

EL CAMINO REAL ACADEMY RESTRAINT AND SECLUSION POLICY/PROCEDURE

El Camino Real Academy shall follow requirements for the use of restraint and seclusion techniques in accordance with Section 22-5-4.12 NMSA 1978 and 6.11.2.10.E NMAC, as amended.

I. El Camino Real Academy shall establish and review annually policies and procedures for the use of restraint and seclusion techniques. Such policies and procedures shall require and describe appropriate training for school personnel and shall include requirements in relation to the use of restraint and seclusion techniques.

a) A school may permit the use of restraint or seclusion techniques on a student pursuant to the requirements in Section 22-5-4.12 NMSA 1978, and only if the student's behavior presents an imminent danger of serious physical harm to the student or others, and only if less restrictive interventions appear insufficient to mitigate the imminent danger of serious physical harm.

b) Less restrictive interventions, including positive behavioral intervention supports or other comparable behavior management techniques, shall be implemented prior to the use of restraint and seclusion techniques.

c) If a restraint or seclusion technique is used on a student, trained and authorized school employees shall maintain continuous visual observation and monitoring of the student while the restraint or seclusion technique is in use.

d) Restraint or seclusion techniques shall be used only by school employees who are trained in de-escalation strategies, positive behavioral intervention supports, and the safe and effective use of restraint and seclusion techniques, unless an emergency does not allow sufficient time to summon those trained school employees.

e) The restraint or seclusion techniques shall not impede the student's ability to breathe or speak, shall be in proportion to a student's age and physical condition, and shall end when the student's behavior no longer presents an imminent danger of serious physical harm to the student or others.

f) A school employee shall provide the student's parent/guardian with written or oral notice on the same day the incident occurred, unless circumstances prevent same-day notification. If notice is not provided on the same day of the incident, notice shall be given within 24 hours after the incident.

g) Within a reasonable time following the incident, no longer than two school days, a school employee shall provide the student's parent with written documentation that includes information about any persons, locations, or activities that may have triggered the behavior; if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used, and the duration of its use.

II. El Camino Real Academy shall develop and implement an annual training for designated school personnel regarding positive behavioral intervention supports or comparable behavior management techniques and the use of restraint and seclusion techniques. In the event that new designated school personnel are employed within the school after the provision of the annual training, the principal of the school, or a person authorized to act officially in a matter involving school discipline or the maintenance of order within the school, shall ensure that a training is provided to new designated school personnel within 60 days of employment.

III. El Camino Real Academy shall update school safety plans with regard to restraint/seclusion and make reports to the NMPED in accordance with state law.

IV. If a student has been restrained or secluded two or more times within 30 calendar days, El Camino Real Academy shall review strategies used to address the student's behavior and determine whether the student needs a functional behavior assessment or referral to a SAT or BIP team, or, if a student has an IEP, a referral to the student's IEP team. The student's IEP, BIP, or SAT team shall meet within two weeks of each subsequent use of restraint or seclusion to provide recommendations for avoiding future incidents requiring the use of restraint or seclusion; the review shall include whether school personnel involved in the incidents were trained in the use of de-escalation strategies, positive behavioral intervention supports, or restraint and seclusion techniques. Additionally, the review shall consider whether the individual who restrained or secluded a student needs additional training.

V. El Camino Real Academy shall conduct an annual review and analysis of all incidents in which restraint or seclusion techniques were used, including the number of incidents, the type of incident, personnel involved, the need for additional training, and student demographics.

VI. If the school summons law enforcement instead of using a restraint or seclusion technique on a student, the school shall comply with the reporting, documentation, and

review procedures established herein and in 6.11.2.10 NMAC and Section 22-5.-4.12 NMSA.

VII. Restraint or seclusion techniques used in compliance with 6.11.2.10.E NMAC shall not be deemed to be corporal punishment.