

Physical Restraint

- Massachusetts laws governing the physical restraint of students:
 - M.G.L. c. 71, § 37G
 - 603 CMR 46.00 - Prevention of Physical Restraint and Requirements if Used (*effective 1/1/2016*)



Types of Restraint

- **Physical Restraint:** Direct physical contact that prevents or significantly restricts a student's freedom of movement.
 - Does not include:
 - brief physical contact to promote student safety;
 - providing physical guidance or prompting when teaching a skill; redirecting attention; or providing comfort; or
 - a physical escort.
- **Chemical Restraint (prohibited):** Administration of medication for the purpose of temporarily controlling behavior.
 - Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Types of Restraint

- **Mechanical Restraint (prohibited):** The used of any physical device or equipment to restrict a student's freedom of movement.
 - Does not include:
 - devices prescribed by medical or related services personnel for the specific and approved positioning or protective purposes for which they are designed.
 - Examples: adaptive devices or mechanical support to support body position, balance, or alignment.....; vehicle safety restraint when used as intended; restraints for medical immobilization; orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- **Seclusion (prohibited):** Physically confining a student alone in a room or limited space from which the student is physically prevented from leaving.
 - The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint."



Type of Restraint, cntd.



- **Prone Restraint** - physical restraint in which a student is placed face down on floor or another surface, and physical pressure is applied to student's body to keep student in face-down position.

Prone restraints are prohibited, except on an individual basis and under these circumstances:

- (1) Student has documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff; and
- (2) All other forms of physical restraint have failed to ensure safety of student and/or others; and
- (3) There are no medical contraindications as documented by a licensed physician; and
- (4) There is psychological or behavioral justification for the use of prone restraint and no psychological or behavioral contraindications, as documented by a licensed mental health professional; and
- (5) Program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and the use is approved in writing by principal; and
- (6) Program has documented all of the above before using prone restraint and maintains the documentation.

Prohibited Restraints



- Chemical Restraint, Mechanical Restraint, Seclusion, are prohibited.
- Prone Restraint is prohibited unless all six of the requirements on the prior slide are met.
- Only Physical Restraint is permitted.

Time Out

- Time Out is behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming.





Types of Time Out

- **Inclusionary Time-Out**

- When the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.
- Includes practices used by teachers as part of their classroom behavior support tools, such as “planned ignoring,” asking students to put their heads down, or placing a student in a different location with the classroom.

- **Exclusionary Time-Out**

- The separation of the student from the rest of the class either through complete visual separation or from actual physical separation.
- Includes removal to separate Time Out rooms.
- May not be used as a method of punishment for non-compliance, or for incidents of misbehavior that are no longer occurring.
- Exclusionary time-out should only be used when students are displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom.
- Exclusionary time-out must cease as soon as the student is calmed.

Requirements for Use of Exclusionary Time Out

- Space used must be clean, safe, sanitary, and appropriate for calming.
- Unless a safety risk is present, a staff member must be physically present with the student who is in an exclusionary time-out setting.
 - If it is not safe to be present with the student, the student may be left in the time-out setting with the door closed.
 - Students must never be in a locked room.
- Student must be **continuously observed** by staff
 - Staff must be with student or immediately available at all times.
- Must terminate as soon as student has calmed.
- Principal must approve extension of exclusionary Time Out beyond 30 minutes.

When Physical Restraint May Be Used

- Physical Restraint may be used only where:
 - Non-physical interventions would be ineffective; and
 - The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.
- Physical Restraint may not be used as punishment, as a response to property destruction, or in response to a student's refusal to comply with rules/directions unless the non-compliance creates a threat of imminent, serious physical harm.
- **Physical Restraint is an “emergency procedure of last resort.”**

Administration of Restraint

- Restraint to be administered only by trained personnel (Safety Care or CPI)
 - Must use minimum amount of force necessary in the safest manner possible.
 - Must terminate restraint as soon as possible.

***603 CMR 46.00 does not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.**



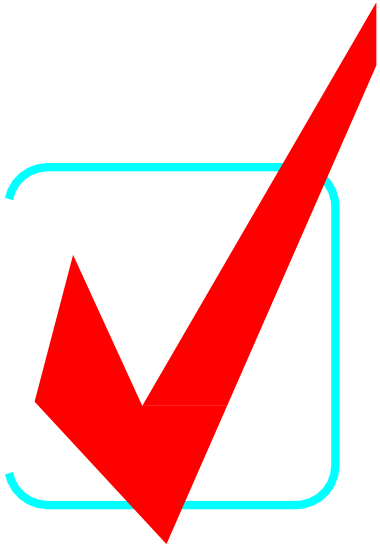


Duration of Restraint

- Restraint must terminate as soon as student is no longer an immediate danger to himself or others, *or* the student indicates that he/she cannot breathe, *or* if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged coughing or crying.
- **If student is restrained beyond 20 minutes, staff must obtain approval of Principal.** Approval must be based upon student's continued agitation justifying need for continued restraint.

Safety Requirements of Restraint

- Make sure student is able to breathe and speak.
- Continuously monitor physical status, including skin temperature, color and respiration.
- If student experiences physical distress -- release restraint and seek medical assistance immediately.
- Know student's medical and psychological limitations, known or suspected trauma history, and/or behavior intervention plans.
- Implement follow-up procedures after release from restraint. Review incident with student and staff.



Restraint Reporting Timelines and Process

- Staff member must immediately verbally inform the Principal of **any physical restraint, regardless of duration**, and must file a written report no later than next school day.
- Principal must verbally inform the student's parents immediately and must mail or e-mail the parents a detailed written report w/in three (3) school days of restraint.
- Any restraint that results in injury must be reported to DESE w/in three (3) school days of restraint. District must also send DESE a copy of all records of physical restraint maintained by the principal for the thirty (30) day period prior to the date of the reported restraint.
- District must also report **all** physical restraints to DESE in an annual report in a form/manner determined by DESE.
- **Reporting requirements cannot be waived by the parent/guardian or IEP Team.**

Content of Written Report



- Names/job titles of those involved, including observers
- Date and time began/time ended
- Name of administrator verbally informed
- Name of Principal/designee who approved restraint if beyond 20 minutes
- Description of what was happening before restraint
- Description of holds used
- Description of student's behavior during restraint
- Description of efforts used to prevent escalation of behavior, including specific de-escalation strategies
- Further actions the school has taken or may take



Restraint Review Procedures

- Administrative Review by Principal
 - Monthly School Wide Review
 - Consider patterns, number, duration, injuries
 - Assess whether restraint prevention and management policy needs to be modified
 - Assess whether additional staff training on restraint reduction/prevention strategies is needed
 - Weekly Individual Student Review
 - Identify students restrained multiple times during week
 - Convene review team(s) to assess each student's progress and needs
 - Review and discuss written reports
 - Analyze factors leading up to restraint
 - Consider factors that may have contributed to escalation of behaviors
 - Develop written action plan
 - Goal is to reduce or eliminate future restraint

Required Training For “All Program Staff”

Training shall include information on the following:

- Role of student, family and staff in preventing restraint
- Program’s restraint prevention and behavior support policy and procedures, including difference between time-out and seclusion
- Interventions that may preclude the need for restraint and alternatives to restraint in emergency circumstances
- Types of permitted restraints, safety considerations, and increased risk of injury for restraints of extended duration
- Administration of restraints in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral interventions plans; and
- Identification of Program staff who have received in-depth training

In-Depth Staff Training

- At the beginning of each school year, the principal must identify program staff to serve as resources regarding physical restraint
- Those staff must participate in in-depth training
- DESE “recommends” that such training be competency-based and be at least 16 hours in length with refresher training occurring annually thereafter.
- Only in-depth trained staff can administer floor or prone restraints



In-Depth Staff Training



- The training must include:
 - Appropriate procedures for preventing the use of physical restraint, including de-escalation and alternatives;
 - A description of the specific dangerous behaviors on the part of students that may lead to physical restraint and evaluating the risk of harm in individual situations;
 - The simulated experiences of administering and receiving physical restraint...including monitoring signs of physical distress and obtaining medical assistance;

In-Depth Staff Training

- The training must also include:
 - Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
 - Demonstration of proficiency and administering physical restraint; and
 - Instruction regarding the impact of physical restraint on the student and family, including but not limited to psychological, physiological and social-emotional effects.