

General Overview of Physical Restraint Requirements for Public Education Programs Including Revisions that Take Effect January 1, 2016

**Prepared by the Massachusetts Department of Elementary
and Secondary 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.
- Throughout the presentation there are references to the revised regulations which take effect on January 1, 2016.
- Cites to the revised regulations are noted in red.
- All school staff should read and be familiar with the regulations.

Find the Regulations

- Current regulations on **Physical Restraint** at:
<http://www.doe.mass.edu/lawsregs/603cmr46.html>
- **New regulations in effect January 1, 2016, Prevention of Physical Restraint and Requirements If Used** at:
<http://www.doe.mass.edu/lawsregs/> under
Recently Approved Regulations

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 day schools, school events and school sponsored activities.
- Viewing this presentation does not substitute for a careful reading of the full regulatory requirements.



This presentation is meant for use during the transition period between now and January 1, 2016.

Key Aspect: Training and Awareness

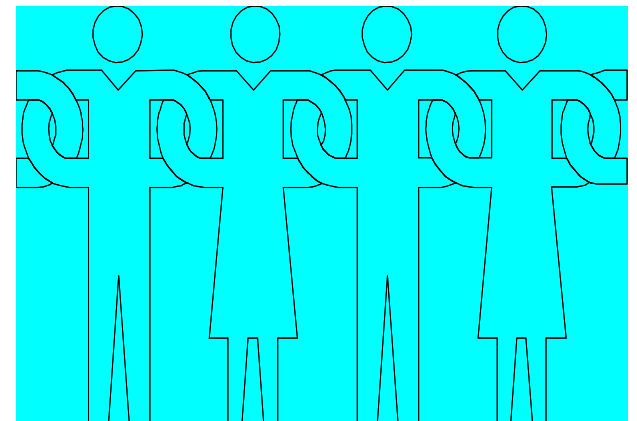
Regulation
46.03(1 & 2)
& 46.04(2)

- Annually, For ALL staff - Review:
 - School restraint policy.
 - The school’s prevention and behavior support policy and procedures including individual crisis planning.
 - Methods of prevention of need for physical restraint and alternatives to restraint.
 - Types of restraint and related safety considerations.
 - Administering restraint in accordance with student’s needs/limitations including known or suspected trauma history.
 - Required reporting & documentation.
 - Identification of selected staff to serve as information resource to school.

For Selected Staff: In-Depth Training - Contents

Regulation
46.03(4) &
46.04(4)

- Prevention techniques.
- Identifying specific dangerous behaviors.
- Experience in restraining and being restrained.
- Demonstration of learned skills.
- Recommended 16 hours.
- Instruction on the impact physical restraint has on the student and family.



Knowing the terminology:

Physical restraint

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

Physical restraint

"Direct physical contact that prevents or significantly restricts a student's freedom of movement."

Regulation 46.02(3) &
Regulation Section
46.02

Terminology

Regulation 46.02(3) &
Regulation Section 46.02

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 contact that do not include the use of force.”

NOT physical restraint:
“Brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.”

Other Terminology:

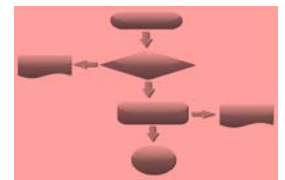
Regulation
46.02(5)
&
Regulation
Section
46.02

- Chemical restraint/Medication Restraint - is prohibited. Medication that is prescribed by a physician and authorized by the parent is not medication restraint.
- Mechanical restraint - do not use without physician's order and parental consent – as of 1/1/16 prohibited in all instances.
- Seclusion - “physically confining a student alone in a room or limited space without access to school staff.”
“The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.”

Don't do it.

Time-Out

- Time-out definition - staff remains accessible. Staff is present, continuously observing the student.
- Procedure for obtaining principal approval to extend time out longer than 30 minutes.
- See Advisory at:
<http://www.doe.mass.edu/sped/advisories/2016-1ta.html>
- For a flow chart distinguishing between exclusionary time-out and seclusion.



Prone Restraint until 1/2016

- 46.05(3) Safest method. ...Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received in-depth training ...and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present.



New: Prone Restraint

Regulations 46.03(1)(b)
and 46.05(3) Safest method

- Prone restraint is prohibited except if ALL of the below is true and documented:
 - The student has a documented history of repeated dangerous behavior to self or others.
 - All other forms of restraint have been unsuccessful
 - There are no medical contraindications.
 - There is psychological/behavioral justification with no contraindications.
 - The program has obtained consent to use prone restraint.
 - The program has documented all of the above in advance of the use of prone restraint
- Then, prone restraint only by people with in-depth training.

Extended Restraint

Regulation 46.02(1) and
Regulation 46.05(5)(c)

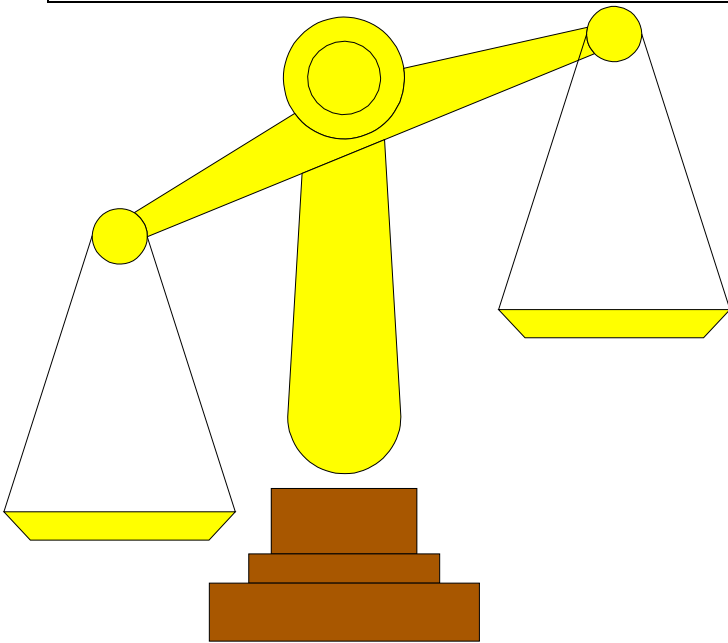


- Longer than 20 minutes.
- Increases the risk of injury.
- Requires approval of the principal prior to the restraint exceeding 20 minutes.
- Requires additional written documentation and report to the Department of Education. After 1/16 Reported to DESE at the same time as any restraint is reported.

The use of restraint.

Regulation 46.03(1)(c)
retains this same
language.

- Restraint is not a form of treatment or punishment.
- Restraint is an emergency procedure.
- Restraint is to be used only as a last resort when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others.



Do not use physical restraint



Regulation
46.04(3) &
Regulation
46.03(2)

- When the student cannot be safely restrained including medical contraindications.
- As a standard response for any student.
- When non-physical interventions could be used.
- As a means of discipline or punishment.
- As a response to property destruction, school disruption, refusal to comply, or verbal threats.
- The use of restraint may not be included in behavior plans or IEPs. Begin to remove them now so they are not in plans as of 1/16.

Proper Administration of Physical Restraint

Regulation Section
46.05 (current) and
46.05 (new)

- 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 –for prone, all required steps must be completed beforehand.
- Discontinue restraint ASAP or if the student indicates that s/he cannot breathe.



Safety requirements

Regulation
46.05(5) &
Regulation
Section
46.05

- Know students' medical and psychological limitations, including known or suspected trauma history.
- Make sure student is able to breathe and speak. If the student indicates that s/he cannot breathe the restraint must be stopped.
- Monitor physical well-being, respiration, skin temperature, and color.
- If student experiences physical distress -- release restraint and seek medical assistance immediately.

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)

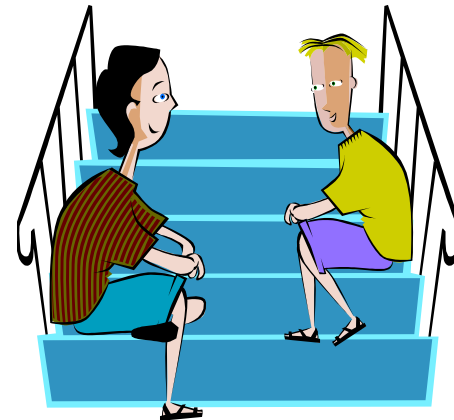
Regulations 46.03(4) & 46.01(4)

Follow-Up Procedure: Prevention/Learning from the Experience

- 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?”

Regulation
46.05(5)(d)

Regulation 46.05(5)(e)



Key Reporting Requirements



- When to Report: Currently report only restraints over 5 minutes or in any case of an injury (to student or staff). **As of 1/1/16 report the use of any restraint.**
- 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 (**verbally within 24 hours**), and by written report within 3 school working days.
- **Student and parents must be allowed to comment**

Regulation Section 46.06 (current) & 46.06 (new)

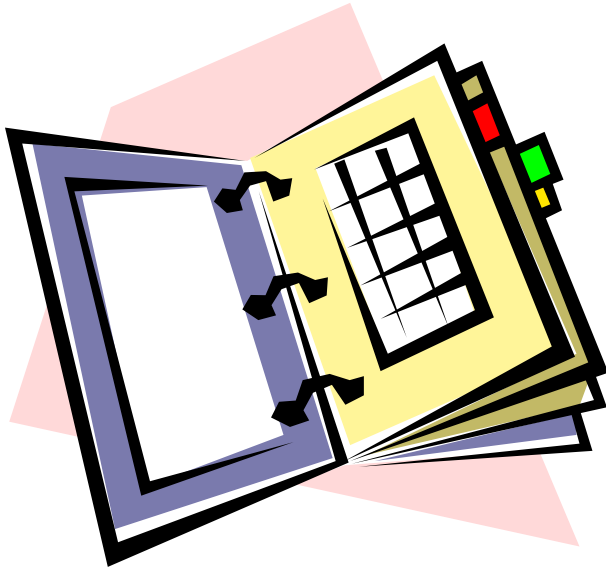
Content of Written Report

Regulation
46.06(4) (current)
and new

- Who was restrained? Who participated in the restraint? Observers? Who was informed and when?
- If longer than 20 minutes the name of the principal or designee who approved the continuation.
- When did the restraint occur? (date/time)
- What was happening before, during, and after the restraint? Describe alternative efforts attempted. What behavior prompted the restraint? Describe the restraint—holds used and reasons for their use.
- 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)
(current)
and new



- 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.
- The following two slides detail additional restraint data review requirements.

New: Individual Student Review (weekly)

Regulation
46.06(5)

- Principal is to identify individual students restrained multiple times within the previous week and convene a review team to consider:
 - Reports about the use of restraint, and comments provided by parents and the student.
 - Analyze circumstances and factors leading up to the perception of need for the use of restraint.
 - Consider strategies to reduce or eliminate the use of restraint for this student in the future.
 - Review team agreement on a written plan of action.

New: Administrative Review (monthly)

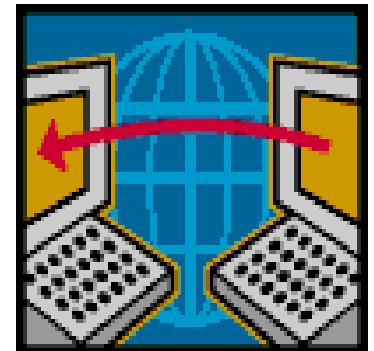
- The principal shall conduct a monthly review of school-wide restraint data.
- Consider patterns of use, looking for commonalities.
- Principal will consider modification(s) to the restraint policy.
- Determine need for additional training.
- Determine other necessary actions to reduce the need for the use of restraint.

Regulation
46.06(6)

Reporting to the Department

- 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.
- Collect and annually report all physical restraints to the Department.
- Report all restraint related injuries to the Department within 3 school working days.

Regulation
46.06(5) &
46.06(7&8)

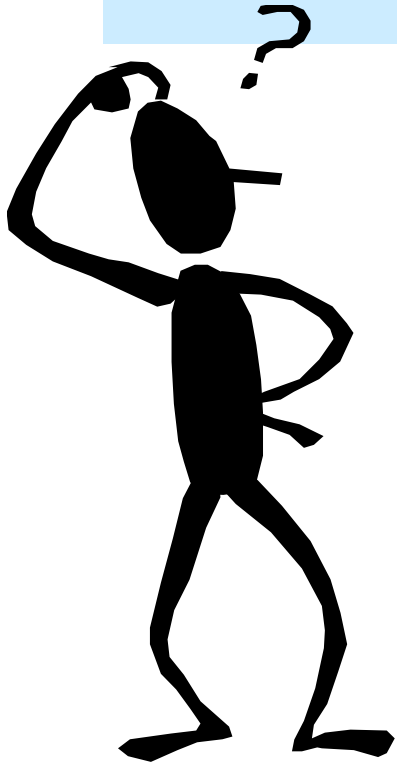


Find the Regulations:

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

See 603 CMR 46.00

The revised regulations can be found under:
**Recently Approved Regulations and Regulations
Amendments**



Any questions?

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