

COLLEGIATE CHARTER SCHOOL OF LOWELL

RESTRAINT PREVENTION AND BEHAVIOR SUPPORT POLICY AND PROCEDURES

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I. OVERVIEW

The Collegiate Charter School of Lowell (CCSL) seeks to promote a safe and productive workplace and educational environment for its employees and students and 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. CCSL will annually review its Restraint Prevention and Behavior Support Policy and Procedures, provide it to all staff, and make it available to parents of enrolled students.

II. DEFINITIONS

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 services 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.

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.

Executive Director: instructional leader of a public school education program or 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

Medical restraint, mechanical restraint and seclusion are prohibited in all public school education programs.

IV. SPECIFIC RIGHTS

Neither 603 C.M.R. 46.00 nor this policy prohibits: (1) any teacher, employee or agent of CCSL 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 Executive Director. The Executive Director 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 property damage, disruption of school order, refusal to comply with rules/directions, or verbal threats, unless the above harm standard is also met.

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 Executive Director'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 Executive Director; 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 Executive Director, and the Executive Director 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 Executive

Director 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.

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 Executive Director 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: Report all physical restraints to the Department.
- Report all restraint-related injuries to the Department. When a physical restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the written report to the Department postmarked no later than three school working days of the administration of the restraint. The program shall also send the Department a copy of the record of physical restraints maintained by the principal for the 30-day period prior to the date of the reported restraint.

CCSL will also send DESE a copy of the record of restraints maintained by the Executive Director pursuant to 603 CMR 46.06(2) for the thirty (30) day period prior to the date of the reported restraint. Additionally, CCSL will provide DESE with an annual report of its physical restraint use.

VIII. ADMINISTRATIVE REVIEWS OF PHYSICAL RESTRAINT USE

Two types of administrative reviews will be conducted in regard to the use of physical restraint. The Executive Director will conduct a Weekly Individual Student Review and a Monthly School-Wide Review.

Weekly Individual Student Review

A Weekly Individual Student Review will be conducted regarding any student who has been restrained multiple times during the week. The Executive Director 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.

Monthly School-Wide Review

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

IX. TRAINING REQUIREMENTS

General Training

The Executive Director will ensure that all staff receive training on CCSL'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).

Specifically, this training will occur within the first month of each school year, and for any employees who begin work after the start of the school year, training will occur within the first month of their employment. The training will include information on the following:

- (a) The role of the student, family, and staff in preventing restraint;
- (b) CCSL's restraint prevention and behavior support policy and procedures, including the use of time-out as a behavior support strategy distinct from seclusion;
- (c) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
- (d) When behavior presents an emergency that requires physical restraint, the types of physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
- (e) 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
- (f) Identification of program staff who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.

In-Depth Training

The Executive Director will identify and authorize certain staff to serve as a school-wide resource 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).

CCSL recommends that the training be at least sixteen (16) hours in length with at least one refresher training annually thereafter. The training will include, but not be limited to:

- (a) 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;
- (b) 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;
- (c) The simulated experience of administering and receiving physical restraint, instruction regarding the effects on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (d) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- (e) Demonstration by participants of proficiency in administering physical restraint; and

Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

X. SPECIFIC PROCEDURES

CCSL has developed and implemented the following specific procedures regarding appropriate responses to student behavior that may require immediate intervention:

Methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student:

CCSL will provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

Through the implementation of [**Insert the method of supporting all students- DCAP, RTI, MTSS, PBIS**], CCSL strives to ensure all students’ social, emotional, behavioral and academic needs are met while in the school setting. Through these supports CCSL provides necessary consultation, training and planning with the goal of minimizing negative consequences when a student crisis occurs. CCSL also has counseling staff available to support social, emotional and behavioral needs that may impact a student during the school day. Additionally, subject to eligibility under the Individuals with Disabilities Education Act (“IDEA”) and/or Section 504 of the Rehabilitation Act of 1973 (“Section 504”) students individual needs can be addressed through the identification, evaluation and placement process, which provides for individual services and/or accommodations for eligible students.

Interventions and Alternatives to Physical Restraint:

There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods should be used first when seeking to prevent student violence, and/or self-injurious behavior and/or to de-escalate potentially dangerous behavior occurring among groups of students or with an individual student. Examples of interventions and less intrusive methods that may preclude the need for the use of physical restraint, include, but are not limited to:

- Active listening;

- Use of a low non-threatening voice;

Limiting the number of adults providing direction to the student;

Offering a choice to the student;

Verbal prompts - clearly stating instructions and expectations;

Not blocking the student's access to an escape route;

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;

Physical Redirection -A physical redirection is done by temporarily placing one hand on each of the student's shoulders, without force, and redirecting the student to the learning activity, classroom or safe location.

Time-Out - a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming. During time-out a staff member must continuously observe a student. 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 is calmed.

Additionally, general guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include:

Remain calm - To help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.

Obtain Assistance - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.

One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.

Remove Student if Possible – When feasible and as appropriate, have the student experiencing distress leave the area that has other students in it and move to another more private and safe area in order to de-escalate.

Remove Other Students - If it is not feasible to have a student experiencing distress move

to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

Description of Physical Restraints Used in Emergency Situations:

Trained CCSL staff use Crisis Prevention Intervention (CPI) holds for physical restraints.

Restraint Information and Grievance Procedure:

Parents/guardians are welcome to contact the Executive Director of their child's school at any time to discuss CCSL's Restraint Prevention and Behavior Support Policy and Procedures. Additionally, any individual with a concern or complaint regarding the use of a physical restraint may use the informal resolution and/or formal complaint procedure below.

Informal Resolution

Before initiating a formal complaint, a student or their parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve their concerns regarding a specific use of a physical restraint by raising the issue with the Executive Director of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the Executive Director within ten (10) days of the parent/guardian's receipt of the written restraint report. The Executive Director shall attempt, within their authority, to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or their parent/guardian is not satisfied with the resolution, or if the student and/or their parent/guardian do not choose to use informal resolution, then the student and/or their parent/guardian may proceed with the formal complaint process.

Formal Complaint

A student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Executive Director. The student and/or his/her parent/guardian should submit this letter within twenty (20) days of the parent/guardian's receipt of the written restraint report. The written complaint should include: (a) the name of the student; (b) the name of the school where the physical restraint allegedly occurred; (c) the date of the restraint; (d) the basis of the complaint or concern; and (e) the corrective action sought.

The Executive Director, through its designees, shall investigate the complaint. In the course of its investigation, the Executive Director and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different, but the complaint will be responded to promptly. After completing the formal investigation, the Executive Director shall contact the individual who filed the complaint regarding the outcome of its investigation.

Legal Authority:

603 C.M.R. § 46.00

DESE Technical Assistance Advisory SPED 2016-1, July 31, 2015