



## 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.

**Please note that, at the beginning of each school year, the School Director and the Vice-Principal are required to identify to the Principals 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 School Director and the Vice-Principal 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.**

### DEFINITIONS

The following terms as used in 603 CMR 46.00 shall have the following meanings:

- Physical escort:*** Touching or holding a student without the use of force for the purpose of directing the student.
- Physical restraint:*** The use of bodily force to limit a student's freedom of movement.
- 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.
- School working day:*** Any day or partial day that students are in attendance at the public education program for instructional purposes.

## **DETERMINING WHEN PHYSICAL RESTRAINT MAY BE USED**

**1. Physical restraint may be used only when:**

- (a) Non-physical interventions would be ineffective or have proven ineffective.
- (b) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.

**2. Limitations of restraint:**

Physical restraint will be limited to the use of reasonable force as is necessary to protect a student or other students and staff members from assault or imminent serious physical harm.

**3. Instances when restraint is not to be used:**

- (a) Physical restraint is not to be used as a means of punishment.
- (b) Physical restraint is not to be used as a response to destruction of property, school disruption, refusal of the student to comply with school rules or staff directive, or verbal threats that do not constitute a threat of imminent serious physical harm.
- (c) Physical restraint should not be used as an intervention, if the student has known health or physical problems which would knowingly exacerbate their condition.

**4. Nothing in this document or in 603 CMR 46.00 prohibits:**

- (a) The right of an individual to report to appropriate authorities a crime committed by a student or another individual.
- (b) Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other persons alleged to have committed a crime or posing a security risk.

The exercise of an individual's responsibilities as a mandated reporter of child abuse/neglect pursuant to MGL c. 119, s 51A to the appropriate state agency.

- (c) 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.
- (d) Any 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.

## PROPER ADMINISTRATION OF PHYSICAL RESTRAINT

### 1. **Trained personnel:**

Only staff that has received proper training 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 a restraint. **However, nothing in 603 CMR 46.00 or this policy shall preclude a teacher, employee or agent of the school system 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. **Safety requirements:**

- (a) Restraint will be administered in a manner so as to prevent or minimize physical harm to the student.
- (b) A restraint will not be administered in a manner that prevents the student from speaking or breathing.
- (c) During a restraint, a staff member shall continuously monitor the physical status of the student including skin color and respiration.
- (d) If at any time during the restraint the student displays significant physical distress, the restraint will immediately terminate and medical assistance will be sought.
- (e) Staff will review and take into consideration any known medical or psychological imitations and/or behavioral intervention plans regarding physical restraint on an individual student.
- (f) During a restraint, staff will continuously talk to and engage the student in an attempt to de-escalate behavior and to end the restraint as soon as possible.
- (g) Staff administering physical restraint will use the safest method available that is appropriate to the situation.
- (h) Floor or prone restraints are prohibited unless the staff administering such restraint has been trained and in the judgment of that staff, such restraint is necessary in order to provide for the safety of the student as well as others present. In such a situation, the primary staff member administering the restraint will communicate with the student for safety purposes in an attempt to de-escalate and end the restraint as soon as possible.
- (i) Restraint will immediately terminate when the staff member determines that the student is no longer at risk of causing imminent physical harm to them self or others.
- (j) After release of a student from restraint, the incident, when applicable, will be reviewed with the student and the behavior that led up to the restraint will be addressed.

- (k) The administrator in charge will review the incident with the staff member who administered the restraint to ensure that proper procedures were followed and to consider if any follow-up is appropriate for students who may have been present during the restraint.

## REPORTING REQUIREMENTS

### 1. When restraint must be reported:

**Any staff member, who administers a restraint which lasts longer than five (5) minutes or results in any injury to a student or staff member, shall verbally inform the School Director or Vice-Principal as soon as possible and by written report no later than the next school working day (See Attachment A, Mass DOE Physical Restraint Report).** This must be kept on file by the school; however, if the School Director or Vice-Principal has administered the restraint, then he/she shall complete a written report and submit it to the Principal. The School Director or Vice-Principal or his/her designee shall also maintain an on going record of all reported instances of physical restraint, which shall be made available for review by the Principal and/or by the Department of Education upon request (See Attachment B, Monthly Report of Physical Restraint).

### 2. Informing parents:

The Principal or his/her designee 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 (3)** school working days following the use of restraint (See Attachment C, Parent Notification). If the language of the home is other than English, the written restraint report shall be provided to the parent in English and in the language of the home.

### 3. Reporting extended restraint or serious injury to a student or staff member as a result of restraint to the Massachusetts Department of Education:

In the event a restraint results in: **(1) serious injury to a student or staff member or (2) an extended restraint, that is, one that lasts longer than twenty (20) minutes**, a report must be filed by the school system with the Massachusetts Department of Education.

**The following reporting procedures must be followed in all such cases:**

- (a) The parent must be notified immediately by phone and within three (3) days by letter in accordance with the procedures outlined in item 2 above (Use Attachment C, Parent Notification)
- (b) Completed copies of the "Mass DOE Physical Restraint Report" (Attachment A), The Monthly Report of Physical Restraints year to date (Attachment B), and the letter sent to the parent (Attachment C) must be forwarded to the Principal within **three (3)** working days of the restraint. These will then be sent by the

Principal within **five (5)** working days of the restraint to the Massachusetts Department of Education. Copies should be kept on file in the school office.

## STUDENTS WITH DISABILITIES

1. 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 school system and the parent/ guardian have agreed shall be deemed to meet the requirements of 603 CMR 46.00 except that the reporting requirements noted herein shall apply.

**N.B. Massachusetts Department of Education Restraint Regulations are available online at <http://www.doe.mass.edu/lawsregs/603cmr46.html>.**

Summary of significant dates and deadlines:

Date	Activity
September 30, 2005	Deadline for at least one staff member from every school to be trained in physical restraint

For more information about policy, contact:

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<b>Department:</b>	Atlantis Charter School, Student Services Department
<b>Mailing Address:</b>	37 Park Street, Fall River, Massachusetts 02721
<b>Phone:</b>	508-646-6410
<b>Fax:</b>	508-672-2474
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The Commonwealth of Massachusetts  
Department of Education

350 Main Street, Malden, Massachusetts 02148-5023 Telephone: (781) 338-3700

# Physical Restraint Report

## 603 CMR 46.06(5)

NOTE: This report is required to be submitted to the Department of Education by a publicly funded education program after any physical restraint of a student lasting longer than twenty (20) minutes and/or after administration of a physical restraint that results in serious injury (requiring emergency medical intervention) to a student or staff member. This report must be sent to the Department within five (5) school working days of the administration of the restraint.

**IDENTIFYING INFORMATION:**

Name of School District, Charter School, Educational Collaborative or Approved Private Special Education School:

Name of Student: \_\_\_\_\_ Date of Restraint: \_\_\_\_\_

Does student currently receive special education services? Yes:  No:

Date of this report: \_\_\_\_\_ Site of restraint: \_\_\_\_\_

This report prepared by: \_\_\_\_\_ Position: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Staff administering restraint:

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Received prior restraint training:  Yes  No

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Received prior restraint training:  Yes  No

Observers (if any):

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Administrator who was verbally informed following the restraint:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Reported by: \_\_\_\_\_ Title: \_\_\_\_\_

Parent who was informed of this restraint:

Name: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

Called by: \_\_\_\_\_ Title: \_\_\_\_\_

**PRECIPITATING ACTIVITY:**

Description of activity in which the restrained or other students were engaged immediately preceding use of physical restraint:

Behavior that prompted restraint:

Efforts made to deescalate and alternatives to restraint that were attempted:

**DESCRIPTION OF PHYSICAL RESTRAINT:**

Justification for initiating physical restraint (*check all that apply*):

- Non-physical interventions were not effective
- To protect student from imminent, serious, physical harm
- To protect other student/staff from imminent, serious, physical harm
- To implement necessary restraint in accordance with the student's IEP or other written plan (*describe pertinent provisions of the IEP or other written plan*):

Describe holds used and why such holds were necessary:

Student's behavior and reaction during restraint:

Time restraint began: \_\_\_\_\_ Time restraint ended: \_\_\_\_\_

**CESSATION OF RESTRAINT:**

How restraint ended (*check all that apply*):

- Determination by staff member that student was no longer a risk to himself or others
- Intervention by administrator(s) to facilitate de-escalation
- Law enforcement personnel arrived
- Staff sought medical assistance
- Other (*describe*):

Description of any **injury** to student and/or staff and any medical or first aid care provided:

Incident report was filed with the following school district official: \_\_\_\_\_.

**FOR EXTENDED RESTRAINTS (beyond twenty (20) minutes):**

Alternatives to extended restraint that were attempted:

Outcome of those efforts:

Justification for administering extended restraint:

**FURTHER ACTION TO BE TAKEN:**

The school will take the following action and/or disciplinary sanctions (*check as many as apply*):

- Review incident with student to address behavior that precipitated the restraint.
- Review incident with staff to discuss whether proper restraint procedures were followed.
- Consider whether follow-up is necessary for students who witnessed the incident.
- Conduct a local investigation of any complaint regarding this restraint (*describe investigation procedures*):
- Disciplinary action/sanctions taken by the program (*describe*):

**PARENT/GUARDIAN NOTIFICATION (*required for all reported restraints*):**

Verbally informed of physical restraint on \_\_\_\_\_ by teacher/administrator/other or documented attempts to contact verbally (*describe*):

Written report sent within 3 school working days of administration of restraint to parent/guardian on \_\_\_\_\_ by \_\_\_\_\_ (*teacher/administrator/other*) at the following address:

\_\_\_\_\_

- Sent in native language of the parent/guardian (*language*): \_\_\_\_\_

Parent/guardian was offered opportunity to discuss the administration of physical restraint and/or disciplinary sanctions with teacher/administrator. Results of discussion (*Attach separate page if necessary*):

**The required copy of the record of physical restraints for this program is attached to this report for Department of Education review. This record of physical restraints is required to be maintained by the program administrator for the 30-calendar day period prior to date of this reported restraint.**





**MONTHLY REPORT OF PHYSICAL RESTRAINTS**

**School Year 2005-2006**

(This is to be maintained on a monthly basis)

<b>MONTH</b>	<b>RESTRAINTS</b>	<b>EXTENDED RESTRAINTS</b>	<b>INJURY TO STUDENTS</b>	<b>INJURY TO STAFF</b>
<b>September</b>				
<b>October</b>				
<b>November</b>				
<b>December</b>				
<b>January</b>				
<b>February</b>				
<b>March</b>				
<b>April</b>				
<b>May</b>				
<b>June</b>				
<b>Totals</b>				

Lower School: \_\_\_\_\_

Signature of Administrator: \_\_\_\_\_

Upper School: \_\_\_\_\_

Signature of Administrator: \_\_\_\_\_



Attachment C  
Parent Notification

Date: \_\_\_\_\_

Dear \_\_\_\_\_,

This is to inform you that on \_\_\_\_\_ it was necessary for our staff to intervene and perform a restraint on your daughter/son, \_\_\_\_\_.

This intervention took place after all other attempts to de-escalate the behavior either failed, or were deemed inappropriate at the time.

If you would like to discuss the use of this intervention, please call the school at 508-\_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Fernando M. Goulart  
Principal



## Flow Chart Physical Restraint Timeline

### Physical Restraint Occurs



Staff involved in the restraint verbally informs the building administrator as soon as possible.  
Written report is submitted to the building administrator no later than the next working school day (**Attachment A**).



Building administrator informs the parents of the restraint as soon as possible.



Written report is provided to the parents postmarked no later than three working school days following the restraint  
(**Attachment C**).

### **Physical Restraint Occurs Which Results in Serious Injury or is an Extended Restraint**

Staff involved in the restraint verbally informs the building administrator as soon as possible following the restraint.



Written report is submitted to the building administrator no later than the next working school day (**Attachment A**).



Building administrator informs the parent of the restraint as soon as possible.



Written report is provided to the parents postmarked no later than three working school days following the restraint.  
(**Attachment C**).



A copy of the reporting forms, Attachments A, B and C will be provided to the Principal  
within three school working days of the restraint.



The Principal will present these reports to the DOE within five school working days of the restraint.