

Physical Restraint Policy & Procedures

1. Introduction

It is the policy of HCCPS to promote a safe and productive workplace and educational environment for its employees and students and to ensure that every student in HCCPS is free from the use of physical restraint in compliance with the applicable Department of Elementary and Secondary Education regulations.

This policy shall not be construed to limit the protection afforded to students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, this policy shall not be construed to preclude any teacher, employee, or agent of HCCPS from using reasonable and necessary force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

What follows are the legal citations, procedures and guidelines that include: (1) appropriate responses to student behavior that may require immediate intervention; and (2) alternative methods that should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student, including alternative methods in emergency situations that avoid resorting to physical restraint.

2. Definitions

- **Consent** shall mean agreement by a parent/guardian who has been fully informed of all information relevant to the activity for which agreement is sought, in their native language or other mode of communication, that the parent/guardian understands and agrees in writing to the carrying out of the activity and understands that the agreement is voluntary and may be revoked at any time.
- **Mechanical restraint** shall mean the use of a physical device to restrict the movement of a student or the movement. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint. The use of a mechanical restraint is prohibited unless explicitly authorized by a physician and consented to in writing by the parent/guardian of the student.
- **Medication restraint** shall mean the administration of medication for the purpose of temporarily controlling behavior. The use of medication restraint is prohibited unless explicitly authorized by a physician and consented to by the parent/guardian of the student.
- **Physical escort** shall mean 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** shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Additionally, physical restraint does not include: providing brief

physical contact, without force, to promote student safety or limit self injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

- **Prone restraint** shall mean a 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 prone position. The use of prone restraint shall be prohibited except on an individual student basis and only under the circumstances of 603 CMR 46.03(1)(b)(1-6).
- **Restraint** shall mean limitation on a student's physical movement using force against the student's resistance.
- **Seclusion** shall mean the involuntary confinement of a student alone in a room or area, with or without adult supervision, from which the student is not permitted to leave. The term does not include: a classroom or school environment where, as a general rule, all students need permission to leave the room or area, such as to use the restroom; a behavior support technique that is part of the district's, school's, or program's designated procedures for behavior support, which involves the monitored separation of a student in an unlocked setting, from which the student is allowed to leave and it is implemented for the purpose of calming; or placing a student in a separate location within a classroom with others or with an instructor, so long as the student has the same opportunity to receive and engage in instruction.
- **Time-out** shall mean a behavioral support strategy 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 in an unlocked setting from which the student is permitted to leave. Staff shall be with the student or immediately available to the student at all times. Time-out shall cease as soon as the student has calmed.

2. Alternatives To Physical Restraint

HCCPS works to foster strong, healthy relationships between faculty/staff and students. Central to the mission of HCCPS is to create and sustain a strong community. This is achieved through a host of structures that include: regular morning meetings; mixed age groupings; weekly All School assemblies; proactive teaching and modeling of positive behavioral expectations; direct teaching of social skills by classroom teachers, speech and language teachers, and the school counselor. In addition, the school provides school-wide professional development focused on identifying and preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

In addition, grade specific SERS (Special Education & Related Service) teams meet bi-weekly and include regular and special education teachers, the school counselor, occupational therapist, speech and language therapist, and administration. The purpose of these bi-weekly meetings is to plan appropriate interventions and support for students.

For any student with a history of significant emotional or behavioral challenges—including at-risk behaviors such as harm to self or others—or for any student who has required physical restraint, the Team must develop a Safety Behavior Intervention Plan. This plan should outline targeted strategies and supports, which may include de-escalation techniques, counseling services, monitoring protocols, data collection, and frequent review meetings to assess progress and make necessary adjustments. Teams are also encouraged to recommend supportive family outreach, emphasizing regular communication and collaboration with caregivers.

In conjunction with these efforts, school personnel should remain vigilant and, whenever possible, promptly notify school administrators, the administrative response team, and/or other appropriate staff if a potentially dangerous situation arises, so that additional support can be provided without delay.

The following strategies are utilized to help students manage behavior, de-escalate potentially dangerous behavior occurring among groups of students or with an individual student, and maintain a safe and secure school environment:

- Time-out: Students who are removed from class activities, whether directed to do so or by their own volition, must be supervised during this “time out.” Time out may take place in the classroom or in a different location . Alternate locations for time out must be safe and appropriate to calming. Time out lasting more than half of the school day will be considered an In School Suspension, regardless of whether the student chose to leave or was told to do so by staff.
- Physical Escort: Physical escort is not considered to be physical restraint. 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.
- 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.

Other restraint preventions designed to prevent student violence, self-injurious behavior and suicide include:

- Active listening
- Use of a low non-threatening voice
- Limiting the number of adults providing direction to the student
- Offering the student a choice
- Not blocking the student's access to an escape route
- Suggesting possible resolutions to the student
- Verbal prompt - A verbal prompt is communicating what is expected behavior by clearly

stating instructions and expectations.

- 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.

3. Use/Prohibition of Restraint

Hilltown Charter is committed to maintaining a safe and supportive learning environment for all students. Physical restraint is considered an emergency procedure of last resort and is only used when a student's behavior poses an immediate threat of serious harm to self or others. The following outlines the conditions under which restraint may be used, as well as the procedures and prohibitions in accordance with state regulations (603 CMR 46.00)

(a) Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.

(b) Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

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 restraints have failed to ensure the safety of the student and/or the safety of 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 there are 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 such use has been approved in writing by the principal; and,
6. The program has documented 603 CMR 46.03(1)(b) 1 through 5 in advance of the use of prone restraint and maintains the documentation.

(c) 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 directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

(d) All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

(2) Physical restraint shall not be used:

(a) As a means of discipline or punishment;

(b) When the student cannot be safely restrained because 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;

(c) As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or

(d) As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

(3) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

(4) Referral to law enforcement or other state agencies. Nothing in 603 CMR 46.00 prohibits:

(a) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;

(b) 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

(c) The exercise of an individual's responsibilities as a mandated reporter pursuant to M.G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

4. Proper Administration of a Physical Restraint

Whenever possible, only trained school personnel should administer physical restraints. Trained personnel are those who have completed the in-depth or basic training as outlined in applicable regulations. When feasible, the restraint should be witnessed by at least one additional adult who is not directly involved in the physical intervention.

In situations where physical restraint is necessary, staff must use only the amount of force reasonably necessary to protect the student or others from immediate physical harm. The method used should prioritize safety, be appropriate to the situation, and comply with the safety requirements outlined in this policy. All restraints must be discontinued as soon as the student is no longer an immediate danger, shows signs of respiratory distress, or exhibits indications of severe physical or emotional distress (e.g., difficulty breathing, sustained crying, or coughing).

While the school aims to ensure that restraints are administered only by trained personnel, the law allows any school employee to use reasonable and necessary force in emergency situations to protect students, staff, or others from assault or imminent, serious physical harm.

At an appropriate time after a student has been released from a restraint, the Student Behavior Support Coordinator or their designee will ensure that follow-up procedures are implemented. These include:

- Reviewing the incident with the student to help them process the event and address the

behavior that led to the restraint;

- Debriefing with the staff members who administered the restraint to confirm that proper procedures were followed and to identify any areas for improvement;
- Providing support to any students who witnessed the incident, which may include teacher- or counselor-led debriefs or restorative practices as appropriate; and
- Ensuring written notification of the incident is submitted to the Head of School and the Director of Teaching and Learning.

These steps are critical to ensuring student and staff safety, promoting learning and reflection, and maintaining a culture of accountability and care.

5. Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin color, temperature, and respiration. Any and all restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to himself, herself or others.

Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm. If, at any time during a physical restraint the student demonstrates difficulty breathing or significant physical distress, including but not limited to, trouble breathing or prolonged coughing or crying, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance. School personnel 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, as well as known or suspected trauma history.

At any time during the administration of a physical restraint, school personnel may take steps to seek medical assistance if it appears that the student is demonstrating significant physical distress.

6. Documentation, Reporting and Follow-up Procedures

Every instance of physical restraint must be documented in writing and reported to the Head of School. Documentation must include the name of the student restrained, the circumstances leading to the restraint, the de-escalation strategies attempted, the type and duration of restraint used, the names of staff involved, and any injuries or medical care provided. The Head of School shall maintain an ongoing log of all reported instances of physical restraint.

The staff member who administered the restraint must verbally inform the Head of School, Director of Teaching and Learning, or their designee as soon as possible, and no later than the end of the school day on which the restraint occurred. A written report must be submitted to the Head of School no later than the following school day. If the Head of School administers a restraint, they must complete the written

report and submit it to a designated team appointed by the Board of Trustees for review.

- **Notification to Parents/Guardians**

The Head of School or designee must verbally inform the student's parent or guardian of the restraint as soon as possible, and no later than 24 hours after the incident.

A written report must be sent to the parent or guardian within three (3) school working days of the restraint. This may be sent by email or postal mail and should be dated to reflect delivery. The written report must include all required elements under 603 CMR 46.06(4). Parents and guardians must be offered an opportunity to respond in writing to the report and the incident.

- **Student Support Team Review**

If a student is restrained the Head of School or designee will convene a Student Support Team to assess the student's needs. The team must:

- Review all written reports and any comments from the student or their family,
- Analyze the circumstances of each incident (e.g., time of day, staff involved, antecedents), and
- Develop a plan to address underlying causes and prevent future restraint. This plan should include alternative strategies, such as de-escalation techniques, behavioral supports, and any necessary changes to the student's support plan or IEP.

The Head of School or designee must ensure that a record of each such review is maintained and made available to the Department of Elementary and Secondary Education (DESE) upon request.

Monthly Schoolwide Review

The Head of School must conduct a monthly review of all schoolwide restraint data. This review must consider:

- Frequency, timing, and patterns of restraint,
- The number and duration of incidents per student,
- Any resulting injuries, and
- Staff members involved.

Based on this analysis, the Head of School may determine whether updates are needed to policies or procedures, whether additional training is warranted (e.g., in positive behavioral interventions and supports), or whether other steps should be taken to reduce or eliminate the use of physical restraint.

DESE Reporting

If a restraint occurs, the school must submit a report to DESE within three (3) school working days via the Security Portal. The school must also maintain a 30-day rolling log of all restraints, which must be made available to DESE upon request.

7. Training Requirements

A. All Program Staff

Within the first month of each school year, School Administration shall provide all program staff with training on restraint prevention and behavior support.

The training shall consist of the following: (a) this policy and related procedures and guidelines; (b) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances, including use of time-out as a behavior support strategy distinct from seclusion; (c) when behavior presents an emergency that requires physical restraint, the types of permitted 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; (d) administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student, including known or suspected trauma history; (e) the role of the student, staff and family in preventing use of restraint; and (f) identification of program staff who have received in-depth training in the use of physical restraint.

Additionally, for all new school employees that are hired after the start of the school year, School Administration shall within the first month of their employment provide the new employees with training on this policy.

B. Staff Authorized to Serve As a School-Wide Resource on the Proper Administration of Physical Restraints

At the beginning of each school year, the Head of School and Director of Teaching and Learning shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint.

The content of the in-depth training shall be competency-based and at least sixteen (16) hours in length. Such individuals shall participate in at least one refresher course during subsequent school years of no less than eight (8) hours in length. Training shall 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) 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 effect(s) 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) 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; and (f) demonstration by participants of proficiency in administering physical restraint.

8. Complaint Procedures

A. Informal Resolution of Concerns About the Use of Physical Restraint

Before initiating a formal complaint procedure, 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 Head of School. The student and/or their parent/guardian should direct their concerns regarding a specific use of a physical restraint to the Head of School within ten (10) days of the parent/guardian's receipt of the written report from the school as detailed herein. The Head of School 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 are not satisfied with the resolution, or if the student and/or their parent/guardian does not choose informal resolution, then the student and/or their parent/guardian may proceed with the formal complaint process detailed herein.

B. Formal Resolution of Concern About the Use of Physical Restraint

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 submitting a written complaint to the Board of Trustees. The student and/or their parent/guardian should submit this letter to the Board of Trustees within twenty (20) days of the parent/guardian's receipt of the written report from the school as detailed herein. The written complaint shall include (a) the name of the student; (b) the name of the school where the physical restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought.

C. The Board of Trustees, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Board of Trustees 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. The Board of Trustees and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Board of Trustees shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.