

# PHYSICAL RESTRAINT POLICY

## **I. Introduction**

It is the policy of the Brookline School Committee to promote a safe and productive workplace and educational environment for its employees and students, and to ensure that every student in the Brookline Public Schools is free from the use of physical restraint that is consistent with the Massachusetts Department of Elementary and Secondary Education regulations, and that physical restraint shall only be used with extreme caution as a last resort in emergency situations, supervised, after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

We believe in preventive and positive approaches to discipline with interventions and consequences aimed at addressing the causes of misbehavior, resolving conflicts, meeting students' needs, and keeping students in school. We believe it is the responsibility of all school staff, students, families, and the community to contribute to a school community that promotes a safe, secure, and learning environment. Preventive and positive discipline is a shared responsibility for students, administrators, teachers, families, and the community. School personnel shall only administer a physical restraint as a last resort when it is needed to protect a student and/or a member of the school community from imminent, serious, physical harm. When a physical restraint needs to be administered, school personnel shall seek to prevent or minimize any harm to the student as a result of the use of the physical restraint. School personnel shall further ensure that the physical restraint is supervised by another adult as quickly as practicable.

This policy shall not be construed to limit the protection afforded to publicly funded 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 a public education program from using reasonable and necessary force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The Superintendent will develop written procedures and guidelines related to this policy identifying:

- appropriate responses to student behavior that may require immediate intervention;
- 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.

## **II. District's Physical Restraint Procedures**

### **A. Definitions**

"Consent" shall mean agreement by a parent/guardian/caregiver 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 parents/guardians/caregivers understand and agree in writing to the carrying out of the activity, and understand that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom.

"Restraint" shall mean limitation on a student's physical movement using force against the student's resistance.

"Physical restraint" shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. The term physical restraint does not include prone restraint, mechanical restraint, or medication restraint. 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.

"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.

"Mechanical restraint" shall mean the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of their body. 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 the student's physician and consented to in writing by the parents/guardians/caregivers of the student.

"Seclusion" shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented, or reasonably believes they will be prevented, from leaving. Seclusion does not include a time-out as defined in 603 CMR [46.02](#). The use of seclusion is expressly prohibited.

"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 shall not be involuntarily confined and must be continuously observed by a staff member. 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 or when fifteen (15) minutes have passed, whichever event occurs earlier. If a student has not sufficiently calmed after an attempt to return that student to the learning activity at the conclusion of fifteen (15) minutes, the student may be placed in a subsequent time-out period. If after thirty (30) minutes, a student still remains dysregulated, the student shall be escorted to the principal/head of school's office. The preference is for time-out to be implemented within a classroom. Any space utilized for time-out outside of a classroom ("exclusionary time-out) must be approved by the Office of Student Services before it is utilized. Any child in a time-out implemented outside of a classroom must be observed by a staff member for the duration of the time-out.

"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 parents/guardians/caregivers of the student.

"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 is expressly prohibited.

"Principal/Head of School" shall mean the instructional leader of a public education school program or designee.

## **B. Use of Restraint**

If all other lawful and less intrusive alternatives have failed or been deemed inappropriate to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student, a physical restraint may be used as a last resort. In other words, a physical restraint can only be used as a last resort in an emergency when a student's behavior poses a threat of imminent, serious physical harm to themselves or others, and the student does not respond to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed inappropriate under the circumstances. Any physical restraint shall be limited to the use of such reasonable force as is necessary, for the least time necessary, to protect a student or another member of the school community from assault or imminent, serious, physical harm. A physical restraint may only be administered by school personnel who have been properly trained in the use of physical restraint.

All staff members are specifically charged with being aware of the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled, referred to alternative schools, arrested, or referred to law enforcement.

## **C. Other Limitations on Use of Restraint**

The following practices are expressly prohibited: (i) use of restraint inconsistent with the provisions set forth Section II (B) above (ii) use of physical restraint as a means of discipline or punishment, as a response to the destruction of property or disruption of school order, as a response to a student's refusal to comply with a school rule or staff directive, or as a response to verbal threats when those actions do not constitute a threat of imminent, serious, physical harm;(iii) use of prone restraint; (iv) use of mechanical restraint; (v) use of medication restraint that has not been approved by a physician or consented to by the student's parents/guardians/caregivers; (vi) use of restraint when a student cannot be safely restrained; and (vii) continued use of restraint when students indicate that they cannot breathe, or appear to be in severe distress (including but not limited to: difficulty breathing, sustained or prolonged crying and coughing).

Restraint may not be included as a planned response in an IEP. However, for students who present with repetitive self-injurious behaviors, principals/heads of schools may

propose to the parents/guardians/caregivers a separate written agreement for the use of restraint on an emergency basis over a limited and specified period of time. In such cases the plan must include detailed reporting to the parents/guardians/caregivers on the frequency of the use and duration of restraints, and the specific time period over which the use of physical restraint will be reduced and eliminated. The principal/head of school shall obtain the parents/guardians/caregivers' written consent to the plan prior to implementation.

#### **D. Proper Administration of a Physical Restraint**

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received either the in-depth training detailed below in Section IV(B), or who have received the required basic training detailed below in Section IV(A).

The administration of the physical restraint shall be witnessed by at least one adult, as quickly as practicable, who does not participate in the physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary to protect the student or others from physical injury. Additionally, school personnel administering a physical restraint shall use the safest method available and appropriate to the situation in accordance with the safety requirements detailed below in subsection E, and shall discontinue the restraint as soon as possible. Program 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. All physical restraint must be terminated as soon as the student is no longer an immediate danger to themselves or others, or the student indicates that they 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.

It should be noted, however, that these training requirements shall not preclude a teacher, employee or agent of the school from using reasonable and necessary force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

#### **E. 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 themselves 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 shall seek to contact the Office of Student Services behavioral specialists, or the Crisis Intervention Team, or take other steps to seek medical assistance if it appears that the student is demonstrating significant physical or mental distress.

## **F. Follow-up Procedures and Reporting Requirements**

### **1. Follow-up Procedures**

At an appropriate time after a student has been released from a restraint, the principal/head of school or designee shall implement the follow-up procedures set forth below:

- a. review the restraint with the student to address the behavior that precipitated the restraint (if the student is on an IEP, a member of that student's IEP team should also be present for this review to the greatest extent possible);
- b. review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed;
- c. follow-up should occur with students who witnessed the incident, including teacher debrief, counselor debrief or the use of restorative practices;
- d. written notification of the restraint shall be sent to the Office of Student Services and the immediate supervisor of the principal/head of school promptly and no later than within 24 hours of the incident; and
- e. verbal and written notification of the restraint shall be communicated to parents/caregivers/guardians as soon as practicable after the incident, and to the greatest extent possible prior to the student's dismissal from school.

### **2. Reporting Requirements**

- a. Every use of physical restraint shall be documented in writing and reported to the Office of Student Services and the immediate supervisor of the principal/head of school, including the name of the student restrained, the name of the school where the physical restraint allegedly occurred, the name of the staff member who restrained the student, the name(s) of any other staff member(s) who observed the restraint, the name(s) of any other witnesses, and the reason(s) for the use of physical restraint. All reports shall be maintained as a part of the student's record.
- b. The school staff member who administers a physical restraint that results in an injury to a student shall both verbally and in writing inform the principal/head of school or designee of the restraint as soon as possible and no later than the close of the school day in which the restraint was administered. A written report shall be completed and provided to the principal/head of school for review of the use of restraint no later than the next working day after the restraint was administered. If the principal/head of school has administered the restraint, the principal/head of school shall prepare the report and submit it to the Superintendent for review by a team designated by the Superintendent.

c. The principal/head of school shall maintain ongoing records of all reported instances of physical restraint. In order to ensure equitable implementation of this policy, both the principal/head of school and the Office of Student Services shall keep records of all uses of restraint, including relevant demographic data (e.g. age, race, gender, religion, IEP status, etc.) on students involved in any action reported under this policy. This data shall be regularly reviewed by the Superintendent to provide constructive feedback on the policy and PSB practice, and a summary shall be made available to the School Committee at least once per year by the penultimate School Committee meeting in June.

d. The principal/head of school or designee shall both verbally and in writing inform the student's parents/guardians/caregivers of any physical restraint with as many reported details as available, as soon as practicable after the incident and to the greatest extent possible prior to the child being dismissed from school. The principal/head of school shall provide the student and the parents/guardians/caregivers an opportunity to comment in writing on the use of the restraint and on information in the written report.

e. The principal/head of school shall provide the Office of the Superintendent with a copy of the written report of a physical restraint when such restraint has resulted in an injury to a student, as well as a copy of the school's on-going record of all reported instances of physical restraint for the thirty (30) days preceding the reported physical restraint. This documentation must be provided to the Office of the Superintendent by no later than one (1) school working day after the written report is received by the principal/head of school. The principal/head of school shall convene a student support team to make an assessment of an individual student's needs if a student has been restrained on two (2) separate occasions within a seven (7) day period or three (3) times within a thirty (30) day period. If the student is on an IEP, the IEP team shall reconvene after any use of physical restraint.

Members of the grade level team and such other program staff as the principal/head of school may determine, shall participate in the assessment together with parents/guardians/caregivers. Members of the student support team shall read written reports of restraint and any comments provided by the student and parents/guardians/caregivers about such reports and the use of the restraints. In addition to review and discussion of such reports by the student support team, the assessment shall include an analysis of the circumstances leading up to each restraint, including triggering factors such as time of day, day of the week, antecedent events, and individuals involved. The assessment shall conclude with a plan for addressing any 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 promoting alternatives to the use of restraint in the future. If additional resources would be beneficial for the student, these resources shall be included in the assessment plan. If the principal/head of school directly participated in the restraint, a duly qualified individual designated by the Superintendent shall lead the student support team's

discussion. The principal/head of school shall ensure that a record of each individual student reviewed by the student support team is maintained and made available for review by the Massachusetts Department of Elementary and Secondary Education, upon request.

f. The principal/head of school shall conduct a quarterly 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; the demographic data regarding the use of physical restraint; and the number and type of injuries, if any, resulting from the use of restraint. This information shall be shared with the Office of Student Services. The principal/head of school shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management practices and procedures, 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. A written report on use of restraints and any patterns shall be provided annually to the School Committee prior to its penultimate meeting in June.

### **III. District's Training Requirements**

#### **A. For All Program Staff**

Within the first month of each school year, the principal/head of school of each school shall provide all program staff with training on restraint prevention and behavior support, the requirements of when restraint is used and this policy. Additionally, for all new school employees that are hired after the start of the school year, the principal/head of school shall within the first month of their employment provide the new employees with training on this policy. The training shall consist of the following: (a) this policy and related procedures and guidelines developed by the Superintendent; (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 pursuant to 603 C.M.R. [46.03](#)(3) in the use of physical restraint. See 603 C.M.R. [46.03](#)(2).

#### **B. For Staff Authorized to Serve As A School-Wide Resource on the Proper Administration of Physical Restraints**

At the beginning of each school year, the principal/head of school of each school shall identify program staff that is 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, traumatic, and social-emotional effects; and (f) demonstration by participants of proficiency in administering physical restraint. *See* 603 C.M.R. [46.03](#)(3) and [46.03](#)(4).

#### **IV. Complaint Procedures**

##### **A. Informal Resolution of Concern About Use of Physical Restraint**

Before initiating a formal complaint procedure, a student or the student's parents/guardians/caregivers 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 raising the issue with the principal /head of school. The student and/or the student's parents/guardians/caregivers should direct their concerns regarding a specific use of a physical restraint to the principal/head of school within ten (10) days of the parents/guardians/caregivers' receipt of the written report from the school detailed above in Section II(F)(2)(d). The principal/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 the student's parents/guardians/caregivers are not satisfied with the resolution, or if the student and/or the student's parents/guardians/caregivers does not choose informal resolution, then the student and/or their parents/guardians/caregivers may proceed with the formal complaint process detailed below in Section IV(B).

##### **B. Formal Resolution of Concern About Use of Physical Restraint**

A student or the student's parents/guardians/caregivers, who have 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 Office of the Superintendent. The student and/or the student's parents/guardians/caregivers should submit this letter to the Office of the Superintendent within twenty (20) days of the parents/guardians/caregivers' receipt of the written report from the school detailed above in Section II(F)(2)(d). 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.

The Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent 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 Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent 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. All documents related to the investigation shall be maintained as a part of the student's record.

### **C. Other Complaint Processes Also Available**

It should be noted that the provisions of this section do not preclude a student from using the complaint process set forth in the Brookline Public Schools "Policy Against Discrimination, Harassment, Sexual Harassment and Retaliation" or "Code of Conduct" to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity, sexual orientation, pregnancy, or pregnancy-related condition.