

General Overview
of
Physical Restraint Requirements
for Public Education Programs
Including Revisions Effective
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 took effect on January 1, 2016.
- All school staff should read and be familiar with the regulations.

Find the Regulations

- Revised 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.



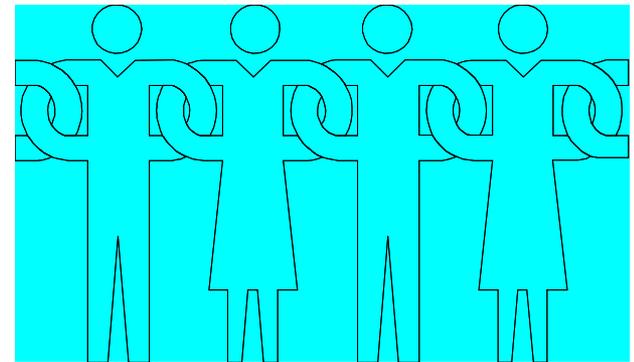
Key Aspect: Training and Awareness

- **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

- 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 definition

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

Terminology

NOT physical restraint:

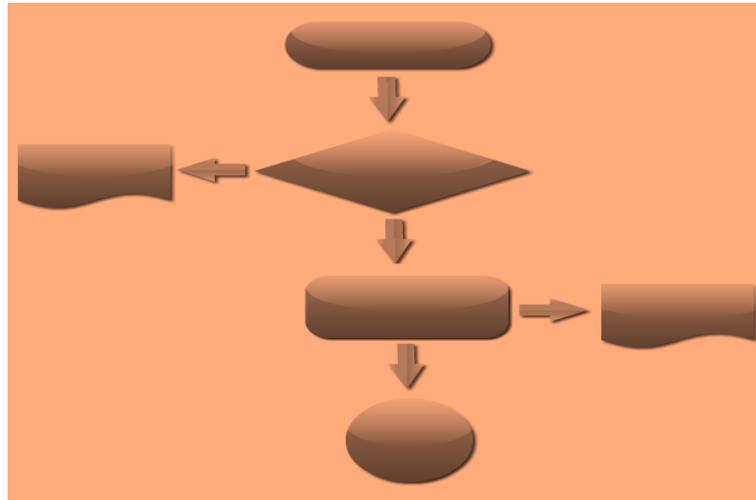
“Brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.”

Other Terminology:

- Medication Restraint - is prohibited. Medication that is prescribed by a physician and authorized by the parent is not medication restraint.
- Mechanical restraint – is prohibited in all instances.
- Seclusion - “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 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>
 - Flow chart distinguishing between exclusionary time-out and seclusion.



Prone Restraint

- 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.

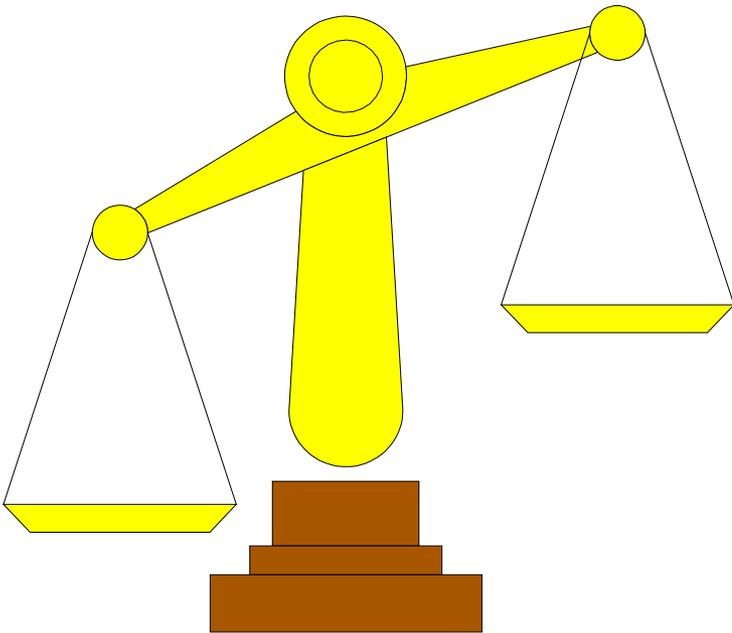
Extended Restraint



- Longer than 20 minutes.
- Increases the risk of injury.
- Requires approval of the principal prior to the restraint exceeding 20 minutes.
- Reported to DESE at the same time as any restraint is reported.

The use of restraint

- 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

- 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.



Proper Administration of Physical Restraint

- 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 and all required steps must be completed beforehand.
- Discontinue restraint ASAP or if the student indicates that s/he cannot breathe.



Safety requirements

- 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.

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?”



Key Reporting Requirements

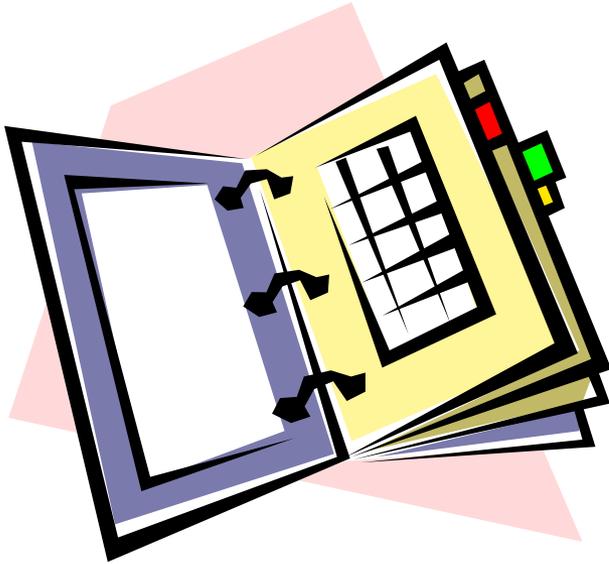
- When to Report: The use of any restraint.
- Notify School Administration: Notify school administration as soon as possible, and provide written report by the next school working day.
- Notify Parents: The principal or director of the program notifies the parent, verbally as soon as possible and within 24 hours), and by written report within 3 school working days.
- Student and parents must be allowed to comment on the restraint



Content of Written Report

- 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



- 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.

Individual Student Review (weekly)

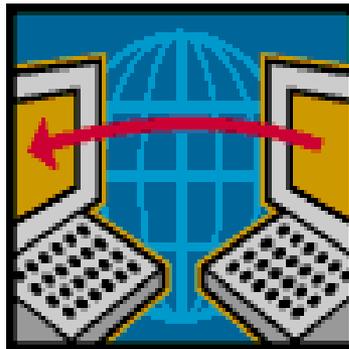
- Principal is to identify individual students restrained multiple times within the previous week and convene a review team to consider:
 - Reports about the use of restraint, and comments provided by parents and the student.
 - Analyze circumstances and factors leading up to the perception of need for 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.

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.

Reporting to the Department

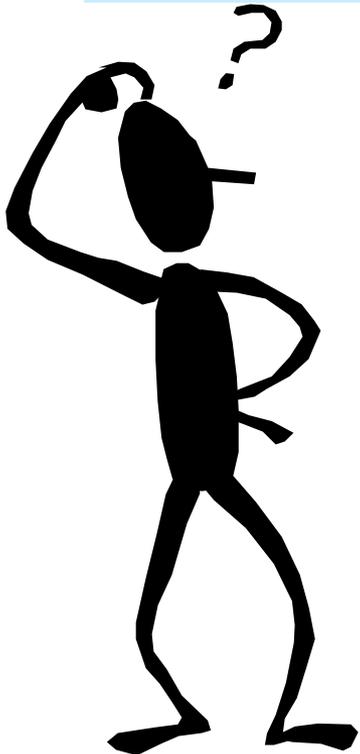
- Collect and annually report all physical restraints to the Department.
- Report **all** restraint related injuries to the Department within 3 school working days.



Find the Regulations:

Found under:
Recently Approved Regulations and Regulations
Amendments

Any questions?



Contact: Restraint@doe.mass.edu