

# MILTON PUBLIC SCHOOLS STAFF PROCEDURAL HANDBOOK for STUDENT RESTRAINT

## **OVERVIEW:**

Milton Public Schools complies with the Department of Elementary and Secondary Education Restraint Regulations, 603 CMR 46.00. ***A copy of the regulations is attached hereto as Exhibit A.***

These regulations apply to school activities and school-sponsored activities.

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 then only implemented with extreme caution by trained personnel.

## **TRAINING:**

Each principal shall identify his/her Crisis Response Team and or Building Based and Specialist Program Staff to be trained annually. Training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Principals are encouraged to ensure all staff receive a minimal of 16 hours of initial training, with annual training thereafter in which each participant, performs, to the satisfaction of the Trainer, all the skills embedded in the curriculum.

Training shall include information on the following:

- (a) The role of the student, family, and staff in preventing restraint, including the use of Positive Behavior Support strategies (Restraint Prevention) and Alternative Strategies to prevent risk of Restraint.
- (b) The proper use of Time Out, Exclusionary and Inclusionary Procedures
- (c) The types of permitted physical restraints that are permitted and under what conditions they can be administered
- (e) The risk of injury to a student when any restraint is used, in particular a restraint of extended duration, as well concerns of Positional Asphyxia.
- (e) Any and all considerations relevant for a student's psychological or medical limitations, known or suspected trauma history

(f) The identification of staff who have received in-depth training pursuant to the use of physical restraint.

(g) The process for principal notification and approval for Restraints and Time-Out (Student Break) Implementation.

### **DEFINITIONS:**

**Physical Restraint:** “Direct physical contact that prevents or significantly restricts a student’s freedom of movement.”

- (a) 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.
- (b) MPS employees are permitted to use restraints outlined in the Restraint/Crisis Prevention Training they receive by the District-Certified Trainers.
- (c) MPS staff are not permitted to use Prone or Supine Restraints.

**Physical Escort:** “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.”

**Note:** Physical Escort is not a restraint. MPS employees are permitted to use escorts outlined in the Restraint/Crisis Prevention Training they receive by the District-Certified Trainers.

**Mechanical Restraint:** “The use of any device or equipment to restrict a student’s freedom of movement.”

The term does not include devices that:

- (a) Are implemented by trained school personnel, or utilized by a student (i.e. Physical Therapist);
- (b) Have been prescribed by an appropriate medical or related services professional; and
- (c) Are used for the specific and approved positioning or protective purposes for which such devices were designed (e.g. walker or stander).

**Note:** MPS staff **are not permitted to use** Mechanical Restraint.

**Medication Restraint:** “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.”

**Note:** MPS staff are not permitted to use Medication Restraint.

**Consent:** 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.”

Such consent will be required for:

- (a) Medication restraint (authorized by health care provider )
- (b) Release of records

**Note:** Parents cannot provide prior consent to any other forms of physical restraint because such restraints are emergency procedures of last resort.

**Note:** Physical Restraint should not be set forth in a student’s IEP as a planned behavioral intervention.

**Time-Out:** 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.”

#### **EXCLUSIONARY V. INCLUSIONARY TIME-OUT:**

#### **MPS refers to Exclusionary Time Out as “Time Out”**

- (a) Occurs outside of the classroom setting
- (b) Should only be used when student is displaying behaviors that present, or potentially present, and unsafe or overly disruptive situation
- (c) Must end as soon as the student is calm
- (d) For Time Outs exceeding 30 minutes, principal approval is required; if the Time Out has not helped calm the student, other behavioral interventions should be attempted
- (e) Unless it poses a safety risk, a staff member must be physically present with the student in the exclusionary Time-Out setting.
- (f) If there are no staff members in the Exclusionary Time-Out setting for safety reasons, a school counselor/psychologist or other behavioral support professional must be continuously observing and immediately available to the student.

- (g) Student may be physically prevented from leaving the Time-Out space for safety purposes, but may not be locked in

**MPS refers to Inclusionary Time Out as “Student Break”**

- (a) Occurs inside of the classroom/student’s primary instructional area and is intended as a behavioral support strategy.
- (b) Includes "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom

**SECLUSION:**

603 CMR 46.02 defines seclusion as: The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

The key elements of this definition are two factors considered together:

- (a) Student is alone with no staff present or immediately available; and
- (b) the student is prevented from leaving the area.

**Seclusion is not permitted.**

***For additional information, please refer to Exclusionary Time Out vs. Seclusion Flow Chart attached hereto as Exhibit B; see also Technical Assistance Advisory SPED 2016-1: Time-out and Seclusion attached hereto as Exhibit C.***

**RESTRICTIONS AND CONSIDERATIONS:**

**MPS Employees are not permitted to use any form of Physical Intervention and or Restraint/Escort:**

- (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 - **may not be included as a standard response in a Behavior Intervention Plan or IEP.**

**603 CMR 46.00 DOES NOT APPLY to School Resource Officers**

Nothing in 603 CMR 46.00 prohibits law enforcement, judicial authorities or school security personnel from exercising their responsibilities. However, anyone

employed by the school district and working in a school security role (e.g. School Resource Officer) should receive the in-depth training in physical restraint.

## **ADMINISTRATION OF RESTRAINTS:**

### **Duration of Restraint**

- (a) All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others.
- (b) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration. MPS staff may only implement restraints in accordance with approved training programs.
- (c) Restraint shall be administered in such a way so 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.
- (d) If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal OR the principal's designee in his/her absence.
- (e) Staff 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.
- (f) After the release of a student from a restraint, Staff shall implement follow-up procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

### **Approval**

As stated above, the principal and or his/her designee in absence must give approval for an exclusionary time-out to continue longer than 30 minutes. Additionally:

- (a) Principal should put eyes on the student before giving approval.
- (b) Principal approval should not be provided automatically or immediately after exclusionary time-out begins.

- (c) Principal should document that student was observed and approval given.

### **ADMINISTRATIONS OF TIME OUTS:**

#### **Inclusionary Time Out/"Student Break"**

- (a) Inclusionary Time-Outs, or "Student Breaks" that occur in a student's primary instructional area 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.
- (b) During a Student Break, the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.
- (c) Student Breaks should be documented on a student's running log so that there is appropriate data collection.
- (d) Running logs should be submitted to the principal weekly for review.
- (e) Principals should be notified before a Student Break exceeds 30 minutes in duration.

#### **Exclusionary Time Out/"Time Out"**

- (a) Exclusionary Time Out occurs outside of a student's primary instructional area are instances 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.
- (b) Exclusionary Time-Out, as a staff-directed behavioral support, should only be used when the student is displaying behaviors that present, or potentially present, an unsafe or overly disruptive situation in the classroom.
- (c) Staff-directed Exclusionary Time-Out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.
- (d) During an Exclusionary Time-Out:
  - 1. The student must be continuously observed by a staff member;
  - 2. Staff must be with the student or immediately available to the student at all times; and
  - 3. The space used for Exclusionary Time-Out must be clean, safe, sanitary, and appropriate for the purpose of calming.
- (e) Exclusionary Time-Out must cease as soon as the student has calmed.
- (f) For any Exclusionary Time-Out that may last longer than 30 minutes, staff must seek approval from the Principal for the continued use of time-out.
- (g) The principal may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified.

- (h) If it appears that the use of Exclusionary Time-Out exacerbates the student's behavior, or the continuation of the Exclusionary Time-Out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.
- (i) Exclusionary Time-Outs should be documented on a student's running log.
- (j) Running logs should be submitted to the principal weekly for review.
- (k) Principals should be notified before a Time Out exceeds 30 minutes in duration.

**REPORTING AND DOCUMENTATION:**

- (a) Program staff shall report the use of any physical restraint as specified in 603 CMR 46.06(2).
- (b) The staff member who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the end of the school day. If the principal has administered the restraint, the principal shall prepare the report and submit it to Central Office for review.
- (c) The principal shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department upon request.
- (d) The principal or his/her designee shall make every effort to verbally inform the student's parent of the restraint the day of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the school or program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.
- (e) The written report required by 603 CMR 46.06(2) and (3) shall include:
  - 1. The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant to 603 CMR 46.05(5)(c).
  - 2. A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of

behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

3. A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
4. Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
5. Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

#### **STUDENT REVIEW:**

- (a) The 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 principal deems appropriate, to assess each student's progress and needs. The assessment shall include at least the following:
  1. review and discussion of the written reports submitted in accordance with 603 CMR 46.06 and any comments provided by the student and parent about such reports and the use of the restraints;
  2. 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;
  3. 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;
  4. agreement on a written plan of action by the program.
- (b) If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or director shall lead the review team's discussion. 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.

#### **ADMINISTRATIVE REVIEW:**

- (a) The principal shall conduct 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.

- (b) The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, 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.

**REPORTING:**

***All restraints are reported using the District Reporting Form, a copy of which is attached hereto as Exhibit D.***

- (a) Report all restraint-related injuries to the Department of Education. When a physical restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the written report postmarked no later than three school working days of the administration of the restraint.
  1. The program shall also send the Department a copy of the record of physical restraints maintained by the principal pursuant to 603 CMR 46.06(2) for the 30-day period prior to the date of the reported restraint.
  2. The Department shall determine if additional action by the program is warranted and, if so, shall notify the program of any required actions within 30 calendar days of receipt of the required written report(s).
- (b) Every program shall collect and annually report data to the Department regarding the use of physical restraints. Such data shall be reported in a manner and form directed by the Department.

# EXHIBIT B

## Exclusionary time-out vs. seclusion

