



PHYSICAL RESTRAINT OF STUDENTS

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. Such 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 himself or herself, 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 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.

Physical restraint, including prone restraint where permitted under 603 CMR 46.03, 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.

Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03 (1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.04(3), and in the judgment of the trained staff members, such method is required to provide safety for the student or others present.

The definitions of mechanical, medication, and prone restraints, seclusion, physical escort, and time-out shall be defined as in 603 CMR 46.02.

The use of mechanical restraint, medication restraint, prone restraint (except where permitted under 603 CMR 46.03(1)(b)), seclusion and the overall use of restraint in a manner inconsistent with CMR 46.00 are prohibited.

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 students or others.

Physical restraint may not be used as a standard response for any student. No IEP or written behavioral plan may include restraint as a standard response to behavior.

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Physical restraint is prohibited when 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.

The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint."

The Superintendent or her/his designee will develop procedures identifying:

- appropriate responses to student behavior that may require intermediate 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 district's training requirements, reporting requirements and follow-up procedures;
- making reasonable efforts to orally notify a parent of the use of restraint within 24 hours of its imposition and written notification within three school working days;
- the process for receiving and investigating complaints;
- conducting periodic review of data and documentation on the use of physical restraints as described in 603 CMR 46.06 (5) and (6);
- methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;
- a procedure for the use of time-out; and
- process for obtaining Principal or Preschool Coordinator approval for a time-out exceeding 30 minutes and for a restraint exceeding 20 minutes.

Each building Principal or Preschool Coordinator 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 or Preschool Coordinator will arrange training to occur in the first month of each school year, or within a month of employment for staff hired after the beginning of the school year.

I. SPECIFIC RIGHTS

Neither 603 C.M.R. 46.00 nor this policy prohibits: (1) any teacher, employee or agent of the District from using reasonable force to protect students, others or themselves from imminent, serious, physical harm; (2) any individual from reporting to appropriate authorities a crime committed by a student or other individual; (3) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or person alleged to

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have committed a crime or posing a security risk; or (4) an individual from reporting neglect or abuse to the appropriate state agency, pursuant to M.G.L. c. 119 § 51A.

This policy and its accompanying procedures shall be reviewed and disseminated to staff annually and made available to parents of enrolled students. The Superintendent shall provide a copy of the Physical Restraint regulations to each Principal or Preschool Coordinator, who shall sign a form acknowledging receipt thereof.

Source: Massachusetts Association of School Committees

Legal Ref: M.G.L. 71:37G; 603 CMR 46.00

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File JKF, Physical Restraint Voted at School Committee Meeting of May 12, 2005
Revised at School Committee Meeting of February 26, 2009
Revised and Renamed to JKAA, Physical Restraint of Students at School Committee Meeting of _____

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Lincoln Public Schools

LINCOLN PUBLIC SCHOOLS Physical Restraint and Behavior Support Procedures

This policy complies with the revised physical restraint regulations at 603 CMR 46.01 et seq.,
Effective on January 1, 2016

The purpose of the Lincoln Public Schools Physical Restraint 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.

Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. Physical restraint shall only be used when needed to protect a student and/or a member of the Lincoln Public Schools community from assault or imminent, serious, physical harm. Furthermore, any such physical restraint shall be administered so as to prevent or minimize any harm to the student.

The Physical Restraint policy, JKAA and the Physical Restraint and Behavior Support Procedures shall be reviewed annually and provided to Lincoln Public Schools staff and made available to the Parents of enrolled students. Nothing in the policy or procedures 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.

I. OVERVIEW

The purpose of this policy is to safeguard students in the Lincoln Public Schools. The Lincoln Public Schools ("the District") seeks to ensure that every student is free from the use of physical restraint that is inconsistent with the requirements of 603 C.M.R. 46.00. Physical restraint is an emergency measure of last resort. It may be administered only when necessary to protect a student and/or school community member from assault or imminent, serious physical harm. When, based on this standard, physical restraint is necessary, staff will strive to prevent or minimize any harm to the student as a result of the use of physical restraint.

II. DEFINITIONS

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.

Mechanical Restraint: 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 service 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: 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 is not medication restraint. 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.

Principal or Preschool Coordinator: instructional leader of a public school education program or his or her designee.

Prone Restraint: 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.

Seclusion: 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 below.

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. 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.

DESE's Technical Assistance Advisory SPED 2016-1, issued on July 31, 2015, provides the following additional definitions pertaining to time-out:

Inclusionary time-out: when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.

Exclusionary time-out: the separation of the student from the rest of the class either through complete visual separation or from actual physical separation.

III. PROHIBITIONS

Chemical restraint, mechanical restraint and seclusion are prohibited in all public school education programs, as defined by 603 CMR 46.02.

Prone restraint, as defined in 603 CMR 46.02, shall only be permitted under the following, limited circumstances:

- The student has a documented history of serious self injury and/or injury to other students and staff.
- All other forms of physical restraint have failed to ensure the safety of the student and/or the safety of others.
- There are no medical contraindications documented by a licensed physician.
- There are no psychological or behavioral contraindications documented by a licensed mental health professional.
- The student's parents have provided voluntary, informed, written consent to the use of prone restraint.
- The building Principal or Preschool Coordinator or designee has provided written approval.

IV. SPECIFIC RIGHTS

Neither 603 C.M.R. 46.00 nor this policy prohibits: (1) any teacher, employee or agent of the District from using reasonable force to protect students, others or themselves from imminent, serious, physical harm; (2) any individual from reporting to appropriate authorities a crime committed by a student or other individual; (3) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or person alleged to have committed a crime or posing a security risk; or (4) an individual from reporting neglect or abuse to the appropriate state agency, pursuant to M.G.L. c. 119 § 51A.

V. DESE TECHNICAL ASSISTANCE ON USE OF TIME-OUT

DESE's Technical Assistance Advisory SPED 2016-1, issued on July 31, 2015, explains the differences between "inclusionary time-out" and "exclusionary time-out" as follows:

"Inclusionary time-out": when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.

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. These strategies, used to reduce external stimuli in the student's environment while keeping the student physically present and involved in learning, have proven to be useful tools for classroom management.

If the student is not "separated from the learning activity" or the classroom, the student will be in "inclusionary time-out" and the requirements that accompany the use of "exclusionary time-out," listed below, do not apply. A student is not "separated from the learning activity" if the student is physically present in the classroom and remains fully aware of the learning activities.

“Inclusionary time-out” does not include walled off “time-out” rooms located within the classroom; use of those is considered to be “exclusionary time-out.”

“Exclusionary time-out”: the separation of the student from the rest of the class either through complete visual separation or from actual physical separation.

The following requirements apply to the use of “exclusionary time-out”:

- “Exclusionary time-out” may be used only for the purpose of calming;
- During “exclusionary time-out,” the student must be continuously observed by a staff member;
- The staff member will either be with the student or immediately available to the student at all times;
- The space used for “exclusionary time-out” must be clean, safe, sanitary and appropriate for calming;
- Unless it poses a safety risk, a staff member must be 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 must be 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 must never be locked in a room;
- For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student;
- An “exclusionary time-out” must be terminated as soon as the student has calmed; and an “exclusionary time-out” may not extend beyond thirty (30) minutes without the approval of the Principal or Preschool Coordinator. A Principal or Preschool Coordinator may grant an extension beyond thirty (30) minutes based only on the individual student’s continuing agitation.

VI. REQUIREMENTS FOR USE OF PHYSICAL RESTRAINT

Legal Standard for Use

Physical restraint is considered an emergency procedure of last resort. This means that it may be used only when the student’s behavior poses a threat of assault or imminent, serious, physical harm to self and/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.

Physical restraint may never be used for punishment. Physical restraint may not be used as a response to a student’s destruction of school property, disruption of school order, refusal to comply with rules/directives, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Brief physical contact to promote safety is not considered a restraint. DESE’s Question and Answer Guide to Implementation of 603 CMR 46.00, The Regulations for the Prevention of

Physical Restraint and Requirements if Used, issued on July 31, 2015, states that “brief physical contact to promote safety refers to measures taken by school personnel consisting of physical contact with a student for a short period of time solely to prevent imminent harm to a student, for example, physically redirecting a student about to wander on to a busy road, grabbing a student who is about to fall, or breaking up a fight between students.”

Physical restraint may not be used as a standard response for any student. No IEP or written behavioral plan may include physical restraint as a standard response to any behavior.

Safety

To ensure student safety, staff will review and consider a student’s medical and psychological limitations, known or suspected trauma history, and/or behavior intervention plans. Physical restraint will not be used when it is medically contraindicated for reasons including, but not limited to, communication-related disorders, asthma, seizures, cardiac condition, obesity, bronchitis, or risk of vomiting.

During a physical restraint, staff will continuously monitor the student’s physical status, including skin temperature, color and respiration, and make certain that the student is able to breathe and to speak. Staff will use the safest physical restraint method available and appropriate for the situation, and will use only the amount of force necessary to protect the student or others from physical injury or harm. Whenever possible, another adult who is not a participant in the restraint will witness the administration of the restraint.

Duration

A physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student demonstrates or expresses significant physical distress (e.g., difficulty breathing, sustained or prolonged crying, sustained or prolonged coughing). If a student demonstrates or expresses significant physical distress, staff will release the restraint and seek medical assistance immediately. For any student to be restrained for more than twenty (20) minutes, staff must obtain the Principal or Preschool Coordinator’s approval. This approval must be based on the student’s continued agitation justifying the need for continued restraint.

Follow-up

Follow-up procedures will be implemented after the release of the student from physical restraint. These will include reviewing the incident with the student to address the precipitating behavior, reviewing the incident with staff who administered the restraint to discuss whether proper restraint procedures were followed, and considering whether any follow-up is appropriate for students who witnessed the incident.

Prone and Floor Restraints

Prone restraints are prohibited, except on an individual basis and when all of the following conditions, which require specific documentation, are met: (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 restraint have failed to ensure the safety of the student and/or 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 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 the use of prone restraint is approved in writing by the Principal or Preschool Coordinator; and (6) the program has documented all of the above before using prone restraint and maintains the documentation. The only staff authorized to administer a prone restraint are staff who have received in-depth restraint training in accordance with 603 C.M.R. 46.04(3).

Floor restraints are prohibited unless the staff administering the restraint have received in-depth training in accordance with 603 C.M.R. 46.04(3), and these trained staff members determine that such method of restraint is required to provide safety for the student or others.

VII. REPORTING PHYSICAL RESTRAINT USE

All physical restraints, regardless of duration, will be reported.

Reporting within School and to Parents

The reporting process within the school and to the student's parents is as follows: The staff will immediately verbally inform the Principal or Preschool Coordinator, and the Principal or Preschool Coordinator or designee will make reasonable efforts to verbally inform the student's parents within 24 hours of the restraint. The staff will file a detailed written report no later than the next school day, and the Principal, Preschool Coordinator, or designee will e-mail or mail the written report to the parents within three (3) school days of the restraint. There are no individual waivers permitted for these reporting requirements. The staff will log the restraint on the recording log.

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Report Contents

The report will include: names and job titles of those involved, including observers; date and time the restraint began and ended; the name of the administrator who was verbally informed; the name of the Principal or Preschool Coordinator or designee who approved extending the restraint beyond twenty (20) minutes, when such approval was obtained; what was happening before the restraint; the efforts staff used to prevent escalation of the student's behavior, including the specific de-escalation strategies that the staff used; the alternatives to restraint that staff attempted; the justification for initiating the restraint; a description of the holds used and why they were necessary; a description of the student's behavior and reaction during the restraint, and any medical care given; information regarding any further actions the school has taken or may take; and information regarding opportunities for the student's parents to discuss the restraint with the school.

Reporting to the Department of Elementary and Secondary Education

The reporting process to the Department of Elementary and Secondary Education (DESE) is as follows: The District will report to DESE all restraints that result in serious injury to either a student or a staff member within three (3) working days of the restraint.

Additionally, the District will provide DESE with an annual report of its physical restraint use. Included in the report to DESE will be a copy of the school's restraint log (previous 30 days only).

Reporting to Law Enforcement and other state agencies:

Nothing in this policy prevents an individual from reporting a crime to the appropriate authorities and nothing in this policy prevents any individual from exercising their responsibilities as a mandated reporter under M.G.L., c 119, 51A.

Contents of Written Report

The written report of any physical restraint shall include:

Name of the student; name(s) and job title(s) of staff who administered the physical restraint, and observers, if any; the date, time restraint began, and the time that restraint ended; the name of the Principal or Preschool Coordinator or designee who was verbally informed following the restraint, and who approved continuation of the restraint beyond twenty (20) minutes, if applicable.

A description of the activity in which the restrained student and other students and staff in the vicinity were engaged immediately preceding the use of the physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including 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, 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 Parent(s) to discuss the administration of the restraint and any consequences with school officials.

Follow-Up Procedures

After a student is released from a physical restraint, staff shall implement follow-up procedures, including:

- reviewing the incident with the student to address the behavior that precipitated the physical restraint;
- reviewing the incident with the staff member(s) who administered the physical restraint to ensure proper restraint procedures were followed; and
- consideration of whether any follow-up is appropriate for students who witnessed the physical restraint, if any.

VIII. ADMINISTRATIVE REVIEWS OF PHYSICAL RESTRAINT USE

Two types of administrative reviews will be conducted in regards to the use of physical restraint. The Principal, Preschool Coordinator, or designee will conduct a Weekly Individual Student Review and a Monthly School-wide Review.

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Weekly Individual Student Review

A Weekly Individual Student Review will be conducted in regards to any student who has been restrained multiple times during the week. The Principal, Preschool Coordinator, or designee will convene a review team to assess the progress and needs of any such student, with the goal of reducing or eliminating future restraint. This team will review and discuss the written restraint reports, analyze the factors that led to the restraint, consider the factors that may have contributed to the escalation of the student's behavior, and develop a written action plan.

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Monthly School-wide Review

A Monthly School-wide Review will also be conducted by the Principal, Preschool Coordinator, or designee. In this review, the Principal, Preschool Coordinator, or designee will consider patterns of restraints, number of restraints, duration of restraints and any injuries caused by restraints. The Principal, Preschool Coordinator, or designee will assess whether the restraint prevention and management policy needs to be modified and/or whether there is a need for additional staff training on restraint reduction and restraint prevention strategies.

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IX. TRAINING REQUIREMENTS

General Training

The Principal or Preschool Coordinator will ensure that all staff receives training on the District's Restraint Prevention and Behavior Support Policy and Procedures and the requirements for the use of restraint. This training will comply with the requirements of 603 C.M.R. 46.04(2).

a. Staff Training:

- i. All staff/faculty will receive training regarding the District's physical restraint policy within the first month of each school year, and employees hired after the school year begins will receive training within one month of starting their employment.
- ii. Required training for all staff will include review of the following:
 - 1) Lincoln Public Schools Physical Restraint and Behavior Support Policy
 - 2) School building-level physical restraint procedures, including the use of time-out as a behavior support strategy;
 - 3) The role of the student, family, and staff in preventing physical restraint;
 - 4) Interventions which may preclude the need for restraint, including de-escalation of problematic behaviors and alternatives to restraint;
 - 5) When in an emergency, the types of permitted physical restraints and related safety consideration, including information regarding the increased risk of injury to a student when any restraint is used;
 - 6) 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 Lincoln Public Schools' staff who have received in-depth training (as set forth below in section (a)(iii)) in the use of physical restraint.

In-Depth Training

The Principal or Preschool Coordinator will identify and authorize certain staff to serve as a school-wide team to assist in ensuring the proper administration of physical restraint. These identified staff will participate in an in-depth training that complies with the requirements of 603 C.M.R. 46.04(3) and 603 C.M.R. 46.04(4).

a. In-Depth Training

- i. At the beginning of the school year, the building Principal or Preschool Coordinator will identify those designated staff who will participate in in-depth training and who will then be authorized to serve as school-wide team to assist in ensuring proper administration of physical restraint.
- ii. Designated staff members shall participate in in-depth training in the use of physical restraint, with at least one refresher training annually.
- iii. In-depth training will include:
 - 1) 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;
 - 2) 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;
 - 3) 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;
 - 4) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
 5. Demonstration by participants of proficiency in administering physical restraint; and
 - 6) Instruction regarding the impact of physical restraint on the student and family, including but not limited to psychological, physiological, and social-emotional effects.

X. SPECIFIC PROCEDURES

The District has developed and implemented specific procedures regarding appropriate responses to student behavior that may require immediate intervention.

Alternatives to Physical Restraint

Physical restraint should be used in emergency situations as a last resort. The following less intrusive behavior interventions and supports should be implemented to reduce the need for physical restraint:

- positive behavioral interventions
- verbal redirection
- verbal directive to cease behavior
- opportunity for a break
- de-escalation techniques
- loss of earned tokens/rewards/privileges
- opportunity for time-out
- physical escort to a separate space for time-out

Forms of Physical Restraint used by the district which follow the Safety Care Protocol, include:

- 1 person stability holds
- 2 person stability holds
- forward escorts
- reverse escorts
- seated stability holds
- chair stability holds
- leg wraps

Restraint Complaint Procedure

Any individual who wishes to file a complaint regarding physical restraint practices, should immediately report their concern promptly to the school Principal or Preschool Coordinator or preschool coordinator. The Principal or Preschool Coordinator or Preschool Coordinator will promptly investigate the complaint and provide the complainant notification of the outcome of the complaint within a reasonable time period of receipt of the complaint.

Methods for Engaging Parents

Any parent with concerns about the use of physical restraint at any school within Lincoln Public Schools may request a meeting with the building Principal or Preschool Coordinator or the Preschool Coordinator to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure.

Grievance Procedures

This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:

Submit a complaint in writing to the building Principal or Preschool Coordinator or preschool coordinator.

The building Principal or Preschool Coordinator or preschool coordinator will meet with the complainant within ten (10) school days of receipt of the complaint.

A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the building Principal or Preschool Coordinator or preschool coordinator and the Department of Elementary and Secondary Education.

A written report will be developed by the building Principal or Preschool Coordinator or preschool coordinator and provided to the complainant.

If the parents'/guardians' concerns are not resolved at this level, they may bring this matter to the Superintendent of Schools.



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*