

General Overview  
of  
Physical Restraint Requirements  
for Public Education Programs  
Including Revisions that Take  
Effect January 1, 2016

**Prepared by the Massachusetts Department of Elementary  
and Secondary Education for use by Public Education  
Programs in Annual Staff Training.**

# Caution

- This presentation provides an overview of the regulatory requirements for the use of physical restraint, but does not iterate all of the detail in the regulations.
- Throughout the presentation there are references to the revised regulations which take effect on January 1, 2016.
- Cites to the revised regulations are noted in red.
- All school staff should read and be familiar with the regulations.

# Find the Regulations

- Previous and amended regulations on **Physical Restraint** at:

<http://www.doe.mass.edu/lawsregs/603cmr46.pdf>

- **New regulations in effect January 1, 2016, Prevention of Physical Restraint and Requirements If Used** at:

<http://www.doe.mass.edu/lawsregs/> under

Recently Approved Regulations

# Training is IMPORTANT Because



- A safe school environment is better able to promote effective teaching and learning.
- Preparing appropriate responses to potentially dangerous circumstances helps to eliminate or minimize negative consequences.

# Read the Regulations

- 603 CMR 46.00 -- these regulations apply to all public education programs including day schools, school events and school sponsored activities.
- Viewing this presentation does not substitute for a careful reading of the full regulatory requirements.



# Key Aspect: Training and Awareness

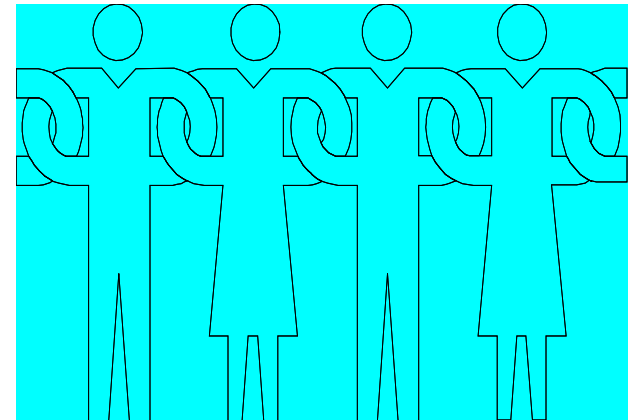
Regulation  
46.03(1 & 2)  
& 46.04(2)

- Annually, For ALL staff - Review:
  - School restraint policy.
  - The school's prevention and behavior support policy and procedures including individual crisis planning.
  - Methods of prevention of need for physical restraint and alternatives to restraint.
  - Types of restraint and related safety considerations.
  - Administering restraint in accordance with student's needs/limitations including known or suspected trauma history.
  - Required reporting & documentation.
  - Identification of selected staff to serve as information resource to school.

# For Selected Staff: In-Depth Training - Contents

Regulation  
46.03(4) &  
46.04(4)

- Prevention techniques.
- Identifying specific dangerous behaviors.
- Experience in restraining and being restrained.
- Demonstration of learned skills.
- Recommended 16 hours.
- Instruction on the impact physical restraint has on the student and family.



# Knowing the terminology:

## Physical restraint

"The use of bodily force to limit a student's freedom of movement."

## Physical restraint

"Direct physical contact that prevents or significantly restricts a student's freedom of movement."

Regulation 46.02(3) &  
Regulation Section  
46.02



# Terminology

Regulation 46.02(3) &  
Regulation Section 46.02

## NOT physical restraint:

“Touching or holding a student without the use of force ---

includes physical escort, touching to provide instructional assistance, and other forms of contact that do not include the use of force.”

NOT physical restraint:  
“Brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.”

# Other Terminology:

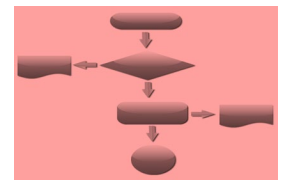
Regulation  
46.02(5)  
&  
Regulation  
Section  
46.02

- Chemical restraint/Medication Restraint - is prohibited. Medication that is prescribed by a physician and authorized by the parent is not medication restraint.
- Mechanical restraint - do not use without physician's order and parental consent – as of 1/1/16 prohibited in all instances.
- Seclusion - “physically confining a student alone in a room or limited space without access to school staff.”  
“The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.”

Don't do it.

# Time-Out

- Time-out definition - staff remains accessible. Staff is present, continuously observing the student.
- Procedure for obtaining principal approval to extend time out longer than 30 minutes.
- See Advisory at:  
<http://www.doe.mass.edu/sped/advisories/2016-1ta.html>
- For a flow chart distinguishing between exclusionary time-out and seclusion.



# Prone Restraint until 1/2016

- 46.05(3) Safest method. ...Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training ...and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present.



# New: Prone Restraint

Regulations 46.03(1)(b)  
and 46.05(3) Safest method

- Prone restraint is prohibited except if ALL of the below is true and documented:
  - The student has a documented history of repeated dangerous behavior to self or others.
  - All other forms of restraint have been unsuccessful
  - There are no medical contraindications.
  - There is psychological/behavioral justification with no contraindications.
  - The program has obtained consent to use prone restraint.
  - The program has documented all of the above in advance of the use of prone restraint
- Then, prone restraint only by people with in-depth training.

# Extended Restraint

Regulation 46.02(1) and  
Regulation 46.05(5)(c)

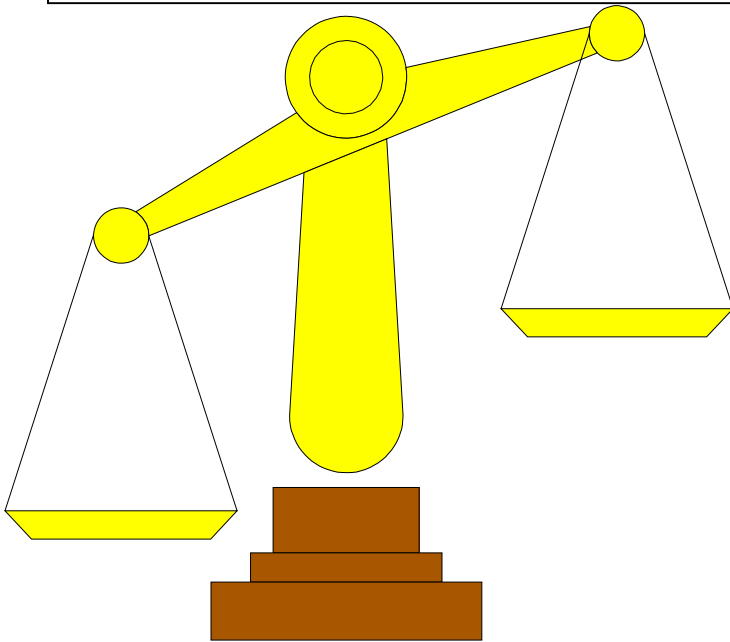


- Longer than 20 minutes.
- Increases the risk of injury.
- Requires approval of the principal prior to the restraint exceeding 20 minutes.
- Requires additional written documentation and report to the Department of Education. After 1/16 Reported to DESE at the same time as any restraint is reported.

# The use of restraint.

Regulation 46.03(1)(c)  
retains this same  
language.

- Restraint is not a form of treatment or punishment.
- Restraint is an emergency procedure.
- Restraint is to be used only as a last resort when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others.



# Do not use physical restraint



Regulation  
46.04(3) &  
**Regulation**  
46.03(2)

- When the student cannot be safely restrained including medical contraindications.
- As a standard response for any student.
- When non-physical interventions could be used.
- As a means of discipline or punishment.
- As a response to property destruction, school disruption, refusal to comply, or verbal threats.
- The use of restraint may not be included in behavior plans or IEPs. Begin to remove them now so they are not in plans as of 1/16.



# Proper Administration of Physical Restraint

Regulation Section  
46.05 (current) and  
**46.05 (new)**

- Remember training considerations.
- Have an adult witness if possible.
- Use only the amount of force necessary to protect the student or others.
- Use the safest method. Do not use floor or prone restraints unless you have received in-depth training –for prone, all required steps must be completed beforehand.
- Discontinue restraint ASAP or if the student indicates that s/he cannot breathe.



# Safety requirements

Regulation  
46.05(5) &  
Regulation  
Section  
46.05

- Know students' medical and psychological limitations, including known or suspected trauma history.
- Make sure student is able to breathe and speak. If the student indicates that s/he cannot breathe the restraint must be stopped.
- Monitor physical well-being, respiration, skin temperature, and color.
- If student experiences physical distress -- release restraint and seek medical assistance immediately.

# Regulations do not prohibit or limit:

- The right to report a crime.
- Law enforcement, judicial authorities, or school security personnel from completing their responsibilities.
- Mandated reporting of neglect or abuse.
- The use of reasonable force to protect oneself, a student, or others.

Regulation 46.04(4)

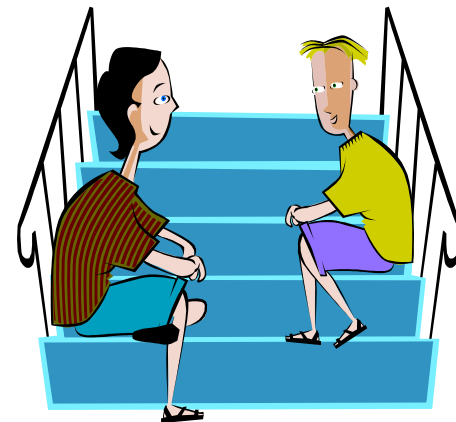
Regulations 46.03(4) & 46.01(4)

# Follow-Up Procedure: Prevention/Learning from the Experience

- Following every restraint action taken, the circumstances should be discussed with the student, and with others, as appropriate.
- Ask: “How can we avoid this happening again?”

Regulation  
46.05(5)(d)

Regulation 46.05(5)(e)



# Key Reporting Requirements



- When to Report: Currently report only restraints over 5 minutes or in any case of an injury (to student or staff). **As of 1/1/16 report the use of any restraint.**
- Notify School Administration: Notify school administration as soon as possible, & provide written report by the next school working day.
- Notify Parents: The principal or director of the program notifies the parent, verbally as soon as possible (**verbally within 24 hours**), and by written report within 3 school working days.
- **Student and parents must be allowed to comment**

Regulation Section 46.06 (current) & 46.06 (new)

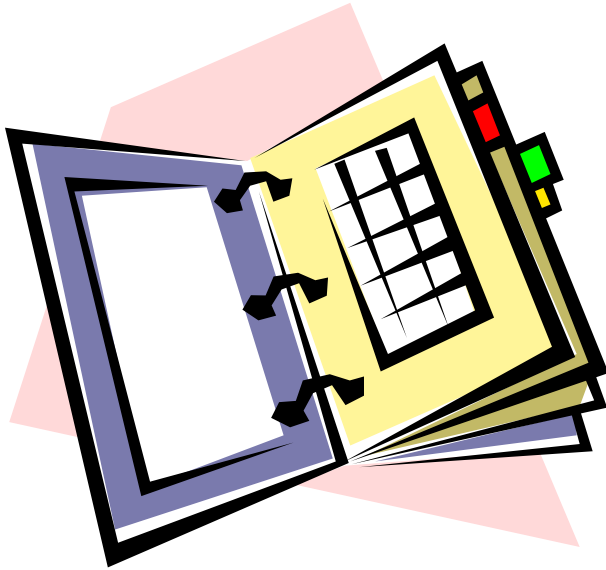
# Content of Written Report

Regulation  
46.06(4) (current)  
and new

- Who was restrained? Who participated in the restraint? Observers? Who was informed and when?
- If longer than 20 minutes the name of the principal or designee who approved the continuation.
- When did the restraint occur? (date/time)
- What was happening before, during, and after the restraint? Describe alternative efforts attempted. What behavior prompted the restraint? Describe the restraint—holds used and reasons for their use.
- Documentation of any injury to students or staff.
- Has the school taken, or will it take, any further actions, including disciplinary consequences?

# Key Data Keeping Aspect: Ongoing Log

Regulation  
46.06(2)  
(current)  
and new



- School district maintains a log of all reported instances of physical restraint in the school.
- Use the log for review of incidences and consideration of school safety policies and procedures.
- The following two slides detail additional restraint data review requirements.

# New: Individual Student Review (weekly)

Regulation  
46.06(5)

- Principal is to identify individual students restrained multiple times within the previous week and convene a review team to consider:
  - Reports about the use of restraint, and comments provided by parents and the student.
  - Analyze circumstances and factors leading up to the perception of need for the use of restraint.
  - Consider strategies to reduce or eliminate the use of restraint for this student in the future.
  - Review team agreement on a written plan of action.



# New: Administrative Review (monthly)

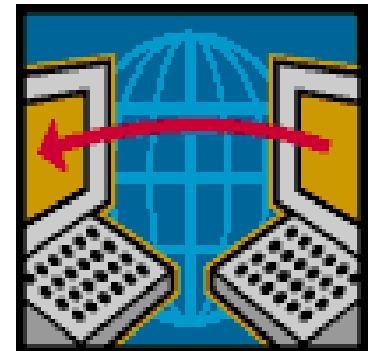
- The principal shall conduct a monthly review of school-wide restraint data.
- Consider patterns of use, looking for commonalities.
- Principal will consider modification(s) to the restraint policy.
- Determine need for additional training.
- Determine other necessary actions to reduce the need for the use of restraint.

Regulation  
46.06(6)

# Reporting to the Department

- Extended restraints (restraints over 20 minutes).
- Any time there is a serious injury.
- Send report within 5 school working days of restraint. Include log for 30 day period prior to restraint.
- Department may determine additional required action.
- Collect and annually report all physical restraints to the Department.
- Report all restraint related injuries to the Department within 3 school working days.

Regulation  
46.06(5) &  
46.06(7&8)

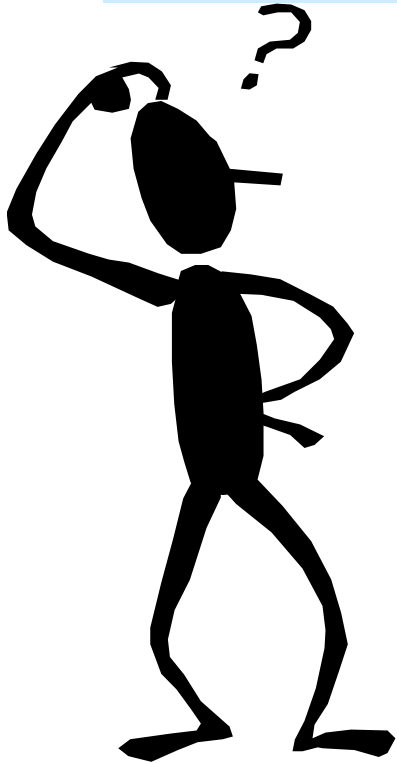


## Find the Regulations:

<http://www.doe.mass.edu/lawsregs/603cmr46.pdf>

See 603 CMR 46.00

The revised regulations can be found under:  
**Recently Approved Regulations and Regulations  
Amendments**



**Any questions?**

Contact: [Restraint@doe.mass.edu](mailto:Restraint@doe.mass.edu)

# Greater Lowell Technical High School

## PHYSICAL RESTRAINT PREVENTION AND BEHAVIOR SUPPORT

### I. GENERAL INFORMATION

Greater Lowell Technical High School seeks to promote a safe and productive workplace and educational environment for its employees and students. In accordance with the Code of Massachusetts Regulations (603 C.M.R. 46.00), the law governing the use of physical restraint on students in public schools, GLTHS seeks to ensure that every student in GLTHS is free from the use of restraint in a manner that is not consistent with these state regulations. **Physical restraint shall only be used in emergency situations as a last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate and only with extreme caution.** See 603 C.M.R. 46.01(3).

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 603 C.M.R. 46.01(3) (a) & (b).

Further, nothing in the Code of Massachusetts Regulations (603 C.M.R. 46.00), the GLTHS Physical Restraint Procedures and Guidelines 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 the Code of Massachusetts Regulations (603 C.M.R. 46.00), the Greater Lowell Technical High School Restraint Procedure and/or Administrative 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. See 603 C.M.R. 46.01(4).

#### A. Definitions

**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.

**Full or Partial Physical Cue** shall mean anytime an adult needs to temporarily place their hands on a student or physically redirects a student without force.

**Mechanical restraint** shall mean the use of any physical device or equipment to restrict a student's freedom of movement. Mechanical restraint 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 redirection** shall mean placing one hand on each of the student's shoulders without force and redirecting the student to the learning activity, classroom or 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 of the school or his or her designee.

**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.

**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.

## **II. METHODS FOR PREVENTING STUDENT VIOLENCE, SELF-INJURIOUS BEHAVIOR, AND SUICIDE, INCLUDING INDIVIDUAL CRISIS PLANNING AND DE-ESCALATION OF POTENTIALLY DANGEROUS BEHAVIOR OCCURRING AMONG GROUPS OF STUDENTS OR WITH AN INDIVIDUAL STUDENT**

### **A. School-Level Supports**

Greater Lowell Technical High School has a Response Team as designated by the Assistant Superintendent/Principal. Members of the school's Response Team should be trained in Crisis Prevention Intervention (CPI).

Greater Lowell Technical High School will provide school-wide professional development to all staff including the school-based Response Team focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The designated school-based team along with teachers and other school personnel will identify students who are potentially at-risk and review their social, emotional and behavioral progress monthly at a minimum to discuss resources and plan appropriate interventions and support for the identified students.

Greater Lowell Technical High school has a comprehensive Crisis Plan available to all students and staff. A copy of this plan is located in a noticeable location in every classroom. School staff should utilize the school district's various tools to help students who are exhibiting aggressive behavior including but not limited to access to school adjustment counselors, evidenced based social emotional programming such as anger management groups or anxiety support groups, and facilitation of community connections and referrals for outside treatment and crisis assessments as deemed necessary by in-school crisis/risk assessments. Whole school educational professional development on trauma informed approaches and sensitivity are a focus, as well as restorative justice practices when possible and appropriate. Please contact the School Counseling Office or Special Education Office for additional support and/or resources. Greater Lowell Technical High School will work closely with community providers to ensure that school teams can share information and engage in co-planning to address the school, home, and community issues of both individual students and groups of students.

For any student with a history of significant emotional/behavior including at risk behavior (harm to self and/or others) and/or a student who required physical restraint, the team should develop a safety plan. The plan should include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and weekly review, etc. for the purpose of assessing progress and making necessary adjustments. Teams can request a functional behavioral assessment (FBA) or Safety Assessment, and can refer to outside agencies contracted by Greater Lowell Technical High School as needed. One tool which may be used to address specific student needs in terms of safety planning is the Adolescent Safety Zone Tool utilized by the Massachusetts Department of Mental Health, which can help to guide the team in determining student specific needs and required supports.

### **Interventions and Alternatives to Physical Restraint**

There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints only should be used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.

Examples of interventions and less intrusive methods that may preclude the need for the use of physical restraint include but are not limited to, the following:

1. Empathic Listening;
2. Para-verbal Communication (use of a low non-threatening voice)
3. Limiting the Number of Adults Providing Direction to the Student;
4. Limit Setting (offering the student a choice or suggesting possible resolutions to the student);
5. Not Blocking the Student's Access to Leave the Classroom or Take Space;
6. Kinesics (avoiding dramatic gestures such as waving arms, pointing, blocking motions, etc.);
7. Verbal Prompt (communicating what is expected behavior by clearly stating instructions and expectations);
8. Full or Partial Physical Cue (refer to Section A Definitions);
9. Physical Escort (refer to Section A Definitions);
10. Physical Redirection (refer to Section A Definitions); or
11. Time-out (refer to Section A Definitions).

## **B. General De-Escalation Guidelines**

General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:

1. **Remain Calm** - To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior, use a neutral and level tone of voice, control one's facial expressions and use supportive non-threatening body language.
2. **Obtain Assistance** - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
3. **One Person Speaks** - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
4. **Remove Student if Possible** - The feasibility of having a student experiencing distress leave an area with other students and move to another more private and safe area in order to de-escalate should be considered.
5. **Remove Other Students** - If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

### C. In an Emergency Situation

School staff are to act in a manner to ensure the safety of the individual as well as other students and personnel. The school staff responding to the emergency situation should adhere to the requirements of the Greater Lowell Technical High School Physical Restraint Procedure and these administrative guidelines and **only use a physical restraint as a last resort and with extreme caution after other lawful and less intrusive alternatives have failed or been deemed inappropriate**. In other words, staff should first attempt to verbally redirect the student. If this does not stop or prevent the student from danger, the staff member should take a supportive stance first to prevent them from entering any dangerous situation, such as running into the street or jumping from a high place. If the staff member is unable to prevent the student from entering a dangerous situation only then the staff member should administer or attempt to hold the student from danger until emergency assistance or help arrives. This includes, but is not limited to, any one of the approved control CPI positions.

### III. METHODS FOR ENGAGING PARENTS/GUARDIANS AND YOUTH IN DISCUSSIONS ABOUT RESTRAINT PREVENTION AND USE OF RESTRAINT SOLELY AS AN EMERGENCY PROCEDURE

The Assistant Superintendent/Principal should provide all families and students with information about behavioral supports and restraint prevention efforts that are utilized within their school. Additionally, principals are expected to follow these administrative procedures with respect to identifying students who may be at risk of restraint and work with the student and their family along with the school adjustment counselor/guidance counselor to identify and work on behavioral supports to prevent restraint from occurring. If a student is restrained, principals are expected to follow these administrative procedures with respect to engaging the student and their family about the use of the restraint, the report regarding the restraint, any disciplinary sanctions that may be imposed and/or any other related matters.

Additionally, the school social worker/guidance counselor/or designee also should follow up with the student and their family regarding behavioral support. The School Council which is an advisory group composed of teachers, parents, students and a community member led by the Assistant Superintendent/Principal, meets each month over the course of the school year. As part of these meetings, the School Council reviews the handbook to provide feedback to be considered.

### IV. DISTRICT'S PHYSICAL RESTRAINT PROCEDURES

#### A. Determining When to Use a Physical Restraint

If all other less intrusive alternatives have failed or been deemed inappropriate to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior from occurring among groups of students or with an individual student, a physical restraint may be used as a last resort. In other words, **a physical restraint can only be used as a last resort in an emergency when a student's behavior poses a threat of imminent, serious physical harm to himself or herself or others, and the student does not respond to verbal directives or other lawful and less intrusive behavior interventions or such interventions are deemed inappropriate under the circumstances**. Any physical restraint shall be limited to the use of such reasonable force as is necessary, for the least time necessary, to protect a student or another member of the school community from assault or imminent, serious, physical harm. A physical restraint may only be administered by school personnel who have been properly trained in the use of physical restraint.

#### B. Prohibitions on Use of a Physical Restraint

(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: The student has a documented history of repeatedly causing



serious self-injuries and/or injuries to other students or staff;

1. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
2. There are no medical contraindications as documented by a licensed physician;
3. 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;
4. Consent has been obtained 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,
5. Documentation has been provided 603 CMR 46.03(1)(b) 1 through 5 in advance of the use of prone restraint and that documentation has been maintained. .

(c) Physical restraint, including prone restraint where permitted, 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;

(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 603 CMR 46.00 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 M.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.

### C. Proper Administration of a Physical Restraint

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received either the in-depth training detailed below in Section V (B) or recertification training.

Whenever possible, the administration of the physical restraint shall be observed by at least one adult who does not participate in the physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary, for the least time necessary, to protect the student and/or a member of the school community from assault or imminent, serious, physical harm. Additionally, school personnel administering a physical restraint shall use the safest method available and appropriate to the situation in accordance with the safety requirements detailed below in subsection E, and shall discontinue the restraint as soon as possible. **Floor and prone restraints are prohibited.**

It should be noted, however, that the training requirements of the Greater Lowell Technical High School's Physical Restraint Prevention and Behavior Support Administrative Procedures and Guidelines, shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. 603 C.M.R. 46.05(1) A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm. See 603 C.M.R. 46.05(2).

### D. Safety Requirements

**No restraints shall be administered in such a way that a student is prevented from breathing or speaking.** During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin temperature and color and respiration. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm. **If, at any time during a physical restraint the student expresses or demonstrates significant physical distress, including but not limited to difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.**

If it appears that a student may be restrained for more than twenty (20) minutes based on the student's continued agitation, school staff must obtain the approval of the principal **before** continuing the restraint for more than twenty (20) minutes. Approval can only be given by the principal and when the principal is not on site at the school, approval can only be given by the assistant principal or the principal designee for the day or period of the day that the principal is not on site at the school. Before making a decision to extend the restraint for the student, the principal must be informed of critical details regarding the restraint of the student, including, but not limited to:

- a. the type of restraint; and
- b. the student's behavior and condition during the restraint.

The principal must consider these critical factors so that he/she can determine whether continued use of the restraint is justified based on the student's continued agitation. If the principal determines that the continued use of the restraint is justified based upon the student's continued agitation, the report form needs to be completed by the staff person who is seeking the extension, signed by both the staff person and principal and a copy of the report provided to the Principal no later than three (3) school working days of the administration of the restraint as to the critical factors he/she was informed of and were considered in making the determination that the continued use of the restraint is justified based on the student's continued agitation. A copy of the report form is attached.

School personnel shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

School personnel should remember that at any time, school personnel should seek to contact the school nurse and emergency medical assistance if it appears that the student is demonstrating significant physical distress, and it is the recommended best practice for school personnel to seek medical assistance when a student appears to be demonstrating or experiencing any physical distress as a result of a restraint.

Brief physical contact with a student by a school staff member in order to promote student safety solely for the purpose of preventing imminent harm to the student, for example, physically re-directing a student about to walk in front of a moving vehicle, grabbing a student who is about to fall or breaking up a fight between students, is not consider a physical restraint. Staff who have brief physical contact with a student in order to promote student safety shall verbally inform the principal of any physical contact as soon as possible and by no later than the close of the school day on which the brief physical contact occurred and, by written report, no later than the next school working day after the brief physical contact occurred, for review of the event. The principal shall make reasonable efforts to verbally inform the student's parents/guardians of the brief physical contact within twenty-four (24) hours of the event and shall review the event with a review team in accordance with the procedures set forth below in Section F.

## **E. Procedure For Use of Time-Out As A Behavior Support Strategy**

### **1. Use of Time-Out as a Behavior Support Strategy**

The use of inclusionary time-out is a behavior support strategy when it is inclusionary. In other words, as detailed in the Massachusetts Department of Elementary and Secondary Education's Technical Advisory SPED 2016-1 dated July 31, 2015, "when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom" while still "allowing the student to remain fully aware of the learning activities in the classroom."

Types of inclusionary time-out practices that function as behavior support strategies include, but are not limited to, planned ignoring, asking the student to put his/her head down, placing a student in a different location within the classroom that is not walled-off or otherwise separated from the classroom.

The use of time-out is exclusionary if, as detailed in the Massachusetts Department of Elementary and Secondary Education's Technical Advisory SPED 2016-1 dated July 31, 2015, the time-out is "a staff-directed behavior support that should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom." It "should not be used for punishment for noncompliance or for incidents of misbehavior that are no longer occurring." School staff must be physically present with the student who is in an exclusionary time-out setting, including but not limited to, any student who is exhibiting self-injurious behavior. **If the student poses a safety risk to staff and is not exhibiting self-injurious behavior, then, in those limited instances, the school social worker, other behavioral support professional or CPI trained staff must be immediately available to the student outside the entrance to the time-out setting where he/she can continuously observe and communicate with the student as appropriate to determine when the student is calm. A student is never to be locked in a room.**

During an exclusionary time-out, a student shall not be involuntarily confined and must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The time-out

shall cease as soon as the student has calmed or when thirty (30) minutes have passed, whichever event is earlier. The preference is for time-out to be implemented within a classroom. **Any space utilized for time-out outside of a classroom must be a safe and calming environment.**

2. Process of Obtaining Assistant Superintendent/Principal Approval for an Exclusionary Time-Out of More than Thirty (30) Minutes

If it appears that a student may be using time-out as a behavior support strategy for more than thirty (30) minutes based on the student's continued agitation, school staff must obtain the approval of the principal **before** continuing the time-out for more than thirty (30) minutes. Approval can only be given by the principal and when the principal is not on site at the school, approval can only be given by the assistant principal or the principal designee for the day or period of the day that the principal is not on site at the school. Before making a decision to extend the time-out for the student, the Assistant Superintendent/Principal must be informed of critical details regarding the time-out of the student, including, but not limited to:

- a. the type of time-out; and
- b. the student's behavior and condition during the time-out.

The Assistant Superintendent/Principal must consider these critical factors so that he/she can determine whether continued use of the time out is justified based on the student's continued agitation. If, as detailed in the Massachusetts Department of Elementary and Secondary Education's Technical Advisory SPED 2016-1 dated July 31, 2015, "if it appears that the use of exclusionary time-out exacerbates the student's behavior, or the continuation of the exclusionary time-out beyond thirty (30) minutes has not helped the student to calm, then other behavioral support strategies should be attempted." If the Assistant Superintendent/Principal determines that the continued use of the time-out is justified based upon the student's continued agitation, the report form attached needs to be completed by the staff person who is seeking the extension. The report then needs to be signed by both the staff person and Assistant Superintendent/Principal and a copy of the report provided to the Assistant Superintendent/Principal no later than three (3) school working days of the administration of the time-out. The report needs to detail the critical factors the principal was informed of and were considered by him/her in making the determination that the continued use of the time-out was justified based on the student's continued agitation. The parent should be notified of the time out within 24 hours, but preferably, immediately following the time out whenever possible. A copy of the report form is attached.

## **F. Follow-up Procedures and Reporting Requirements**

NOTE: A detailed follow-up checklist is attached to these procedures and guidelines for your reference.

### 1. Follow-up Procedures

After a student has been released from a restraint, the school principal or designee shall implement the follow-up procedures set forth below:

- a. review the restraint with the student to address the behavior that precipitated the restraint;
- b. review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed; and
- c. follow-up for the students who witnessed the incident.

## 2. Reporting Requirements

- a. Staff who administer a restraint shall verbally inform the Assistant Superintendent/Principal of any physical restraint as soon as possible and by no later than the close of the school day on which the restraint was administered and, by written report, no later than the next school working day after the restraint was administered, for review of the use of the restraint. A copy of the reporting form is attached. **If the Assistant Superintendent/Principal administered the restraint, the Assistant Superintendent/Principal shall prepare the report no later than the next school working day after the restraint was administered.**
- b. The Assistant Superintendent/Principal shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Massachusetts Department of Elementary and Secondary Education or the student's parents/guardians, upon request. A sample format for this record is attached to these procedures and guidelines.
- c. The Assistant Superintendent/Principal or his/her designee shall make reasonable efforts to verbally inform the student's parents or guardians of the physical restraint within twenty-four (24) hours of the event, and shall notify the parent/guardian by a written report sent either within three (3) working school days of the restraint to an email address provided by the parent/guardian for communication about the student, or by regular mail postmarked no later than three school working days of the restraint. A sample letter to the parent/guardian that can be attached to the written report form regarding the administration of a restraint is attached. This notice should be issued to the parents/guardians in English and in the home language of the student.
- d. The Assistant Superintendent/Principal shall provide the student and the parent/guardian an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

## 3. Individual Student Review Procedures

The Assistant Superintendent/Principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified the principal shall convene one or more review teams as the Assistant Superintendent/Principal deems appropriate to assess each student's progress and needs. The assessment shall include at least, but not be limited, to following:

- a. review and discussion of the written reports submitted in accordance with 603 C.M.R. 46.06 and section IV of these administrative procedures and guidelines and any comments provided by the student and parent/guardian about such reports and the use of restraints;
- b. an 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 the 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; and
- d. an agreement on a written plan of action by the school.

**If the Assistant Superintendent/Principal participated in the restraint, the Superintendent would lead the review team's discussion.**

**The Assistant Superintendent/Principal shall ensure that a record of each individual student review is maintained and made available for review by the Massachusetts Department of Elementary and Secondary Education or the parent/guardian of the student, upon request.**

#### 4. Administrative Review

The Assistant Superintendent/Principal shall conduct at a minimum a monthly review of school-wide 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 Assistant Superintendent/Principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management plan in compliance with district policy, conduct additional staff training on restraint reduction or 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.

#### 5. Report of Restraints and Restraint-Related Injuries

When a restraint occurs and/or results in any injury to a student or a staff member, the principal shall send a copy of the written report required by 603 C.M.R. 46.04(4) along with a copy of the record of the school's physical restraints maintained by the Assistant Superintendent/Principal as required by 603 C.M.R. 46.06(2) and section G(3)(d) above, for the thirty (30) day period prior to the date of the reported restraint to the Massachusetts Department of Elementary and Secondary Education with a copy to the Superintendent of Schools. The report must be postmarked no later than three school working days of the administration of the restraint.

#### 6. Annual Report of All Physical Restraints

The Assistant Superintendent/Principal shall work with staff to ensure the collection and annual report of data to the Massachusetts Department of Elementary and Secondary Education regarding the use of physical restraint in the manner and form directed by the Massachusetts Department of Education.

## **V. DISTRICT'S TRAINING REQUIREMENTS**

### **A. For All Staff**

Within the first month of each school year, the Assistant Superintendent/Principal shall provide all staff with training on the Greater Lowell Technical High School's Physical Restraint Procedure and Physical Restraint Prevention and Behavior Support Procedures and Guidelines and requirements regarding when restraint is used. Additionally, for all new school employees that are hired after the start of the school year, the principal shall within the first month of their employment provide the new employees with training on this Greater Lowell Technical High School's Physical Restraint Procedure and Physical Restraint Prevention and Behavior Support Procedures and Guidelines and requirements regarding when restraint is used. All staff are required to acknowledge receipt of training. These signature pages must be maintained by the Assistant Superintendent/Principal.

The training shall consist of the following: (a) the role of the student, family and staff in preventing restraint; (b) the Greater Lowell Technical High School Physical Restraint Prevention and Behavior Support Administrative Procedures and Guidelines, including use of time out as a behavior support strategy distinct from seclusion which is prohibited; (c) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances; (d) 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; (e) 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 (f) identification of school staff who have received in-depth training pursuant to 603 C.M.R. 46.04(3) in the use of physical restraint. See 603 C.M.R. 46.04 (2).

#### **B. For Staff Authorized to Serve as a School-Wide Resource on the Proper Administration of Physical Restraints**

At the beginning of each school year, the principal of each school shall identify and contact program and/or district staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Consistent with the Massachusetts Department of Elementary and Secondary Education's physical restraint regulations, Greater Lowell Technical High School recommends that such training be at least sixteen (16) hours in length with refresher training occurring annually thereafter. The content of the in-depth training shall include, but not be limited to: (a) 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; (b) 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; (c) 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; (d) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and (e) demonstration by participants of proficiency in administering physical restraint; and (f) 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. *See* 603 C.M.R. 46.04(3) & (4).

## **VI. COMPLAINT PROCEDURES**

#### **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 Assistant Superintendent/Principal. 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 above in Section IV(F)(2). The Assistant Superintendent/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 is 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 in Section VI(B).

#### **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 detailed above in Section IV(F)(2). The written complaint shall include (a) the name of the student; (b) Greater Lowell Technical High School, where the physical restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the 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. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. 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**

**It should be noted that the provisions of this section do not preclude a student or his/her parent/guardian from using and/or exercising any other options available to address any complaint regarding a physical restraint that is and/or may be available to the student under either state and/or federal law.**