian. Permission slips will be kept on file at the Principal's office at each school.~~
- ~~No student shall be sent on school errands using any automobile.~~

6.1 District employees who are not employed primarily to transport students may drive students to and from school-related functions only during regular school hours in a district-owned or private vehicle only with the prior written permission of the Superintendent/designee and only if employees are not reimbursed for any associated expenses. District employees including paid coaches, officials and advisors, may NOT drive students before or after regular school hours unless they meet the requirements of federal and state regulations and other applicable school district policies, as well as receive prior written permission of the Superintendent /designee.

Individuals requesting permission of the Superintendent/designee must submit the following with their written request:

1. An insurance certificate indicating current automobile insurance coverage limits of not less than \$100,000 per person, \$300,000 per accident liability; \$100,000 property damage; and \$10,000 medical payments. The certificate must clearly indicate that the vehicle that will be utilized in the transport is covered on the policy. In lieu of a certificate of insurance, an insurance policy declaration page containing this information is acceptable.
2. A written acknowledgement signed and dated by the employee, and the owner of the insurance policy if the policyholder is not the employee,

indicating the employee/policyholder fully understands that by NH law, their insurance is primary.

3. Valid operator's license for each person who will be driving.
4. Valid registration for the vehicle to be utilized in the transport.
5. Proof of current inspection of the vehicle to be utilized in the transport.
6. Written permission of the employee's principal or supervising administrator.
7. Permission may be requested for a series of events and/or for like reasons over an extended period of time.

**6.2 Except as provided in Section 6.1 above or in cases of emergency, individuals not specifically contracted by the district to transport students, including but not limited to private citizens; parents/guardians; students; unpaid coaches, officials and advisors; and volunteers who provide transportation to and/or from school, field trips, athletic events, or any school function whatsoever, without the prior written authorization of the Superintendent/designee, do so at their own risk, expense, and liability.**

**Individuals requesting permission of the Superintendent/designee must submit the following with their written request:**

1. Documentation that a criminal records check has been completed.
2. An insurance certificate indicating current automobile insurance coverage limits of not less than \$100,000 per person, \$300,000 per accident liability; \$100,000 property damage; and \$10,000 medical payments. The certificate must clearly indicate that the vehicle that will be utilized in the transport is covered listed on the policy. In lieu of a certificate of insurance, an insurance policy declaration page containing this information is acceptable.
3. A written acknowledgement signed and dated by the employee, and the owner of the insurance policy if the policyholder is not the employee, indicating the employee/policyholder fully understands that by NH law, his/her insurance is primary.
4. Valid operator's license for each person who will be driving. ~~A commercial license with the proper endorsement is required for any vehicle that has a capacity of 16 or more.~~
5. Valid registration for the vehicle to be utilized in the transport.
6. Proof of current inspection of the vehicle to be utilized in the transport.
7. Written permission of a parent/guardian of each student being transported, except the individual's own children, indicating the following:
  - a. Student's name
  - b. Student's address and home phone number
  - c. Dates of transportation
  - d. Departure and destination locations
8. Permission may be requested for a series of events and/or for like reasons over an extended period of time.

**No student shall be sent on school errands using any automobile.**

## **Procedures:**

### **1. ~~Custody~~**

- ~~a. Recordings shall be kept in a secure location by the Bus Company's Local Division Manager for a period of ten (10) working days from the day of recording. He or she may not delegate this responsibility to any bus driver.~~
- ~~b. After the ten (10) day period and if no request has been made to view a recording it may be routinely reused in the cameras.~~

~~**2. Confidentiality**~~

~~All video recording is to be considered confidential and is to be viewed only on an "as needed" basis. Those people authorized to view the recordings are:~~

~~The bus company's local division manager, the Superintendent or designee, school administration in charge of transportation at each building level, students and parents of students who are directly involved in a particular incident, bus drivers who are directly involved in a particular incident, and law enforcement officers.~~

**Legal Reference:**

**RSA 189:6, 189:8, 189:9, 570-A: 2, 200:37, 263:29**

Adopted 8/98, 2/73  
Revised 10/73, 8/76, 5/77, 3/89, 3/95, 11/06.

**A. Introduction:**

The Milford School District authorizes staff members to use physical restraints in limited situations.

Physical restraint will be used only when the physical action of a student creates a substantial risk of harm to self or others, and/or, as a last resort, when all other positive interventions have failed or the level of immediate risk prohibits exhausting other means.

Persons implementing a restraint will use extreme caution and the least amount of physical strength necessary to protect the student. The use of physical intervention should not exceed that necessary to avoid injury. The degree of physical restriction employed must be in proportion to the circumstances of the incident and the potential consequences. School administration may elect to contact the local law enforcement agency for support if necessary.

A physical restraint of a student will be conducted in a manner consistent with the techniques prescribed in the District approved training program. The purpose of the restraint is to assist the student to regain emotional stability. It should last only as long as is necessary to accomplish this. To the extent possible, it will be conducted in such a way as to preserve the confidentiality and dignity of all involved.

Physical restraint should be carried out by trained persons authorized by the Superintendent/designee. Untrained staff is limited to physically intervening by using the minimal amount of physical contact with the student to protect the student and ensure the safety of others until trained staff is available. Untrained staff should request assistance from trained staff as soon as possible.

**B. Definitions:**

1. Physical restraint occurs whenever a staff member physically restricts a child's movement against his or her will. Physical restraint is a temporary measure to be used only when necessary to facilitate care, welfare, safety, and security for all.

“Restraint” shall not include:

- a. Holding a child to calm or comfort the child, holding a child’s hand or arm to escort the child safely from one area to another, or intervening in an ongoing assault or fight.
  - b. Brief periods of physical restriction by person-to-person contact, without the aid of medication or mechanical restraints, accomplished with minimal force and designed either to prevent a child from completing an act that potentially would result in physical harm to himself or to another person, or to remove a disruptive child who is unwilling to leave an area voluntarily.
  - c. Physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, and supportive body bands, or other physical holding when necessary for routine physical examinations and tests or for orthopedic, surgical, and other similar medical treatment purposes, or when used to provide support for the achievement of functional body position or proper balance or to protect a person from falling out of bed, or to permit a child to participate in activities without the risk of physical harm.
  - d. The use of seat belts, safety belts, or similar passenger restraints during the transportation of a child in a motor vehicle.
  - e. The use of force by a person to defend himself or herself or a third person from what the actor reasonably believes to be the imminent use of unlawful force by a child, when the actor uses a degree of such force which he or she reasonably believes to be necessary for such purpose
2. Substantial risk is the serious, imminent threat of bodily harm where there is the ability to enact such harm. Substantial risk shall exist only if all other less restrictive alternatives to diffuse the situation have been exhausted and have failed, or the level of risk prohibits exhausting other means.
  3. Trained staff are those individuals who successfully complete and stay current in a training program that results in acquisition of skills in preventing restraints, evaluating risk of harm in an individual situation, use of approved techniques and monitoring the effect of the restraint.
  4. Parent shall mean the student’s parent(s), legal guardian(s), surrogate parent(s) or student over the age of 18.

### **C. Risks of Restraint:**

All restraints involve some risk. This may include injury, including in rare instances death, to the person being restrained and/or to staff. For this reason, it is essential that staff be trained in appropriate techniques that minimize risk. There is also the risk of psychological impact in using restraints. An individual's past experience may cause unanticipated responses. For some students, the restraint may be a positive reinforcer of the behavior. In addition, staff should be conscious of individual perceptions, experiences, and cultural orientation and recognize that for some students any touching may be unwelcome and misinterpreted despite good intention. In these situations, touching the student may evoke an extreme and intense response and make the use of restraint more dangerous for both student and staff.

### **D. Training:**

The District shall identify personnel to be trained in the use of prevention strategies and physical restraint procedures. Efforts will be made to apply physical restraint only as a last resort. The District will notify all new personnel working in programs where the use of physical restraint is "anticipated" of the Policy and Procedures for the Use of Physical Restraint. Staff will receive ongoing training to maintain the requirements of the training program chosen by the District.

### **E. Processing the Incident:**

Immediately after the student has restored emotional and behavioral control, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the restraint. The individuals involved with the incident will complete a Notification of Use of Restraint Form no later than the end of the following school day. The staff member involved with the restraint will have the opportunity to meet with his/her supervisor after the incident. The purpose is to have staff process the incident, look at what could have been done to prevent the restraint and look at other options. The student, with assistance from staff, will process the event at the earliest appropriate time.

### **F. Informed Decision Making:**

If the District anticipates that the use of physical restraint will be a necessary standard intervention for a student, a written plan for that student shall be developed. When the use of physical restraint is included within the plan, the Physician of the child must sign off that it is safe to use, the parent/guardian must agree to the plan, and be provided with a copy of the Policy and Procedure for the Use of Physical Restraint. The parent/guardian will be asked to share relevant information with school personnel, including but not limited to medical, health, psychological considerations, past

experiences, patterns of behavior that may signal an imminent situation and/or de-escalation techniques that have proven to be successful. Whenever staff becomes aware of a medical condition, it is their responsibility to work with the parent/guardian to identify viable modifications/alternatives. To the extent possible, the District will collaborate with the parent to identify appropriate and effective techniques for supporting student behavior. Ultimately, it is the responsibility of the District to provide for the safety of all students. The general welfare and safety of both the student and others must be considered at all times. In dangerous situations where the student can cause serious, probable and imminent bodily harm to himself/herself or others, restraint may be used.

### **G. Documentation and Reporting Requirements:**

1. All restraints must be documented.
2. Appropriate personnel will use the following protocol after each incident:
  - a. The school principal will be notified as soon as possible.
  - b. The school principal or designee will verbally notify the parents as soon as possible, but no later than 24 hours after the restraint occurred. Efforts will be made to notify the parent(s) prior to the end of the day. The principal or designee will update the parent on the student's current emotional state and discuss strategies to assist the parent(s) in dealing with any residual effects of the incident.
  - c. An incident report will be completed no later than the end of the following school day and given to the school principal or designee.
  - d. The incident report will be given to the parent no later than the following school day after submission to the school principal or designee after the use of restraint.
  - e. A copy of the report will be placed in the student's confidential file and sent to the Superintendent within 5 school days.
  - f. Unless prohibited by court order, the Superintendent/designee shall, within 2 business days of receipt of the notification required in the above paragraph, send by first class mail to the child's parent(s) the information contained in the notification/report.

### **H. Review Process:**

The District shall review and update the Policy and Procedures for the Use of Physical Restraint based on governmental requirements and licensing standards.

*Reference: RSA: 126-U*