



PHYSICAL RESTRAINT

OVERVIEW

The purpose of this policy is to safeguard students in the Lincoln Public Schools from unreasonable use of physical restraint and to ensure that all occurrences of physical restraint within the Lincoln Public Schools are in compliance with state regulations. The policy requires that physical restraint shall be used with extreme caution and only in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate. Personnel of the Lincoln Public Schools shall use physical restraint with two goals in mind:

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

Nothing in 603 CMR 46.00: Physical Restraint or this school policy shall be construed to limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Nothing in 603 CMR 46.00 or this school policy precludes any teacher, employee or agent of the Lincoln Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

Physical restraint may be used only in the following circumstances:

1. When non-physical interventions would not be effective; and
2. When the student's behavior poses a threat of imminent, serious, physical harm to self and/or others.

Physical restraint is prohibited in the following circumstances:

1. As a means of punishment; or
2. As a response to property destruction, 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.

Nothing in this policy prohibits:

1. The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
2. 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; or
3. The exercise of an individual's responsibilities as a mandated reporter pursuant to MGL c. 119, § 51A. These regulations shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

PROPER ADMINISTRATION OF PHYSICAL RESTRAINT

1.1.a Only school personnel who have received training pursuant to 603 CMR 46.03(2) or 603 CMR 46.03(3) shall administer physical restraint on students, except as provided for in section 1.1.c.

1.1. b Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint

1.1. c 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.

1.2 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. 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):

(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 color and respiration. A restraint shall be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.

(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 demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

(c) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

(d) Following the release of a student from a restraint, the school shall implement follow-up procedures. These procedures shall 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.

1.3 Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training according to the requirements of 603 CMR 46.03(3) and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present. A person administering physical restraint shall discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty (20) minutes, it shall be considered an "extended restraint" for purposes of the reporting requirements (see below).

DEFINITIONS

2.1 Extended Restraint: A physical restraint the duration of which is more than twenty (20) minutes. Extended restraints increase the risk of injury and, therefore, require additional written documentation as described below.

2.2 Physical Escort: Touching or holding a student without the use of force for the purpose of directing the student.

2.3 Physical Restraint: The use of bodily force to limit a student's freedom of movement.

2.4 Restraint - Other: Limiting the physical freedom of an individual student by mechanical means or seclusion in a limited space or location, or temporarily controlling the behavior of a student by chemical means. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian. The use of seclusion restraint is prohibited.

1. 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 mechanical restraint.
2. 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."
3. Chemical restraint: The administration of medication for the purpose of restraint.

2.5 School Working Day: Any day or partial day that students are in attendance at the public education program for instructional purposes.

TRAINING REQUIREMENTS

3.1 Within the first month of each school year, the principal or preschool coordinator (assisted as needed by other individuals) will provide all staff with policy and procedural information regarding physical restraint. Employees hired after the start of the school year will receive this information within a month of their employment. This presentation will address:

1. The school's physical restraint policy.
2. Interventions that may preclude the need for physical restraint, including de-escalation strategies.
3. Types of restraints and related safety considerations.
4. Administering physical restraint in accordance with known medical or psychological limitations or behavior plans for individual students.
5. Identification of personnel who have received in-depth training in the use of physical restraint and serve as school-wide resources for physical restraint.

3.2 School personnel identified as school-wide resources must have participated in in-depth training in the use of physical restraint. It is recommended this training be of at least sixteen (16) hours in length.

REPORTING AND FOLLOW-UP PROCEDURE

4.1 School personnel shall report the use of physical restraint as defined above after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of a duration longer than five minutes. The program staff member who administered the restraint shall verbally inform the principal (or preschool coordinator) of the restraint as soon as possible, and submit a completed physical restraint reporting no later than the next school working day. The completed physical restraint reporting form shall be provided to the principal or preschool coordinator, except that the principal or coordinator shall prepare the report if the principal or coordinator has administered the restraint. The principal or coordinator 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 Department of Education, upon request.

4.2 The principal or preschool coordinator 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 a parent or guardian 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 or guardian in that language.

4.3 A physical restraint reporting form, completed when a written restraint report is required, shall include the following information:

1. 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 administrator who was verbally informed following the restraint.
2. 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 de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
3. 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.
4. For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint.
5. Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.
6. Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

4.4 When a restraint has resulted in a serious injury to a student or school staff member or when an extended restraint has been administered, the school shall provide a copy of the written report required by 603 CMR 46.06(4) to the Department of Education within five school working days of the administration of the restraint. The school shall also provide the Department with a copy of the record of physical restraints maintained by the program

administrator pursuant to 603 CMR 46.06(2) for the thirty day period prior to the date of the reported restraint. The Department shall determine if additional action on the part of the public education program is warranted and, if so, shall notify the public education program of any required actions within thirty calendar days of receipt of the required written report(s).

SPECIAL CIRCUMSTANCES

5.1

(1) Students with Disabilities: Restraint administered to a student with a disability pursuant to an Individualized Education Plan ("IEP") or other written plan developed in accordance with state and federal law to which the public education program and the student's parent or guardian have agreed shall be deemed to meet the requirements of 603 CMR 46.00, except that the limitations on chemical, mechanical, and seclusion restraint set forth in 603 CMR 46.02(5), the training requirements set forth in 603 CMR 46.03, and the reporting requirements set forth in 603 CMR 46.06 shall apply.

(2) Individual Waiver of Reporting Requirements: Lincoln Public Schools may seek a parents' or guardians' consent to waive the reporting requirements of 603 CMR 46.06 for restraints administered to an individual student that do not result in serious injury to the student or a program staff member and do not constitute extended restraint. Extended restraints and restraints that result in serious injury to a student or program staff member must be reported in accordance with the requirements of 603 CMR 46.06, regardless of any individual waiver to which the parent or guardian may have consented. Individual waivers should be sought only for students who present a high risk of frequent, dangerous behavior that may require the frequent use of restraint. Parents' consent to waive reporting requirements must be made in writing.

(3) Limitations on Individual Waivers:

(a) Lincoln Public Schools shall not require a parent's consent to such a waiver as a condition of admission or provision of services.

(b) A parent may withdraw consent to such waiver at any time without penalty. Parents who withdraw consent must do so in writing.

(4) For Students with Individual Waivers: Lincoln Public Schools shall maintain the following documentation on site in the student's file and shall make such documentation available for inspection by the Department of Education at its request at any time:

(a) The informed written consent of the parent or guardian to the waiver, which shall specify those reporting requirements(s) in 603 CMR 46.06(1)-(4) that the parent or guardian agrees to waive; and

(b) Specific information regarding when and how the parent or guardian will be informed regarding the administration of all restraints to the individual student.

COMPLAINT PROCEDURES

6.1 Parents or guardians who have a complaint regarding the use of physical restraint in the Lincoln Public Schools may request a meeting with the principal or preschool coordinator to discuss their concerns. If the parents'/guardians' concerns are not resolved at this level, they may bring this matter to the Superintendent of Schools.

6.2 All complaints from parents and guardians regarding the use of physical restraints in the Lincoln Public Schools and meetings, conversations, correspondence and district responses to complaints from parents and guardians must be documented in writing.

Please contact the Administrator for Student Services for more information. The Administrator can be reached at:

Hartwell Building
Ballfield Rd.
Lincoln MA 01773
781-259-9403

Voted at May 12, 2005 School Committee Meeting
Revised at February 26, 2009 School Committee Meeting