

## **RESTRAINT PREVENTION AND BEHAVIOR SUPPORT POLICY**

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

All staff will be trained within a month of the beginning of each school year on the District's restraint prevention and behavior support policy and on the requirements for when restraint is used. New staff beginning work in the District after the start of the year will receive the same training within one month of the start of their employment.

The use of physical restraint 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

School personnel shall use physical restraint with two goals in mind:

1. to administer a physical restraint only when needed to protect a student and/or a member of the school community from immediate, serious, physical harm; and,
2. to prevent or minimize any harm to the student as a result of the use of physical restraint.

The following definitions will appear in 603CMR 46.02 as of January 1, 2016 as:

1. Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include the following listed areas: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.
2. 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 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.

The use of mechanical or medication restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent/guardian in pursuant to 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00;

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.

Seclusion restraint – Physically confining a student alone in a room or limited space without access to school staff. The use of “Time out” procedures during which a staff member remains accessible to the student shall not be considered “seclusion restraint”.

Medication restraint – the administration of medication for the purpose of restraint.

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

The Superintendent will develop written procedures identifying the below listed items:

1. methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
2. descriptions and explanations of the school’s method of physical restraint;
3. descriptions of the school’s training and reporting requirements and follow-up procedures;
4. procedures for receiving and investigating complaints;
5. conducting periodic review of data and documentation on the use of physical restraints as described in 603 CMR 46.06(5) and (6);
6. implementing the reporting requirements as described in 603 CMR 46.06;
7. making reasonable efforts to orally notify a parent of the use of restraint on a student within twenty-four (24) hours of the restraint, and for sending written notification to the parent within three (3) school working days following the use of restraint to an email address provided by the parent for the purpose of communicating about the student, or by regular mail to the parent postmarked within three (3) school working days of the restraint;
8. methods for engaging parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure.

Each building 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, which the Department of Elementary and Secondary Education recommends be at least sixteen (16) hours in length.

Only school personnel who have received training pursuant to 603CMR 46.00 shall administer physical restraint on students. Whenever possible the administration of physical restraint shall be administered in the presence of at least one (1) adult who does not participate in the restraint. A person administering physical restraint shall only use the amount of force necessary to protect the student from injury or harm.

A member of the School Committee, or any teacher, or any employees or agent of the School Committee, shall not be precluded from using such reasonable force as is necessary to protect pupils, other persons or themselves from an assault by a pupil.

The program staff shall report the use of any physical restraint to the Principal, or his/her designee, of the physical restraint as soon as possible, and by written report, no later than the next school 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 Department of Elementary and Secondary Education.

When a restraint has resulted in serious injury to a student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the required report to the Department of Elementary and Secondary Education within five (5) school working days of the administration of the restraint.

In special circumstances waivers may be sought from parents either through the Individual Education Plan (IEP) process or from parents of students who present a high risk of frequent, dangerous behavior that may frequent the use of restraint.

LEGAL REF.:           603 CMR 46.00  
                          M.G.L. 71:37G