

Physical Restraint Requirements for Public Education Programs

General Overview

Prepared by the Massachusetts Department of
Education for use by public education programs
in annual staff training.



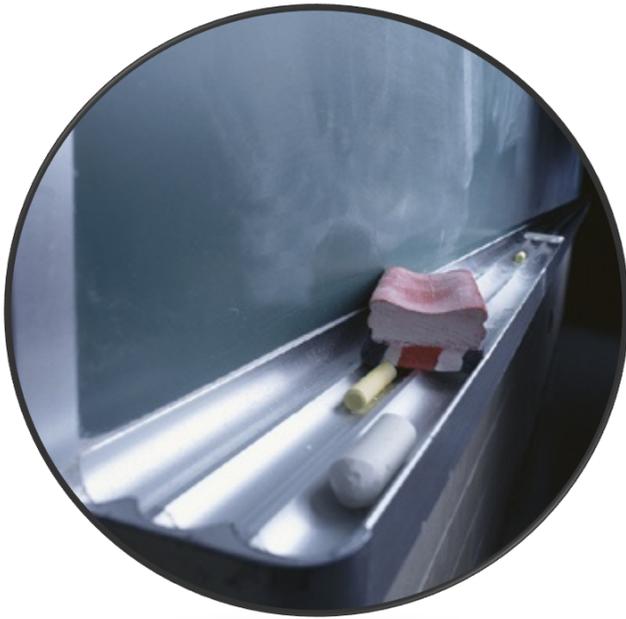
Caution

- Overview of Physical Restraint Regulatory Requirements - 603 CMR 46.00
- Apply to all public education programs and events
- School staff should:
 - Carefully read full regulatory requirements
 - Be familiar with the regulations
- <http://www.doe.mass.edu/lawsregs/603cmr46.html>

The screenshot shows the website for the Massachusetts Department of Elementary & Secondary Education. The page is titled "Education Laws and Regulations" and specifically focuses on "603 CMR 46.00: Physical Restraint". The page includes a navigation menu with options like "News", "School/District Profiles", "School/District Administration", and "Educator Services". A sidebar lists various legal resources such as "Laws & Regulations Home", "State Regulations", "State Laws", "Federal Laws", "Legal Advisories", "Arbitration Awards", and "Litigation Reports". The main content area lists sections 46.01 through 46.07, covering topics from Authority, Scope, Purpose and Construction to Special Circumstances. It also notes that the regulations are "In effect April 2, 2001" and were "last updated: April 2, 2001". At the bottom, there is a footer with the department's name and a note: "For an official copy of these regulations, please contact the State House Bookstore, at 617..."

Note: Lack of knowledge of the law will not protect you or your students from the consequences of inappropriate actions.

Training is IMPORTANT



Promotes effective teaching and learning

All employees are required to participate on a yearly basis

Protects individuals and the District

Prepare appropriate responses

Eliminates negative consequences

Key Aspect: Training and Awareness



- Program's restraint policy
- Interventions that may preclude the need for restraint
- Types of restraints and related safety considerations
- Administering physical restraint in accordance with known medical or psychological limitations
- Identification of program staff who have received in-depth training



Selected Staff: In-Depth Training



- Prevention techniques
- Identifying dangerous behaviors
- Experience in restraining and being restrained
- Demonstration of learned skills
- Recommended 16 hours

What is Physical Restraint?



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

Not physical restraint: Touching or holding a student without the use of force - including physical escort, touching to provide instructional assistance, and other forms of physical contact that do not include the use of force.

Terminology



Extended restraint:

- Greater than 20 minutes
- Increases the risk of injury
- Must inform parents and School Administration
- Requires additional written documentation for DOE

Physical escort:

- Touching or holding a student without the use of force for the purpose of directing the student

Terminology



- **Chemical restraint:** The administration of medication for the purpose of restraint. **Do not use without physician's order and parental consent.**
- **Mechanical Restraint:** The use of a physical device to restrict the movement of a student. **Do not use without physician's order and parental consent.**
- **Seclusion Restraint:** Physically confining a student alone in a room or limited space without access to school staff.
 - **"Time-Out"** is not Seclusion Restraint.

Is Restraint Good or Bad?

Does not identify negative or positive motives.

Does not recognize negative or positive consequences.

Depends on how it is used.



When may Physical Restraint be Necessary?



- Non-physical interventions have failed or are inadequate

and

- IMMEDIATE, SERIOUS, PHYSICAL HARM to self and/or others

When not to use Physical Restraint



- When non-physical interventions could be used.
- As a means of punishment.
- As a response to property destruction, school disruption, refusal to comply, or verbal threats.

Proper Administration of Physical Restraint



- Trained Personnel
- Have an adult witness if possible
- Use only the amount of force necessary
- Use the safest method
- Discontinue restraint ASAP

Safety Requirements



- Make sure student is able to breathe and speak
- Monitor physical well-being, monitor respiration
- If student experiences physical distress -- release restraint and seek medical assistance immediately
- Know students' medical and psychological limitations and behavior intervention plans

Regulation Limits



Regulations do not prohibit or limit:

- The right to report a crime
- Law enforcement, judicial authorities, or school security personnel from completing their responsibilities
- Mandated reporting of neglect or abuse
- The use of reasonable force to protect oneself, a student, or others

Follow-Up Procedures



- Prevention/Learning from the experience
- Review with student and staff
- Consider whether any follow-up is appropriate for students who witnessed the incident.
- Ask: *“How can we avoid this happening again?”*



Key Reporting Requirements



- **When to Report:** Report only restraints over 5 minutes or in any case of an injury.
- **Notify School Administration:** Notify school administration as soon as possible, and provide written report by the next school working day.
- **Notify Parents:** The principal or his/her designee of the program notifies the parent, verbally as soon as possible, and by written report within 3 school working days.



Content of Written Report



- The names and job titles of the staff who administered the restraint and observers.
- The date and time of the restraint.
- A description of the activity.
- The behavior that prompted the restraint and the efforts made to de-escalate the situation.
- For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted.
- Information regarding any further action(s) that the school has taken.

Key Data Keeping Aspect: Ongoing Log



- School district maintains a log of all reported instances of physical restraint in the school.
- Use the log for review of incidences and consideration of school safety policies and procedures.

Reporting to the Department of Education



- Extended restraints (restraints over 20 minutes).
- Any time there is a serious injury.
- Send report within 5 school working days of restraint. Include log for 30 day period prior to restraint.
- Department of Education may determine additional required action.



Special Circumstances

For students with disabilities such as Individualized Education Plans (IEPs) or 504 plans, physical restraint can be used for reasons other than danger if reasons are detailed and part of the IEP or 504 Plan.

Certain limits and requirements will still apply.

Parents may agree to a waiver of reporting requirements in individual circumstances (not for serious injury and not for extended restraints).

However:

- The school cannot require parental consent to waiver.
- The school must detail alternate reporting mechanism.

The End

Thank you for participating in this training lesson.

If you have any further questions, contact your Principal or the Director of Student Services.

Click on the link below to print and complete your Certificate of Completion. Then, submit the completed certificate to your Principal.

Certificate of Completion