

**GENERAL INFORMATION**

Physical restraint shall be used only in emergency situations of last resort, when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others, the student is not responsive to verbal directives, and all other lawful and less intrusive alternatives have failed or been deemed inappropriate under the circumstances. School personnel shall use physical restraint with two goals in mind:

- 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
- To prevent or minimize any harm to the student as a result of the use of physical restraint.

**DEFINITIONS**

Commissioner shall mean the commissioner of the Department of Elementary and Secondary Education appointed in accordance with G.L. c.15, §1F, or his or her designee.

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 district shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

Department shall mean the Department of Elementary and Secondary Education.

Mechanical restraint shall mean the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Medication restraint shall mean 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 in not medication restraint.

Parent shall mean a student's father, mother, or legal guardian or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

Physical escort shall mean 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.

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.

Principal shall mean the instructional leader or headmaster of a public education school district or his or her designee. The board of directors of a charter school or virtual school, or special education school or district approved under 603 CMR 28.09, shall designate in the restraint prevention and behavior support policy who will serve as principal for purposes of 603 CMR 46.00.

Prone restraint shall mean 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.

School Working Day shall mean a day or partial day that students are in attendance at the public education district for instructional purposes.

Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

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.

## **USE OF RESTRAINT**

The use of physical restraint is limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

### **Physical restraint shall not be used:**

- As a means of discipline or punishment;

- 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;
- As a response to property destruction, disruption of school order, a student's refusal to comply with a public education district rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
- As a standard response for any individual student. No written individual behavior plan or individualized education district (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

The use of mechanical restraint, medication restraint, and seclusion are prohibited in public school districts.

The use of prone restraint is prohibited in public school districts except on an individual student basis, and only under the following circumstances:

- The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff and the district maintains the documentation;
- All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
- There are no medical contraindications as documented by a licensed physician;
- 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;
- The district has obtained consent to use prone restraint in an emergency and this has been approved in writing by the principal; and,

## **METHODS FOR PREVENTING STUDENT VIOLENCE, SELF-INJURIOUS BEHAVIOR, AND SUICIDE**

### School-Level Supports

The Hadley Public Schools provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. In addition, the school-level crisis team participates in professional development focused on preventative measures to prevent student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The crisis team along with teachers and other school personnel identify students who are potentially at-risk.

For any student with a history of significant emotional/ behavior including at risk behavior the Team develops a safety behavior intervention plan or crisis plan. The plan includes strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and frequent review meetings (at least 2x monthly), etc. for the purpose of assessing

progress and making necessary adjustments. Teams can request a functional behavioral assessment (FBA) or Safety Assessment and can refer to outside agencies if needed. Each school has a functioning team to discuss individual students and/or groups of students demonstrating problem behavior and mental health concerns. The team includes an administrator, teachers, school counselor, school psychologist, and, if necessary, may include an outside agency representative.

School staff should utilize the school district's various tools to help students who are exhibiting aggressive behavior.

#### General De-Escalation Guidelines

General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:

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.

#### **ENGAGING PARENTS/GUARDIANS AND STUDENTS IN DISCUSSIONS ABOUT RESTRAINT PREVENTION**

The Principal is part of a Team that identifies students who may be at risk of restraint and works with the student and their family along with the school counselor to identify and work on behavioral supports to prevent restraint from occurring. If a student is restrained, the principal engages with the student and their family about the use of the restraint, the report regarding the restraint, any disciplinary sanctions that may be imposed and/or any other related matters. Additionally, the school counselor follows up with the student and their family regarding behavioral supports.

## **ALTERNATIVES TO PHYSICAL RESTRAINT.**

There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods are used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints are only used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.

Examples of interventions and less intrusive methods that may preclude the need for the use of physical restraint include but are not limited to, the following:

- Active listening
- Use of a low non-threatening voice
- Limiting the number of adults providing direction to the student
- Offering the student a choice
- Not blocking the student's access to an escape route
- Suggesting possible resolutions to the student
- Avoiding dramatic gestures (waiving arms, pointing, blocking motions, etc.)
- Verbal prompt - A verbal prompt is communicating what is expected behavior by clearly stating instructions and expectations.
- Full or partial physical cue - A full or partial physical cue is anytime an adult needs to temporarily place their hands on a student or physically redirects a student without force. These are used at increasing levels as needed to return a student safely back to task.
- Physical Redirection - A physical redirection is done by temporarily placing one hand on each of the student's shoulders, without force, and redirecting the student to the learning activity, classroom or safe location.
- Time-Out - A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming. During time-out a staff member must continuously observe a student. 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 is calmed.

## **TRAINING REQUIREMENTS**

Each staff member will be trained annually regarding the school's physical restraint policy and accompanying procedures. The Principal or designee arranges training to occur each school year, or for staff hired after the beginning of the school year, as soon as it can be reasonably scheduled. The training includes information on the following:

- The role of the student, family, and staff in preventing restraint;
- The district's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
- Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;

- 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;
- 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
- Identification of district 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 district or their designee identifies district staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members participate in in-depth training in the use of physical restraint. The Department of Elementary and Secondary Education recommends that in-depth training be competency-based and be at least sixteen hours in length with at least one refresher training occurring annually thereafter. The content of in-depth training in the proper administration of physical restraint includes, but not be limited to:

- 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;
- 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;
- 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;
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- Demonstration by participants of proficiency in administering physical restraint; and,
- 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.

#### **PROPER ADMINISTRATION OF PHYSICAL RESTRAINT**

Only personnel who have received training to administer physical restraint on students. Whenever possible, the administration of a restraint is witnessed by at least one adult who does not participate in the restraint. The training requirements do not preclude a teacher, employee or agent of a public education district from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

Use of force. A person administering a physical restraint uses only the amount of force necessary to protect the student or others from physical injury or harm.

Safest method. A person administering physical restraint uses the safest method available and appropriate to the situation. Floor restraints, including prone restraints, shall be prohibited unless the

staff members administering the restraint have received in-depth training and, in the judgment of the trained staff members, a restraint is required to provide safety for the student or others present.

Duration of restraint. All physical restraints are ended 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.

Additional safety requirements for the use of physical restraint:

- District staff must review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans before the use of physical restraint on an individual student.
- No restraint is administered in a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member continuously monitors the physical status of the student, including skin temperature and color, and respiration.
- Restraints are administered in a way that prevents or minimizes 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 is released from the restraint immediately, and school staff take steps to seek medical assistance.
- If a student is restrained for more than 20 minutes, district staff 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.

After the release of a student from a restraint, the school district implements follow-up procedures. These procedures 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.

## **REPORTING REQUIREMENTS AND FOLLOW-UP PROCEDURES**

- Informing the Principal. The district staff member who administered the restraint verbally reports the use of every physical restraint to the principal as soon as possible, and by written report no later than the next school-working day. The written report is provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal prepares the report and submits it to an individual or team designated by the superintendent or board of trustees for review. The principal or director or their designee maintains an on-going record of all reported instances of physical restraint, which is available for review by the parent or the Department of Elementary and Secondary Education upon request.
- Informing the Parents. The principal or their designee makes reasonable efforts to verbally inform the student's parent of the restraint within 24 hours, and notifies 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 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 is provided to the parent in that language. The principal provides 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.

- Contents of report

- 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.
- 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.
- 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.
- Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
- 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.

When a physical restraint has resulted in an injury to a student or district staff member, the district sends a copy of the written report of the restraint to the Department of Elementary and Secondary Education postmarked no later than three school working days of the administration of the restraint. The district also sends the Department a copy of the record of physical restraints maintained by the principal for the 30-day period prior to the date of the reported restraint. The Department of Elementary and Secondary Education will determine if additional action by the district is warranted and, if so, will notify the district of any required actions within 30 calendar days of receipt of the required written report(s).

District restraint procedures do not prohibit the right of any individual to report to appropriate authorities a crime committed by a student or other individual. Restraint procedures do not prohibit law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk.

Restraint procedures do not prohibit an individual from carrying out their responsibilities as a mandated reporter and cannot be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

The district annually collects data on the use of physical restraints and reports this data to the Department a manner and form directed by the Department.

### **PERIODIC REVIEW OF DATA AND DOCUMENTATION ON THE USE OF PHYSICAL RESTRAINTS**

The principal conducts 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 to assess each student's progress and needs. The assessment includes review of the following:

- review and discussion of the written report of restraint and any comments provided by the student and parent about the report and the use of the restraint;
- 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;
- consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future;
- agreement on a written plan of action by the district.

If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees will lead the review team's discussion. The principal ensures that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.

The principal conducts a monthly review of school-wide restraint data for 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 will determine if it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction and prevention strategies, such as training on positive behavioral interventions and supports, or take other action to reduce or eliminate restraints

### **PROCEDURE FOR RECEIVING AND INVESTIGATING COMPLAINTS REGARDING RESTRAINT PRACTICES**

#### Informal Resolution of Concern about Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to

the principal within ten (10) days of the parent/guardian's receipt of the written report from the school. The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process.

#### Formal Resolution of Concern about Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent. The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school. The written complaint shall include

- the name of the student;
- the name of the school where the physical restraint allegedly occurred;
- the name of the individuals involved in the alleged physical restraint;
- the basis of the complaint or concern; and
- the corrective action being sought.

The Office of the Superintendent, through its designees, will conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its designees will contact individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent will contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

#### Other Complaint Processes also Available

It should be noted that the provisions of this section do not preclude a student from using the complaint process in the districts Anti-Harassment and Sexual Harassment Policies to seek resolution of any complaints of discrimination or harassment based on a characteristic protected by law such as sex, race, color, gender, ancestry, national origin, ethnicity, religion, age, disability, pregnancy, pregnancy related condition, marital status or sexual orientation, homelessness, gender identity or genetic information. It also should be noted that the provisions of this section do not preclude a student from using the complaint process in the Student Handbook to seek resolution of any complaint regarding a student's deprivation of rights in the school handbook.

#### **PROCEDURE FOR THE USE OF TIME-OUT AS A BEHAVIORAL SUPPORT STRATEGY**

Time out is 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 are with the student or

immediately available to the student at all times. The space used for time-out is be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out ends as soon as the student has calmed.

The definition of time-out includes the practice of inclusionary time-out, i.e., when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom, and exclusionary time-out, i.e., the separation of students from the rest of the class either through complete visual separation or from actual physical separation.

The use of inclusionary time-out functions well as a behavior support strategy while allowing the student to remain fully aware of the learning activities of the classroom. Inclusionary time-out includes practices used by teachers as part of their classroom behavior support tools, such as "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom; use of those is considered to be an exclusionary time-out). These strategies are used to reduce external stimuli in the student's environment while keeping the student physically present and involved in learning and have proven to be useful tools for classroom management.

Exclusionary time-out is a staff-directed behavioral support that is only used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff-directed exclusionary time-out is not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.

During an exclusionary time-out:

- The student is continuously observed by a staff member;
- Staff are with the student or immediately available to the student at all times;
- The space used for exclusionary time-out is clean, safe, sanitary, and appropriate for the purpose of calming;

Exclusionary time-out will end as soon as the student has calmed.

When a student is separated from the learning environment in an exclusionary time-out, s/he must be in a safe and calming environment. For any exclusionary time-out that may last longer than 30 minutes, school staff must seek approval from the principal for the continued use of time-out. The principal will not routinely approve such requests but will consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified. 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 will be attempted.

Exclusionary time-out is an intervention that is only used when students are displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. In such circumstances, the student may either ask to leave the classroom, or the student may be directed to a separate setting for the purpose of helping the student to calm. Unless it poses a safety risk, a staff member are physically present with the student who is in an exclusionary time-out setting. If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a

school counselor or other behavioral support professional is always immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed. Students are never be locked in a room. For students displaying self-injurious behavior, a staff member will be physically present in the same setting with the student. Exclusionary time-out will end when the student has calmed.

**The use of seclusion is prohibited in Massachusetts.** Seclusion is defined 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, (1) the student is alone with no staff present or immediately available; and (2) the student is prevented from leaving the area.

Updated by the Hadley School Committee:  
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