

General Overview of Physical Restraint Requirements for Public Education Programs

**Prepared by the Massachusetts Department of Education for
use by Public Education Programs in Annual Staff Training.**

Caution

- This presentation provides an overview of the regulatory requirements for the use of physical restraint, but does not iterate all of the detail in the regulations.
- All school staff should read and be familiar with the regulations.
- Viewing this presentation does not substitute for a careful reading of the full regulatory requirements.

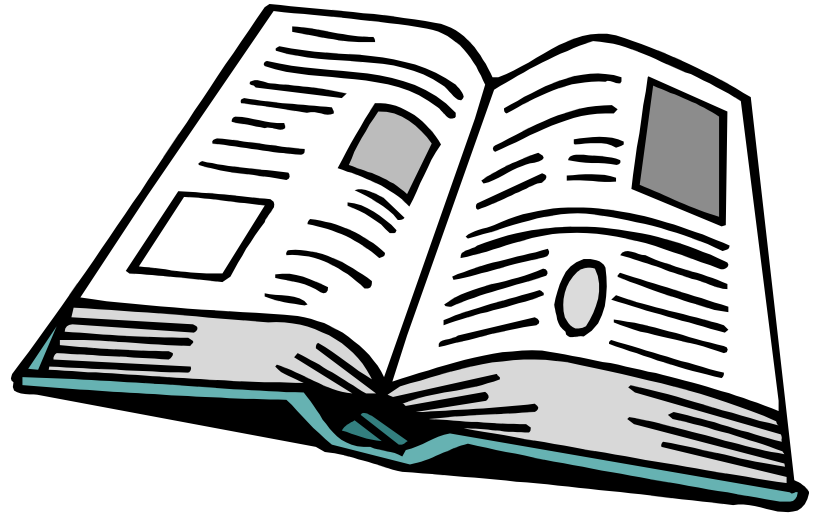
Training is IMPORTANT Because



- A safe school environment is better able to promote effective teaching and learning.
- Preparing appropriate responses to potentially dangerous circumstances helps to eliminate or minimize negative consequences.

Read the Regulations

- 603 CMR 46.00 --
these regulations apply
to all public education
programs including
school events and
school sponsored
activities.



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

Key Aspect: Training and Awareness

Regulation
46.03(1 & 2)

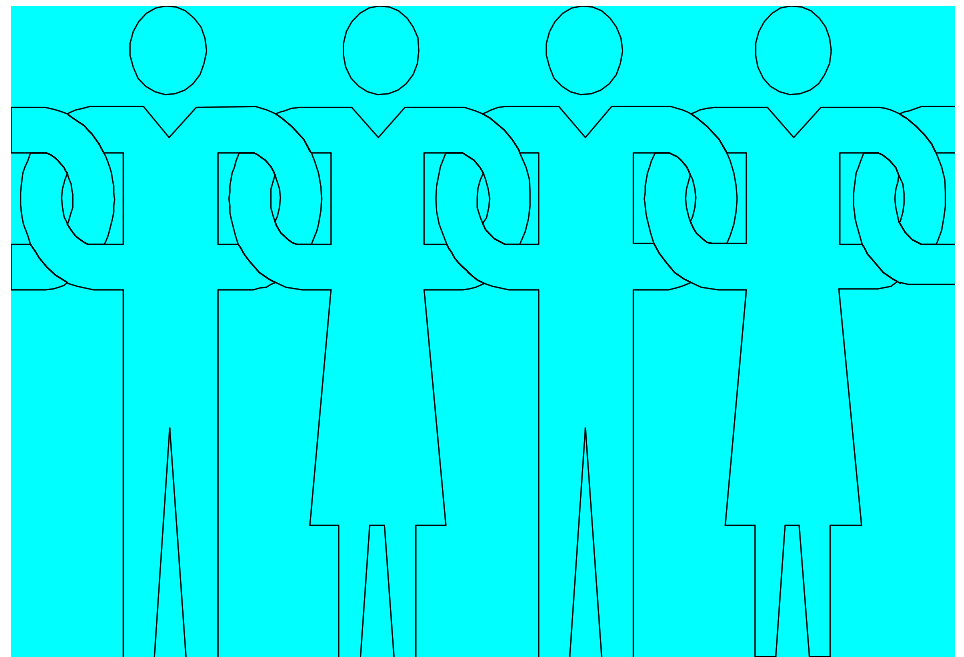
- Annually, For ALL staff - Review:
 - School restraint policy
 - Methods of prevention of need for physical restraint
 - Types of restraint and related safety considerations
 - Administering restraint in accordance with student's needs/limitations
 - Required reporting & documentation
 - Identification of selected staff to serve as information resource to school



For Selected Staff: In-Depth Training - Contents

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

Regulation
46.03(4)



Knowing the terminology:

Physical restraint

- "The use of bodily force to limit a student's freedom of movement."

Regulation
46.02(3)

Not physical restraint:

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

Other terminology:

Regulation
46.02(5)

- chemical restraint - do not use without physician's order and parental consent.
- mechanical restraint - do not use without physician's order and parental consent.
- seclusion restraint - “physically confining a student alone in a room or limited space without access to school staff.” **Don't do it.**
- time-out - staff remains accessible.

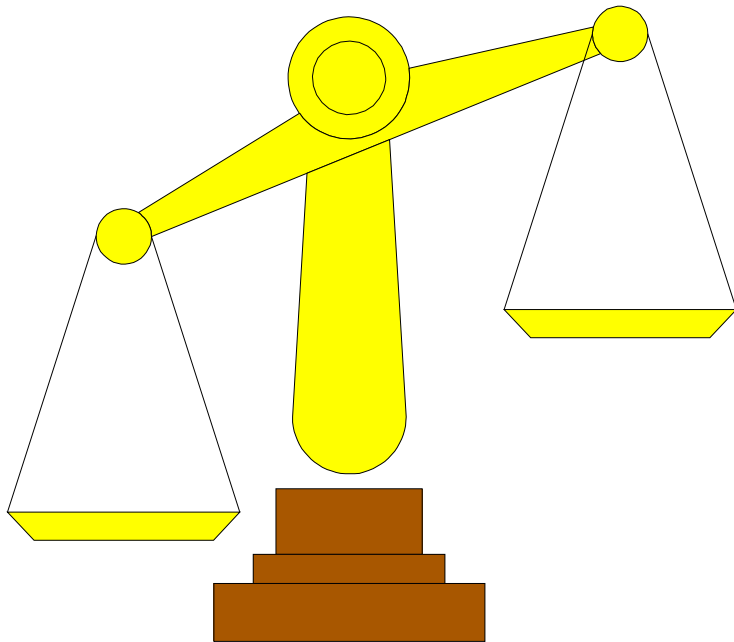
Extended Restraint

Regulation
46.02(1)



- Longer than 20 minutes.
- Increases the risk of injury.
- Requires additional written documentation and report to the Department of Education.

Is restraint good or bad?



- It depends on how it is used.
- The definition of physical restraint does not identify negative or positive motives nor does it recognize negative or positive consequences.

When may physical restraint be necessary?

Regulation
46.04(1 & 2)

- When other, non-physical, interventions have been tried and failed or are judged to be inadequate to the circumstances.

AND

- a student's behavior poses a threat of **IMMINENT, SERIOUS, PHYSICAL HARM** to self and/or others



Do not use physical restraint



Regulation 46.04(3)

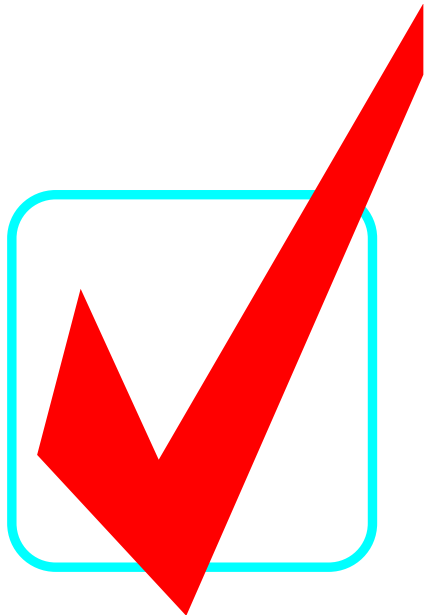
- When non-physical interventions could be used.
- As a means of punishment.
- As a response to property destruction, school disruption, refusal to comply, or verbal threats.

Proper Administration of Physical Restraint

Regulation Section 46.05

- Remember training considerations.
- Have an adult witness if possible.
- Use only the amount of force necessary to protect the student or others.
- Use the safest method. Do not use floor or prone restraints unless you have received in-depth training.
- Discontinue restraint ASAP.

Regulation
46.05(5)



Safety requirements

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

Regulations do not prohibit or limit:

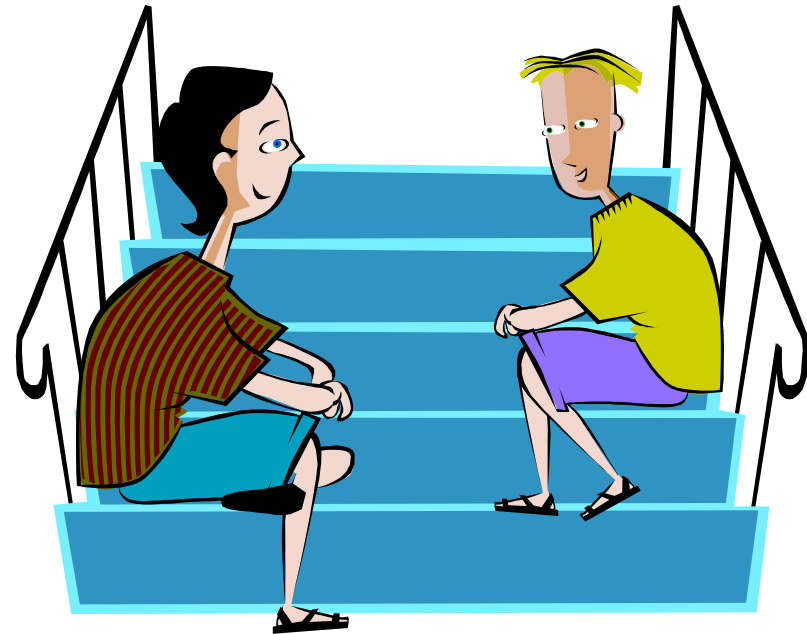
- The right to report a crime.
- Law enforcement, judicial authorities, or school security personnel from completing their responsibilities.
- Mandated reporting of neglect or abuse.
- The use of reasonable force to protect oneself, a student, or others.

Regulation 46.04(4)

Follow-Up Procedure: Prevention/Learning from the Experience

Regulation
46.05(5)(d)

- Following every restraint action taken, the circumstances should be discussed with the student, and with others, as appropriate.
- Ask: “How can we avoid this happening again?”



Key Reporting Requirements

Regulation Section 46.06

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

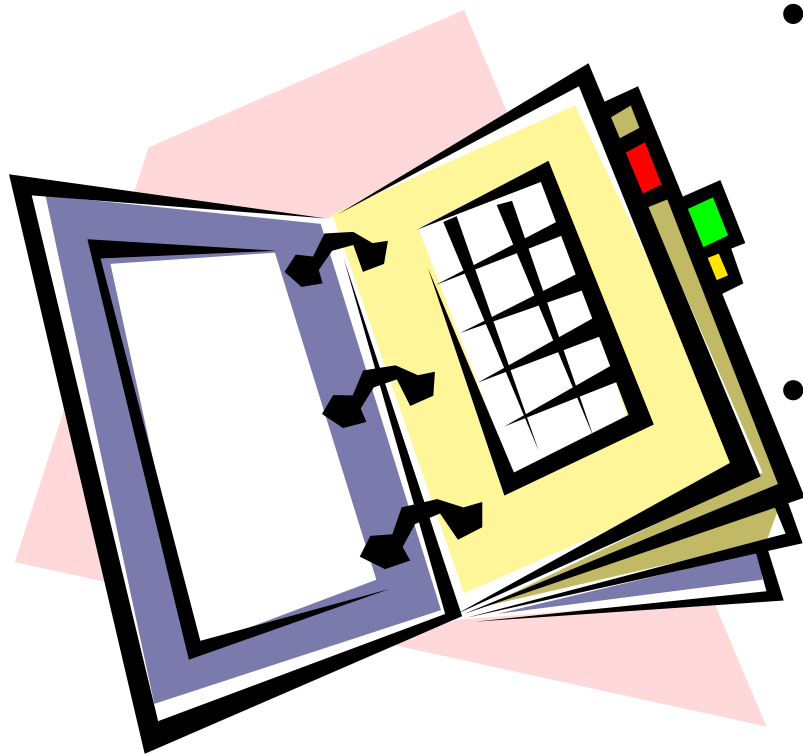
Content of Written Report

Regulation4
6.06(4)

- Who participated in the restraint? Observers? Who was informed and when?
- When did the restraint occur? (date/time)
- What was happening before, during, and after the restraint? Describe alternative efforts attempted and the outcomes of those efforts. What behavior prompted the restraint? Describe the restraint.
- Documentation of any injury to students or staff.
- Has the school taken, or will it take, any further actions, including disciplinary consequences?

Key Data Keeping Aspect: Ongoing Log

Regulation
46.06(2)



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

Reporting to the Department of Education

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

Regulation
46.06(5)

Special Circumstances

Regulation
Section 46.07

For students with disabilities (w/ IEPs or 504 plans), physical restraint can be used for different reasons (other than danger) if reasons are detailed and part of the IEP or 504 Plan. Certain limits and requirements will still apply.

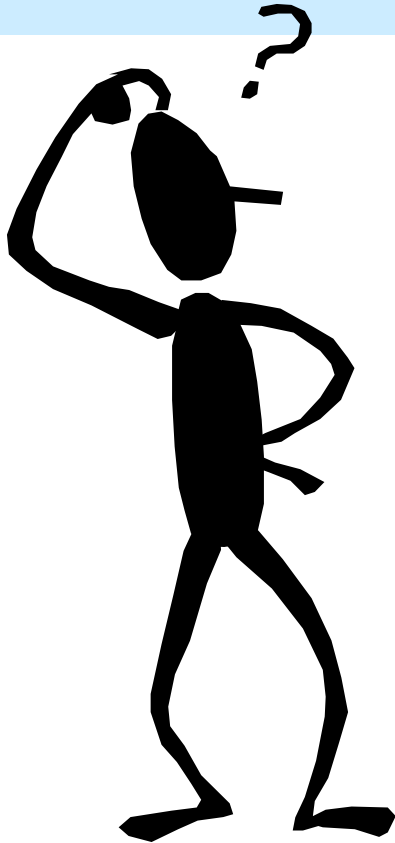
Parents may agree to a waiver of reporting requirements in individual circumstances (not for serious injury and not for extended restraints), but

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

Find the Regulations:

<http://www.doe.mass.edu/lawsregs>

See 603 CMR 46.00



Any questions?