

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.

Definitions:

1. Physical Restraint- 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 is allowed as emergency procedure of last resort.
2. Extended Physical Restraint - A physical restraint the duration of which is longer than twenty (20) minutes
3. Mechanical Restraint - 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.
4. 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
5. 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 facedown position. Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:
 - a. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
 - b. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
 - c. There are no medical contraindications as documented by a licensed physician;
 - d. 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;
 - e. 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 supervisor of ABA services.
 - f. The program has documented 603 CMR 46.03(1)(b)1-5 in advance of the use of prone restraint and maintains the documentation.

6. 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. This is not considered a restraint. However, if the escort is performed

against the active resistance of the student to go with the staff person, consider the procedure a restraint and document its occurrence as such.

7. Time-out- 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 his or herself.

8. Seclusion- 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. Seclusion restraint is prohibited.

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 within 30 days of a staff member being employed by Paulo Freire Social Justice Charter School. This policy and its accompanying procedures are 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 REQUIREMENTS

(1) Circumstances under which a physical restraint must be reported. Program staff shall report the use of any physical restraint as specified in 603 CMR 46.06(2).

(2) Informing the principal. The program 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 next school working day. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent or board of trustees for review. The principal or director or his/her designee 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.

(3) Informing parents. The principal or director of the program or his/her designee shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours 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.

(4) Contents of report. The written report required by 603 CMR 46.06(2) and (3) shall include:

(a) 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).

(b) 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.

(c) 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.

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

(e) 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.

(5) 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.

(6) 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.

(7) Report all restraint-related injuries to the Department. 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 required by 603 CMR 46.06(4) to the Department postmarked no later than three school working days of the administration of the restraint. 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. 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).

(8) Report all physical restraints to the Department. 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.

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