

# Martha's Vineyard Public Schools

*Excellence and Equity For All Children*

## **Physical Restraint Policies and Procedures pursuant to 603 CMR 46.00**

**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.

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:** Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.

Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
3. There are no medical contraindications as documented by a licensed physician;
4. 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;
5. The program has obtained consent 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,
6. The program has documented 603 CMR 46.03(1)(b) 1 - 5 in advance of the use of prone restraint and maintains the documentation.

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.

All physical restraints, including prone restraint 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 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.

2. The identified child will be accompanied by an adult to the office of the school Counselor (School Adjustment Counselor, Guidance Counselor, School Psychologist).
3. The School Psychologist or other qualified adult will be contacted immediately. The child will then be interviewed by the school psychologist and/or school adjustment counselor and an administrator. The child's level of risk will be assessed.
4. If the child is thought to be at imminent risk of self-injurious behavior, the SCT members shall follow protocol for a medical emergency, call an ambulance and/or Mobile Crisis Services and have the child evaluated at an emergency room. A staff member shall accompany the child in the ambulance and remain with them in the E.R. until a parent or guardian arrives.
5. Parents/guardians will be contacted.
6. If the risk is not thought to be imminent, the child's parents will be contacted and they will be asked to immediately pick up the child and bring them to an appropriate professional (i.e. the child's pediatrician, psychotherapist, mental health counselor) for further evaluation and intervention.
7. Incident Report Form will be completed by an administrator and parents signature will be obtained.
8. The identified child's re-entry to the district will follow the re-entry protocol for students at risk for self-injurious behavior.

**De-escalation of potentially dangerous behavior:** General guidelines for de-escalating potentially dangerous behavior include:

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 a 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.

- (b) **Methods for Engaging Parents and Students:** Methods for engaging parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure;

Any parent/guardian with concerns about the use of physical restraint at any school within Martha's Vineyard Public Schools may request a meeting with the building Principal or the Superintendent to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure described in Section 10, below.

- (c) **Alternatives to Physical Restraint in emergency situations:** A description and explanation of the program's alternatives to physical restraint and method of physical restraint in emergency situations;

There are a variety of appropriate responses or interventions that should be used first when seeking to prevent challenging behaviors, student violence, self-injurious behaviors, or to de-escalate potentially dangerous or disruptive behavior among groups of students or with an individual student.

The following are examples of strategies that the district uses to support students prior to exhibiting challenging behaviors or as alternative to physical restraint when students begin exhibiting agitation:

**Positive behavioral interventions:** The district employs a variety of services and strategies to address the social, emotional and behavioral well-being of all our students.

- a. Anti-bullying curriculum is provided throughout the district utilizing developmentally appropriate lessons and activities

## **In-Depth Training Requirements**

At the beginning of the school year, the building Principal or their designee will identify those designated staff who will participate in in-depth training and who will then be authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint.

Designated staff members shall participate in in-depth training in the use of physical restraint, with at least one refresher training annually.

In-depth training will include:

- a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- b. 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;
- 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;
- e. Demonstration by participants of proficiency in administering physical restraint; and
- f. Instruction regarding the impact of physical restraint on the student and family, including but not limited to psychological, physiological, and social-emotional effects.

## **Proper Administration of Physical Restraint**

(1) Trained personnel. Only public education program personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) 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. The training requirements contained in 603 CMR 46.00 shall not preclude a 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.

(2) Use of force. 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.

(3) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.043(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.

(4) Duration of restraint. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

(5) Safety requirements. Additional requirements for the use of physical restraint:

(a) 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.

(b) 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.

(c) If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.

46.06(2) for the 30-day period prior to the date of the reported restraint. 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).

#### **Periodic review of data and documentation**

*Individual student review.* 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:

- (a) 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;
- (b) 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 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;
- (d) agreement on a written plan of action by the program.

If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees 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.* 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. 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.

#### **Grievance Procedures**

This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:

- i. The complaint must be submitted in writing or on audiotape to the Superintendent or The Director of Student of Support Services.
- ii. The Superintendent or The Director of Student of Support Services will meet with the complainant within ten (10) school days of receipt of the complaint.
- iii. A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the Superintendent or The Director of Student of Support Services and the Department of Elementary and Secondary Education.
- iv. A written report will be developed by the Superintendent or The Director of Student of Support Services and provided to the complainant.