

DUDLEY-CHARLTON REGIONAL SCHOOL DISTRICT

POLICY

Restraint of Students in Public Schools

JKA

The Dudley-Charlton Regional School District complies with the Massachusetts Department of Elementary and Secondary Education (DESE) restraint regulations, 603 CMR 46.00 et seq. (“regulations”) to the extent required by law. According to their terms, the regulations apply not only at school but also at school-sponsored events and activities whether or not on school property. A brief overview of the regulations is provided below.

Purpose. The purpose of this policy is to ensure that every student attending the Dudley-Charlton Regional School District is free from the unlawful use of physical restraint. 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.

Use of Restraint. 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 and/or alternatives, or such interventions and/or alternatives are deemed to be inappropriate under the circumstances. Prone restraint is prohibited except in limited circumstances set forth in the 603 CMR 46.03. All physical restraints, including prone restraints where permitted, shall be administered in compliance with 603 CMR 46.05.

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 policy or directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm;
- (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.

Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs. Seclusion does not include a time-out, as defined within the regulations.

The regulations do not prevent a teacher, employee or agent of the district from using reasonable force to protect students, other persons or themselves from assault or imminent serious harm or from restraining students as otherwise provided in the regulations.

Proper Administration of Physical Restraint. Only personnel of the Dudley-Charlton Regional School District who have received training pursuant to the regulations shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. Nothing in this policy shall preclude a teacher, employee or agent of the Dudley-Charlton Regional School District from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the regulations.

Staff Training. All school staff must receive training with respect to the district's restraint policy (i.e. following the regulations) and requirements when restraint is used. Training shall include information on the role of various individuals in preventing restraint, the restraint policy and procedures, interventions that may preclude the need for restraint, types of restraint and related safety considerations, and administering physical restraint in accordance with known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student. Additionally, the school must identify specific staff to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in in-depth training with respect to restraint and implementation of the regulations.

Reporting Requirements and Follow-Up. School staff must report the use of any physical restraint as required by the regulations to the principal or a designee. The staff member who administered the restraint shall notify the principal verbally as soon as possible and in writing no later than the next school working day. The principal/designee must maintain an ongoing record of all such reported instances, which will be made available in accordance with state and federal law and regulations. The principal/designee must also verbally inform the student's parents or guardian of the restraint within 24 hours of the event and by written report postmarked no later than three school working days following the use of the restraint. 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 or designee shall review restraint data weekly to determine whether one or more students may have been restrained multiple times during the week. If so, the principal shall convene one or more teams as deemed appropriate to assess the students' progress and needs, with the goal of reducing or eliminating the need for restraint. The principal shall also conduct a monthly review of school-wide restraint data and take steps to reduce or eliminate the use of restraint within the school where appropriate.

All physical restraints that result in injury must be reported to DESE. In addition, the district will collect and annually report data relating to the district's use of restraints to DESE.

Follow-up procedures for restraint include not only the reporting requirements set forth above, but also reviewing the incident with the student, staff and consideration of whether follow-up is appropriate for students who witnessed the incident.

Prevention of Dangerous Behavior. As set forth in the regulations, the Dudley-Charlton Regional School District shall 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.

Parent Engagement. In accordance with the regulations, each year, a summary of and link to the full policy JKA will be published in each school's handbook.

Complaints: Students, parents or guardians who have a complaint regarding physical restraint procedures may request a meeting with the building principal to discuss their concerns. If the parent/guardians' issues are not resolved at this level, they may request a meeting with the superintendent of schools.

The superintendent will respond, within 10 school days, to the person who appealed the report.

LEGAL REF.: 603 CMR

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Proposed for amendment:

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