

## **PHYSICAL RESTRAINT POLICY**

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. Further, students of the district are protected by law from the unreasonable use of physical restraint. 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.

Extended Restraint is defined as: A physical restraint the duration of which is longer than twenty (20) minutes.

Physical escort is defined as: Touching or holding a student without the use of force for the purpose of directing the student.

Physical restraint is defined as: The use of bodily force to limit a student's freedom of movement.

Mechanical Restraint is defined as: The use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint.

Seclusion Restraint is defined as: Physically confining a student alone in a room or limited space without access to school staff.

Chemical Restraint: The administration of medication for the purpose of restraint. The definitions of forms of restraint shall be as defined in 603 C.M.R. 46.02.

The Executive Director or designee will ensure the development of procedures identifying:

- Appropriate responses to student behavior that may require immediate intervention;
- Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
- Descriptions and explanations of alternatives to physical restraint as well as the school's method of physical restraint for use in emergency situations;
- Descriptions of the school's training requirements, follow-up procedures, and procedures to comply with reporting requirements including, but not limited to making reasonable efforts to orally notify a parent of the use of restraint within 24 hours of its imposition;
- Procedures for receiving and investigating complaints regarding restraint practices;
- Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;
- Procedures for conducting periodic review of data and documentation on the use of restraint as required by the regulations; and
- A process for obtaining Principal approval for a time out exceeding 30 minutes.

This policy and its accompanying procedures shall be reviewed and disseminated to staff annually and made available to parents of enrolled students.

**Nothing in this policy shall be construed to preclude any teacher, employee, or agent of the Paulo Freire Social Justice Charter Public School from using reasonable force to protect students, other persons or themselves from assault or imminent serious harm.**

## **PHYSICAL RESTRAINT PROCEDURES**

Physical restraint is defined by 603 CMR 46.02 as direct physical contact that prevents or significantly restricts a student's freedom of movement.

Physical restraint shall be used only in emergency situations as a last resort and with extreme caution after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

When an emergency situation arises, and physical restraint is the only option deemed appropriate to prevent a student from injuring oneself, another student or school community member; a teacher or employee or agent of the school district, may use such reasonable force needed to protect students, other persons or themselves from assault or imminent, serious, physical harm.

Physical restraint shall be considered an emergency procedure of last resort and shall be prohibited except when a student's behavior poses a threat of assault, or imminent serious, physical harm to themselves and/or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.

The following considerations must be made by staff in emergency situations:

- Use only the amount of force necessary to move or contain the student and prevent injury or harm to the student or others;
- Move the student to a close by safe, protected area. This area should be free of breakable materials or materials that could be thrown
- Seek assistance from the Restraint Team
- If possible, have a partner help you escort the student and then remain with you and the student until the Restraint Team member(s) arrive

School Personnel shall keep in mind the following goals when using physical restraint:

1. Physical Restraint should be considered ONLY when needed to protect a student and/or a member of the school community from immediate serious physical harm; and
2. All efforts must be made to prevent or minimize any harm to the student as a result of the use of physical restraint.

The use of mechanical restraint, medication restraint, and seclusion is prohibited. The use of prone restraint except as permitted under 603 C.M.R. 46.03, or of any physical restraint in a manner inconsistent with the regulations at 603 C.M.R. 46.00, is also prohibited.

The Principal will identify staff members to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint. In addition, each staff member will be trained regarding the school's physical restraint policy and accompanying procedures. The Principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.

The Principal will ensure all staff members, parents and students are informed of the Physical Restraint Policy to include but not be limited to the following:

- Inclusion of the policy within the Student/Family Handbook;

- Inclusion of the policy and procedures within the Employee Handbook;
- Posting of policy and procedures on the school website;
- Review of policy, restraints and alternative methods and emergency procedures during Opening of School student orientation;
- Review of policy, restraints and alternative methods and emergency procedures during Parent Info night, PAC meeting and/or Open House.

Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Physical restraint is prohibited when it is medically contraindicated, as previously documented by a licensed physician.

**Risks of Restraint:** All restraints pose a significant amount of risk for both the student and staff members implementing the restraint.

- Risks to the student may include: cuts/scrapes, bruises, broken bones, hyperthermia (overheating),
- psychological trauma, breathing problems/asphyxia, and death.

Restraints should always be conducted in a team approach! This will ensure that the restraint is being implemented properly and safely.

The use of time-out procedures during which staff continuously observe and remain immediately available to the student shall not be considered seclusion restraint.

**DE-ESCALATION AND ALTERNATIVE BEHAVIORS:** Staff members will be aware of de-escalating and alternative approaches to restraint to address the needs of a student who is showing signs of escalating behaviors;

- Brief physical contact to promote student safety (such as guiding a student or re-directing a student)
- Providing physical guidance or prompting when teaching a skill;
- Redirecting attention (such as to a shoulder, face or torso)
- Providing comfort hysterical escort that does not involve force

Staff should consider the environment and make some quick adjustments if needed to ensure the safety of the student and others. These may include: -

- Removing potential weapons from the immediate area (e.g. scissors, sharp pencils, materials that could be used as a projectile, etc.)
- Attempting to redirect the student to another safer area, if possible
- Removing other students from the immediate area

**PBIS:** Staff should also consider a variety of behavioral interventions that may be effective in deescalating the student, such as:

- Offering choices of activities;

- Reducing the demands/amount of work expected (without removing the expectations entirely);
- Reminding student of reinforcers available for engaging in appropriate behaviors (e.g. first work, then you can read );
- Prompting the student to use functional language to communicate their feelings or needs;

PFSJCS has a restraint prevention and behavior support system that includes: methods for preventing student violence, self-injurious behavior, and suicide, to include but not be limited to:

- Crisis Planning
- De-Escalation of potential dangerous behavior;
- PBIS
- Restorative circle;
- Advisor/Advisee

Additional staff member considerations for restraint should be made on an individualized basis for each student.

- Students may have medical/psychological limitations or known or suspected trauma histories that should be considered prior to implementing restraint:
- Medical/psychological limitations: considerations may include specific types of restraints that students may not be able to participate in (e.g. chair holds, one person holds where students arm crosses their body, etc.) or
- if medical/psychological limitations exclude them from being able to restrained entirely.

### **Reporting**

- The program staff shall report the use of any physical restraint, regardless of the duration of the restraint or whether the student or staff suffered injury.
- When a restraint lasting less than twenty minutes, which does not result in injury, has been administered, the staff member who administered the restraint shall inform the administration of the physical restraint as soon as possible, and by written report no later than the next school working day.
- The Principal or his/her designee shall maintain an ongoing record of all reported instances of physical restraint, which, upon request, shall be made available to the DESE.
- The Principal shall verbally inform the student's parents or guardians of the restraint as soon as possible and by written report postmarked no later than three school working days following the use of restraint.
- If the school customarily provides the parent or guardian 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 or guardian in that language.
- When a restraint has resulted in serious injury to student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the required written report to the DESE within five (5) school working days of the administration of the restraint. In special circumstances, the District may seek a parent's consent to waive the reporting requirements for an individual student for restraints that do not result in serious injury to the student or a staff member and do not constitute extended restraint.

## **Complaints Regarding PFSJ's Restraint Practices**

### **A. Informal Resolution of Concerns**

A PFSJ student or his or her parent or guardian who has any concerns regarding the use of Physical Restraints on PFSJ students may discuss the concern with the PFSJ principal. The principal shall attempt, within his or her authority, to work with the student or his or her parent or guardian to address the concerns regarding the Physical Restraint.

### **B. Complaint to Executive Director**

A PFSJ student or his or her parent or guardian who has a complaint regarding a specific use of a Physical Restraint on a PFSJ student or regarding PFSJ's practices relating to Physical Restraints may submit a written complaint to the school's Executive Director. If the complaint is related to a specific incident regarding the use of Physical Restraints, the written complaint should be sent within twenty (20) school working days of the parent/guardian's receipt of the written report, and should contain (a) the name of the student; (b) the name of the school where the Physical Restraint occurred; (c) the name of the individuals involved in the Physical Restraint (if known); (d) the basis of the complaint; and (e) the corrective action being sought.

The school's Executive Director or his or her designee shall conduct an investigation into the complaint within ten (10) school working days of receipt of the complaint. The principal of the school and the Executive Director will collaborate in writing a report regarding the merits of the complaint and a proposed resolution and will send their report to the individual submitting the complaint.

## **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.

**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.

For additional information regarding special circumstances for waiver of reporting requirements please see 603 CMR 46.07