



## **PHYSICAL RESTRAINT POLICY**

### **Background and Purpose**

The Massachusetts Department of Education established regulations governing the use of physical restraints on students. These regulations supersede all previously established procedures. Atlantis Charter School is required to follow the provisions of 603 CMR 46.00 which regulates the use of physical restraint on students in Massachusetts public school districts, charter schools, collaborative and special education schools. The purpose of this circular is to ensure that every student participating in an Atlantis Charter School program is free from the unreasonable use of physical restraint and that such an intervention is used only in emergency situations after other less intensive alternatives have failed or have been deemed inappropriate. Physical restraint should be administered only when needed to protect a student or other students and staff from imminent, serious physical harm. Physical restraint should be administered in the least intrusive manner possible and should be used to prevent or minimize harm to the student. These policies and procedures are reviewed annually and are provided to program staff and made available to parents of enrolled students.

Please note that, at the beginning of each school year, the District Leader and Site Leaders are required to identify the program staff to be responsible for administering proper physical restraint procedures. These individuals will participate in an in-depth training in the use of physical restraint and appropriate de-escalation methods. The District Leader and Site Leaders shall also arrange a time for all staff to receive training with regard to the restraint policy within the first month of the school year and for employees hired after the school year begins, within a month of their employment.

### **Restraint Prevention**

Atlantis Charter School is guided by the principle that the use of seclusion and physical restraint are the last resort and implements all other less intensive alternatives first. We believe in and follow the PBIS framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students. Through PBIS we will work to create and maintain a productive and safe learning environment in which all school community members have clear expectations and understandings of their roles and responsibilities in the educational process. PBIS focuses on teaching children positive behaviors, creating learning moments for student growth, and holding students accountable for their actions and behaviors. Respect, responsibility, and safety are the school-wide expectations that all students are expected to follow. Atlantis promotes that the use of behavioral strategies when implemented as part of the school-wide program or individual behavioral intervention and support plans can reduce the chance that restraint to seclusion will need to be used.

### **Restraint Policy**

Atlantis Charter School's guiding principles regarding restraint reflect the focus of 6.3 CMR 46.00:

- Physical restraint, including prone restraint where permitted, 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.

- Physical Restraint will be used only when needed to protect a student or member of the Atlantis Community from immediate, serious harm.
- Physical restraint will be provided in such a way to prevent or minimize any harm done to the student as a result of the restraint technique.
- Physical restraint is prohibited at Atlantis Charter School as a method of punishment, as a response to property destruction, refusal to comply with a staff directive or school rule, or verbal threat that do not constitute an immediate, serious physical harm to the student or others.

**Definitions of restraint are as follows:**

- **Physical restraint** is defined as 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
  - a physical escort.

Staff involved have completed in-dept training and are certified.

- **Physical escort** is defined as 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. Staff involved have completed in-dept training and are certified.
- **Prone restraint** is defined as 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. Staff involved have completed in-dept training and are certified.
- **Seclusion** is defined as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Staff involved have completed in-dept training and are certified.
- **Time-out** is defined as 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. Staff involved have completed in-dept training and are certified.

Only staff that have completed the restraint training and are certified can implement any type of physical restraint. Only restraint techniques taught and demonstrated during the training are used by Atlantis staff.

If a student at Atlantis Charter School engages in challenging behavior, the school support options are expected to be accessed by the staff either observing or engaged with the student during the behavioral events. These include contacting:

- School Adjustment Counselor
- Dean of Students
- Site Leader
- District Leader
- Nurses
- Special Education Director (if student has IEP)

**Referral to Law Enforcement or Other State Agencies**

These procedures support the referral to law enforcement or other state agencies utilizing the Atlantis Charter School guidelines.

- Atlantis Charter School staff have the right to report to appropriate authorities a crime committed by a student or other individual;
- 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
- Atlantis Charter School staff must exercise their responsibilities as a mandated reporter to report neglect or abuse to the appropriate state agency.

## Restraint Training

Atlantis Charter School staff and administrators annually receive training on:

- Atlantis Charter School's Restraint Policy
- Atlantis Charter School's prevention and behavioral support procedures
- Individual staff are trained in developing individual crisis planning or strategies for individual students scheduled for their classrooms
- Positive Behavioral supports used at Atlantis to prevent the need for physical restraint, including alternatives to physical restraint
- Types/definitions/ demonstrations of restraints and safety considerations for each one
- The impact of known or suspected trauma history in addition to the student's needs/ limitations in relationship to use of restraint.

Trained Staff Members include: District Leader, Site Leaders, Dean of Students, Dean of Curriculum and Teaching, Special Education Director, Athletics Director, School Adjustment Counselors, Nurses, ISS Supervisor, Physical Education teachers and other teachers and paraprofessionals identified by the Site Leader

The trained staff receive the in-depth training also annually that covers the following elements:

- Restraint prevention techniques including de-escalation techniques
- The impact of known or suspected trauma history in addition to the student's needs/ limitations in relationship to use of restraint.
- How to identify specific behaviors on the part of the student that may lead to the use of physical restraint and methods for evaluating the risk of harm
- Demonstration of the experience of being restrained administering restraints
- Required documentation and reporting involving forms

## Proper Administration

1. **Trained Personnel:** Only staff that have received proper training and is certified in physical restraint procedures shall administer it to students. To the greatest degree possible, another adult who does not participate in the restraint should witness administration of the restraint. However, nothing in 603 CMR 46.00 or this policy shall 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.
2. **Use of Force:** Any individual(s) administering physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
3. **Safest Method:** A person administering physical restraint will use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints are prohibited with limited exceptions permitted by law.

**Duration of Restraint:** All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

4. **Safety Requirements:**

- 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 temperature and color, and respiration.
- 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 expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
- c. A restraint shall be released immediately upon 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.
- d. If a student is restrained for a period longer than 20 minutes, staff shall obtain the approval of the site leader. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.
- e. Staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
- f. After the release of a student from a restraint, the school shall implement follow-up procedures. These procedures shall include
  - i. Reviewing the incident with the student to address the behavior that precipitated the restraint.
  - ii. 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.

## Reporting Requirements

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).

### 1. Informing the Site Leader:

- a. The staff member who administered the restraint shall verbally inform the site leader of the restraint as soon as possible, and by written report no later than the next school working day.
- b. The written report shall be provided to the site leader for review of the use of the restraint. If the site leader has administered the restraint, the site leader shall prepare the report and submit it to an individual or team designated by the Executive Director or board of trustees for review.
- c. The site leader 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.

### 2. Informing Parents:

- a. The site leader 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.
- b. If the 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.
- c. The site leader 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.

### 3. Contents of the 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;

- i. the date of the restraint
    - ii. the time the restraint began and ended;
    - iii. the name of the site leader or designee who was verbally informed following the restraint;
    - iv. as applicable, the name of the site leader 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:
    - i. the behavior that prompted the restrain
    - ii. the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used
    - iii. alternatives to restraint that were attempted
    - iv. 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:
    - i. the student's behavior and reactions during the restraint
    - ii. how the restraint ended
    - iii. 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.
- 4. Individual Student Review:** The site leader 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 site leader shall convene one or more review teams as the site leader 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. an 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 site leader directly participated in the restraint, a duly qualified individual designated by the Executive Director or board of trustees shall lead the review team's discussion. The site leader 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.

- 5. Administrative review:** The site leader 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 site leader 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.

## **6. Reports to the Department of Education:**

- a. When a physical restraint has resulted in an injury to a student or school staff member, the school 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.
- b. The school shall also send the Department a copy of the record of physical restraints maintained by the site leader pursuant to 603 CMR 46.06(2) for the 30-day period prior to the date of the reported restraint.
- c. The Department shall determine if additional action by the school is warranted and, if so, shall notify the school of any required actions within 30 calendar days of receipt of the required written report(s).
- d. Every school 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.

### **Students with Disabilities**

Physical Restraint may not be used as a standard response for any individual student. Therefore, not written individual behavior plan or individualized education plan (IEP) may include physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort. Atlantis Charter School does not allow the use of mechanical, medical, and seclusion restraints.