

**MSDB
PERSONNEL****Use of Force/Abuse 5710**

Ensuring the health, safety and security of the students enrolled at MSDB is the paramount concern of everyone employed by the School. To this end, every employer who has regular supervised or unsupervised contact with students will be familiar with and comply with the procedures outlined within the "progressive discipline plan" contained in the "MSDB Student Handbook". This plan is designed to provide students and staff opportunities to work cooperatively to promote student behaviors necessary and conducive to learning in a positive learning environment.

Physical or psychological abuse or neglect, as defined in MCA 41-3-102 and MCA 45-5-625, which is inflicted on a student for the purpose of intimidation or coercion, constitutes "Abuse of Force". In no case will faculty or staff utilize an abuse of force to obtain compliance of a student with any directive. In the event that a student demonstrates noncompliant, disrespectful and/or disorderly behavior, faculty and staff are to refer the student to their immediate supervisor for progressive disciplinary action.

Faculty or staff may use physical restraint, intervention techniques or force only in cases when by his/her actions, a student poses a clear and present danger to him/herself or others or to protect property from serious harm. Only in these instances may a faculty or staff member use physical force or restraint to protect herself/himself, another student or another staff member, or to protect property from serious harm as defined in MCA 20-4-302.

When physical restraint is necessary to protect students from injuring himself or others, an administration approved program of restraint techniques will be utilized. Faculty and staff will receive appropriate training before being allowed to use restraint techniques.

If a faculty or staff member is unfamiliar with, untrained or uncomfortable in utilizing approved techniques, he/she must request immediate assistance from an administrator or employee trained to utilize restraint techniques.

In the event that a faculty/staff member uses physical force against a student for any reason, the immediate supervisor or an administrator is to be notified immediately, and a written summary is to be prepared by the employee and submitted to the administration before the end of their scheduled duty day.

Any employee who doesn't have regular supervised or unsupervised contact with students is to avoid any interaction with a noncompliant, disrespectful or disorderly student and is to make an immediate report to their supervisor or administrator.

Any faculty or staff member found to have subjected a student to physical force for any reason other than to protect the student from harming himself or others will be subject to disciplinary action up to and including termination.

MSDB PERSONNEL

Use of Physical Restraint 5710P

Faculty or staff may use physical restraint, intervention techniques or force only in cases when by his/her actions, a student poses a clear and present danger to him/herself or others. Only in these instances may a faculty or staff member use physical force or restraint to protect himself, another student or another staff member from serious harm as defined in MCA 20-4-302.

In this statute there are 6 reasons identified in which a School employee may use restraint on a student: **1)** to stop a fight **2)** to protect oneself **3)** to protect a student or to protect one student from another, **4)** to take a weapon or dangerous object from a student, **5)** to move a student from one area to another, and **6)** to protect School property. Using force or restraint is clearly justified with reasons 1, 2, 3, and 4, which constitute emergency situations. It is less clear when a teacher, cottage life attendant or other staff person would be justified in using force to move or redirect a student or to protect property, which are not emergency situations, when the use of force could result in injury to the student or the staff person.

Any adult who uses restraint or force on a student runs the risk of being charged with a misdemeanor, under MCA 20-4-302 section 7, or being held liable, in a civil case under MCA 20-4-302 section 8, for assault or physical abuse if it is found by a jury that the restraint or force was unnecessary or unreasonable.

Procedure

- 1) To protect everyone, students and staff alike, teachers, teacher assistants, cottage life attendants, or other staff WILL NOT put their hands on, use physical restraint, or use other force on a student to: 1) relocate a student or 2) protect property.
 - a) When a student needs to be relocated or restrained from leaving an area or restrained to prevent the destruction of property the staff or faculty is to immediately call a supervisor or administrator or the education, cottage or administrative office for assistance.
 - b) An emergency number will be provided to staff or faculty so that they can contact the on-duty supervisor for assistance.
 - c) If the on-duty supervisor does not respond, staff or faculty are to contact the education, cottage or administrative office for assistance.

While waiting for assistance, staff or faculty are to:

- i) Clear the area of other students if the offending student's behavior is posing a potential risk to others.

- ii) Give the offending student space and disengage in communicating with the student.
 - iii) Seek assistance from another staff person, in the immediate area, to monitor the student while waiting for the on-duty supervisor.
 - iv) Attend to the other students after assistance has arrived.
- 2) To protect everyone, students and staff alike, teachers, teacher assistants, cottage life attendants, or other staff MAY use reasonable or necessary physical restraint to protect a student from harming him/herself, other students or staff, or the staff member.
- a) This includes instances whereby allowing the student to leave an area the student places him/herself in danger or by allowing the student to destroy property the student is at risk of hurting him/herself or others.
 - i) When physical restraint is necessary to protect students from injuring himself or others, a program of administration approved techniques ~~i.e. the Mandt System, David Mandt and Associates~~, will be utilized. Faculty and staff will receive appropriate training before being allowed to use restraint techniques.
 - ii) If a faculty or staff member is unfamiliar, untrained or uncomfortable in utilizing approved techniques, he/she must request immediate assistance from an administrator or employee trained to utilize restraint techniques.
 - b) In the event that a faculty/staff member uses physical force against a student for any reason, the immediate supervisor or an administrator is to be notified immediately and a written summary is to be prepared by the employee and submitted to the administration before the end of their scheduled duty day.
 - c) Any employee who does not have regular supervised or unsupervised contact with students is to avoid any interaction with a noncompliant, disrespectful or disorderly student and is to make an immediate report to their supervisor or administrator.

Legal References: MCA 20-4-302. Discipline and Punishment of Pupils

Policy History:

Adopted on: 03-15-02

Revised on: