

DUDLEY-CHARLTON REGIONAL SCHOOL DISTRICT

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”). 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.¹ 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 restraint² 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;

¹ Physical restraint means 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.

² Prone restraint means 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

(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,³ medication restraint,⁴ and seclusion⁵ shall be prohibited in public education programs. Seclusion does not include a time-out, as defined within the Regulations.⁶

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 the Regulations or 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. The Dudley-Charlton Regional School District provides annual training for all staff regarding this policy and the state regulations related to the use of physical restraint in schools. This training is scheduled at the start of the school year, during the initial staff professional development days prior to the first day of school for students. Any employee hired after the school year begins will be trained within one month of their start date. District wide training includes the following information:

- (a) The role of the student, family, and staff in preventing restraint;
- (b) DCRSD's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- (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 for the purpose of calming. Time-out shall cease as soon as the student has calmed.

³ Mechanical restraint means the use of any device or equipment to restrict a student's freedom of movement.

⁴ Medication restraint means the administration of medication for the purpose of temporarily controlling behavior.

⁵ Seclusion means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

⁶ Time-out means a behavioral support strategy 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

- (f) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

At the beginning of each school year, the principal of each public education program or his or her designee shall identify program staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. DCRSD utilizes the Safety Care crisis intervention program, and each building principal is required to keep a list of staff that are certified in this program. Safety Care requires a minimum of 12 initial hours of training to become certified, as well as yearly recertification that includes a minimum of 6 hours of instruction per year.

Safety Care Training includes the following in accordance with state regulations:

- (g) 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;
- (h) 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;
- (i) 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;
- (j) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- (k) Demonstration by participants of proficiency in administering physical restraint; and,
- (l) 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.

Reporting Requirements and Follow-Up. School staff must report the use of any physical restraint 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 or building/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 shall make reasonable efforts to verbally inform the student's parents or guardians of the restraint within 24 hours of the event and by written report within three school working days following the use of restraint to an email address provided by the parents or guardians for the purpose of communicating about the student or by regular mail to the parents or guardians postmarked within three school working days of the restraint. The written restraint report must be in conformance with 603 CMR 46.06(4)

and must be provided to the parents, or guardians 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 within three (3) school working days. 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. 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 parents', or guardians' issues are not resolved at this level, they may request a meeting with the Superintendent of Schools, or District Level Administrator, which shall be scheduled within ten school working days of the receipt of the request to meet.

Additional Information. A copy of the Regulations, may be obtained from Mr. Robert Bergeron, the DCRSD Pupil Personnel Services Director, who can be reached via email at rbergeron@dcrsd.org or via telephone at 508.943.6888. A copy of the Regulations also may be obtained at www.doe.mass.edu/lawsregs/603cmr46.html.

LEGAL REF.: 603 CMR 46.00 et seq.

Adopted October 24, 2001
Amended December 12, 2012
Amended, May 11, 2016
Amended, March 23, 2022