

# **PHYSICAL RESTRAINT BEHAVIOR AND SUPPORT PROCEDURES AND GUIDELINES**

## **I. PURPOSE (46.01)**

The Public Schools of Northborough and Southborough shall abide by the provisions of 603 CMR 46.00, which regulates the use of physical restraint on students in publicly funded elementary and secondary education programs. The Public Schools of Northborough and Southborough has developed restraint prevention and behavior support procedures, in compliance with 603 CMR 46.04, which shall be annually reviewed by school staff and made available to parents.

Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

Further, nothing in 603 C.M.R. 46.00, The Public Schools of Northborough and Southborough Physical Restraint Procedures shall be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, nothing in 603 C.M.R. 46.00, The Public Schools of Northborough and Southborough Physical Restraint Procedures and Guidelines precludes any 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. 603C.M.R. 46.01(4).

## **II. DEFINITIONS (46.02)**

As used in 603 CMR 46.00, the following terms shall have the following meanings:

***Commissioner*** shall mean the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c.15, §1F, or his or her designee.

***Consent*** shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent understands and agrees in writing to carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

***Department*** shall mean the Department of Elementary and Secondary Education.

***Mechanical Restraint*** shall mean the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

***Medication Restraint*** shall mean the 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.

***Parent*** shall mean a student's father, mother, or legal guardian or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

***Physical Escort*** shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

***Physical Restraint*** shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

***Principal*** shall mean the instructional leader or headmaster of a public education school program or his or her designee. The board of directors of a charter school or virtual school, or special education school or program approved under 603 CMR 28.09, shall designate in the restraint prevention and behavior support procedures and guidelines who will serve as principal for purposes of 603 CMR 46.00.

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

***Public Education Programs*** shall mean public schools, including charter schools, virtual schools, collaborative education programs, and the school day of special education schools approved under 603 CMR 28.09, as provided in 603 CMR 18.05(5)(h), and school events and activities sponsored by such programs. The term "programs" may be used in 603 CMR 46.00 to refer to "public education programs." For purposes of 603 CMR 46.00, public education programs shall not include the educational services provided within Department of Youth Services, Department of Mental Health, Department of Public Health, and County Houses of Correction operated or contracted facilities.

***School Working Day*** shall mean a day or partial day that students are in attendance at the public education program for instructional purposes.

**Seclusion** shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

**Time-out** shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

### **III. USE OF RESTRAINT (46.03)**

(1) Prohibition.

- (a) Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.
- (b) Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:
  - 1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
  - 2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
  - 3. There are no medical contraindications as documented by a licensed physician;
  - 4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
  - 5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
  - 6. The program has documented 603 CMR 46.03(1)(b) 1 - 5 in advance of the use of prone restraint and maintains the documentation.
- (c) Physical restraint shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.
- (d) All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

(2) Physical restraint shall not be used:

- (a) As a means of discipline or punishment;
- (b) When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting, which has been documented by a licensed physician and provided to the District;

- (c) As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
  - (d) As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.
- (3) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
- (4) Referral to law enforcement or other state agencies. Nothing in these regulations prohibits:
- (a) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
  - (b) Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
  - (c) The exercise of an individual's responsibilities as a mandated reporter pursuant to G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

#### **IV. PROCEDURES; TRAINING (46.04)**

- (1) Methods for Preventing Student Violence, Self-Injurious Behavior, and Suicide
- (a) Intervention process for non-crisis situations:
    1. Who is involved: The teacher(s) of the student; building administration, counseling staff, psychologist and/or behavior specialist/Board Certified Behavior Analyst (BCBA), related services providers as appropriate (for example, speech pathologist, occupational therapist)
    2. What is done: collaboration to create meaningful interventions to address the concerns brought forward, including accommodations and explicit instruction
    3. Plan is developed and agreement on data collection
    4. Review in 6-8 weeks to evaluate effectiveness and next steps (such as referral to special education)
  - (b) Individual crisis planning process:
    1. Who is involved: The teacher(s) of the student; building administration; counselor, psychologist and/or behavior specialist/BCBA; and/or student support services administrator are involved in collaboration and development of individual student crisis plans.
    2. What is done: collaboration to review contexts and data surrounding behaviors of concern. Identification of triggers and signals leading up to student violence, self-injury and/or suicide. This may include informal or formal functional behavior assessment (FBA).
    3. Plans are developed based on data.
      - i. Minimize or eliminate triggers where appropriate and applicable. And/or,

- ii. Supports are provided to teach the student(s) to respond to the triggers in a safer or therapeutic manner.
4. Review period determined by individual situation

(c) Process for Responding to Unpredictable/Unforeseeable Crisis:

1. Upon observed crisis behavior, a staff member will call for additional building support.
  - i. The building support is identified by building administration and consists of members who have completed and passed annual competency of in-depth crisis de-escalation and response training.
2. Staff move/remove potentially vulnerable peers, excessive audience, and/or items potentially used to harm or as projectiles. Monitor all for safety.
  - i. Implement prompts to access coping strategies or wait and monitor for safety as additional building support arrives.
3. Additional building support arrives.
  - i. Support members implement trained interventions for de-escalation procedures.

(d) Method for engaging parents

The Public Schools of Northborough and Southborough acknowledges the vital role of parents in creating safe schools. We ask parents to be:

1. Knowledgeable about their role in supporting their student(s)
2. Knowledgeable of school rules and expectations
3. Familiar with our Code of Conduct and school and district expectations regarding respectful and safe behavior. The link for information regarding the Code of Conduct is found on each building's webpage within the student handbook link.

At various parent forums, such as Orientations, Open Houses, Parent Coffees, the role of the parent is emphasized. We work with our students to clarify school rules and norms and use developmentally appropriate language and groupings to support student understanding of safe behavior and ways to seek support and de-escalate potential conflicts.

Additionally, any parent with concerns about the use of physical restraint at any school within The Public Schools of Northborough and Southborough may request a meeting with the building Principal or the Superintendent to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure described below.

## (2) De-escalation Techniques and Methods of Physical Restraint

### (a) De-escalation Techniques

1. ***Redirection (Safety Care: Prompt Strategy)***: Is a procedure in which a prompt (model, gesture, verbal or light touch) to interrupt engagement of dysregulated behavior and gain on-task or access to coping/regulation strategies.

2. **Planned Ignoring (Safety Care: Withholding Attention):** is a process in which attention (verbal directions, corrections, eye contact) is minimized to the disrupted behavior and based upon a functional assessment that the student's behavior is exacerbated by attention. It is a process in which staff are consistently in view and monitoring the effect of the intervention for safety.
3. **Verbal Directives** - same as redirection - it's a prompt strategy to tell the student what to do and not what to stop doing.
4. **Blocking (Safety Care: Safety and Protective Stances and Safety Shuffle):** Is a positioning strategy that staff engage in to avoid being assaulted by a student (examples: hitting, kicking, throwing of items, bites etc.). Staff attempt to maintain a distance of at least 2 arms lengths from student, face student (avoiding midline and refraining from turning back on student) while positioning arms straight out to "block" attempted assaults/contact from student. Staff shuffling away should that be necessary.
5. **Differential Reinforcement Systems** are designed and used to reinforce and promote school core values including regulation, on-task and use of coping strategies derived from behavior analytic methodologies including more commonly known systems such as Positive Behavior Improvement Systems (PBIS) and Responsive Classroom. Examples of these strategies include: random reinforcement when noticing core values (e.g., "catch students doing good") and use of structured reinforcement systems (e.g., "bucket filling class plans;" "STAR tickets" and/or as classroom group reinforcement plans or individual student token or point systems).
6. **De-escalation strategies:** Three main forms of de-escalation strategies are to:
  - i. Promote communication with the student and provide help to a problem
  - ii. Use of Prompts including Cognitive Distractions to build momentum in communication and engagement.
  - iii. Waiting for calm, giving space, when all other de-escalation strategies or talking appear to escalate the situation.
7. The Public Schools of Northborough and Southborough utilizes time-out interventions as a behavioral support strategy as defined in (603 CMR 46.02). Time out can be inclusionary and exclusionary
  - i. **Inclusionary Time-out** is when either the student selects themselves, or staff suggests taking a break *within* the classroom setting. Student is continuously observed for safety and needs. Student may take the break at their current seat, or a designated space may be identified within the classroom (e.g., bean bag in the corner, desk at the back of the room etc.).
  - ii. **Exclusionary Time-out** is when either the student selects themselves, or staff suggests taking a break *outside* the classroom setting/learning activity. A designated space is identified and can be student individualized. This space may be: alternative classroom, guidance, office, nurses' office, quiet room etc. When exclusionary time out interventions are in place, the student is continuously observed and

monitored for safety and meeting needs. De-escalation strategies are continued as needed.

- a. A physical escort as defined by (603 CMR 46.02) may be utilized to assist guidance of student to alternative location for the purposes of calming.
  - b. Should exclusionary time out approach 30-minutes, the building principal or designee must be notified for continuance. If it appears that the time out intervention has not helped the student to calm, then alternative behavioral support strategies must be attempted.
- iii. The space used for time-out complies with (603 CMR 46.02).

(c) Methods of Physical Restraint:

The following forms of physical restraint shall only be administered by trained personnel, using only the amount of force necessary to protect the student or other member(s) of the school community from assault or imminent, serious, physical harm. The staff member(s) administering physical restraint shall use the safest method available, or such reasonable force as is necessary, and appropriate to the situation, for the least time necessary. The least amount of time necessary defined as the student no longer poses a danger to themselves or others. Staff shall continuously monitor the physical status of the student during restraint, and the student shall be immediately released from the physical restraint if the student expresses or demonstrates significant physical distress. Physical distress includes but is not limited to, impaired breathing, skin color changes, evidence of seizure or other medical concern.

Physical restraint shall cease once the conditions necessitating the restraint no longer exist. If any physical restraint approaches twenty (20) minutes, staff will obtain the approval of the building Principal to continue the restraint based upon the student's continued agitation. All physical restraints shall be administered in compliance with 603 CMR 46.00.

The following types of physical restraint may be used:

1. Safety Care, which utilizes evidenced based holds to stabilize an individual to prevent emergency unsafe behavior to self and others when no other practical means or interventions have proven successful, includes a one person stability hold, a two person stability hold, Forward and Reverse transports, as well as single, two or multi-person seated (floor or chair) holds. There are NO prone or supine holds, lifts or weight bearing of an individual. No hold uses pressure points or pressure exerted on the diaphragm.
  - i. 1-Person Stability Hold
  - ii. 2-Person Stability Hold
  - iii. Seated Stability Hold
  - iv. Chair Stability Hold
  - v. Forward Escort
  - vi. Backward Escort

(3) Staff training:

(a) All school staff will receive annual training with respect to the DESE regulations and The Public Schools of Northborough and Southborough physical restraint procedures.

(b) The principal of each school will:

1. Arrange for training to occur in the first month of each school year, and within the first month of employment for those staff hired during the school year
2. Identify staff who has received in-depth training
3. Identify specific staff to serve as school-wide resources to assist in ensuring proper administration of physical restraint.
  - i. Each building has an assigned Safety-Care Trainer who will complete in-depth training of at least sixteen (16) hours, with at least one refresher training annually, and at least 24 hours of teaching Safety-Care each year.

(c) Building based administration will:

1. Collaborate with the counseling department, teachers, paraprofessionals, related services providers and support staff to make sure the school is appropriately responsive to student needs.
2. Develop and apply methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.
3. Develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.
4. Develop strategies and interventions that include those taught in Safety Care trainings, therapeutic interventions including Cognitive Behavioral Therapy (CBT) and Dialectical Behavior Therapy (DBT), and strategies for classroom management found in Responsive Classroom and PBIS intervention education.

(e) Training for all staff shall include information on the following:

1. The role of the student, family, and staff in preventing restraint;
2. The program's restraint prevention and behavior support procedures, including use of time-out as a behavior support strategy distinct from seclusion;
3. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
4. When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;

5. Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
  6. Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.
- (f) In-depth training for building support members in the proper administration of physical restraint shall include the following:
1. Appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
  2. A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
  3. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
  4. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
  5. Demonstration by participants of proficiency in administering physical restraint; and,
  6. Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

#### (4) Grievance Procedure

##### (a) Informal Resolution of Concern about Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school.

The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed below. The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously.

If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process detailed below.

##### (b) Formal Resolution of Concern about Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent.

The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school. The written complaint shall include the:

1. Name of the student;
2. Name of the school where the physical restraint allegedly occurred;
3. Name of the individuals involved in the alleged physical restraint;
4. Basis of the complaint or concern; and
5. Corrective action being sought.

The Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint.

The Office of the Superintendent and/or its designees will ensure the complaint is handled as quickly as is feasible, though timelines may vary based on each set of circumstances. After completing the formal investigation, the Office of the Superintendent shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

(c) Other Complaint Processes Also Available

The provisions of this section do not preclude a student from using the complaint process set forth in the districts' Anti-Harassment and Sexual Harassment Policies to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as sex, race, color, gender, ancestry, national origin, ethnicity, religion, age, limited English, disability, marital status or sexual orientation, homelessness, gender identity or genetic information.

Further, the provisions of this section do not preclude a student from using the complaint process set forth in The Public Schools of Northborough and Southborough Student Handbooks to seek resolution of any complaints regarding a student's deprivation of rights set forth in each school's handbook located on its respective webpage.

## **V. REPORTING (46.06)**

- (1) All restraint related injuries must be reported to the DESE. When a physical restraint has resulted in an injury to a student or staff member, The Public Schools of Northborough and Southborough shall send a copy of the written report required by the Regulations to

the DESE postmarked no later than three school working days after the administration of the restraint. The Public Schools of Northborough and Southborough shall also send the DESE a copy of the record of physical restraints maintained by the principal for the 30-day period prior to the date of the reported restraint. The DESE shall determine if additional actions are warranted and, if so, shall notify The Public Schools of Northborough and Southborough of any required actions within 30 calendar days of receipt of the required written report.

Follow up procedures for restraint include not only the reporting requirements set forth above, but also reviewing the incident with the student and staff and consideration of whether additional services may be appropriate for students who witnessed the incident. Also, in accordance with the Regulations, The Public Schools of Northborough and Southborough shall engage parents or guardians in discussion about restraint prevention and the use of restraint solely as an emergency procedure.

- (3) The Public Schools of Northborough and Southborough requires the principal/designee to make reasonable effort to verbally inform the student's parent or guardian of a restraint as soon as possible, but no later than 24 hours after the event, and by written report sent within three school working days of the restraint by regular mail. The written restraint report must be provided to the parent or guardian in the language in which report cards and other necessary school-related information are customarily provided. The principal shall provide the student and the parent or guardian an opportunity to comment orally and in writing on the use of the restraint and on information in the written report. The information in the report shall in in conformance with 603 CMR 46.06(4). The Parent and/or student may also pursue the Grievance Procedure described above.
- (4) After a student is released from a physical restraint, staff shall implement follow-up procedures, including:
  - (a) Review the incident with the student to address the behavior that precipitated the physical restraint.
  - (b) Review the incident with the staff member(s) who administered the physical restraint to ensure proper restraint procedures were followed.
  - (c) Review whether changes in programming (examples: behavior support plans, schedules, environmental modifications, student pairings, communications etc.) need to be made and communicate those changes out to essential team members.
- (5) Building principals shall develop procedures to include weekly review of physical restraint data to identify individual students who have been restrained multiple times during the week, and if any such student(s) is identified, to convene a review team to assess the student's needs. The individual weekly assessment shall include at least the following:
  - (a) review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student or parent about such reports and the use of the restraints;

- (b) analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
- (c) consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;
- (d) agreement on a written plan of action by the program.

The principal shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request. If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees shall lead the review team's discussion.

- (6) The principal shall conduct monthly, administrative review of school-wide physical restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management procedures, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

LEGAL REFS: M.G.L. [71:37G](#); [603 CMR 46.00](#)