

# Prevention of Physical Restraint and Requirements If Used

Effective January 1, 2016

MASSACHUSETTS DEPARTMENT OF  
ELEMENTARY AND SECONDARY  
**EDUCATION**



# Session Outcomes:

1

- Review changes in restraint regulations including updated definitions and safety requirements

2

- Clarify the prohibition of the use of prone restraints

3

- Improve understanding of the difference between the use of time out and seclusion

4

- Provide guidance regarding new training, policy, and reporting requirements

2



# Background:

- Clear evidence documenting the risks associated with the use of restraint
- Current restraint regulation 603 CMR 46.00 was written in 2001 and needed updating
- National dialogue on the use of restraint in schools and the need to reduce its use
- Need to better align with EEC regulations
- EEC, ESE, EOHHS , and the Office of the Child Advocate developed an interagency charter to reduce the use of restraint and seclusion in MA



# Goals of Regulation Revision:

Place a greater emphasis on the emergency nature of restraint use

Better align ESE and EEC restraint regulations

Reduce the overall use of restraints for students in Massachusetts

Improve reporting regulations surrounding the collection and reporting of restraint data to ESE

Significantly limit the use of prone restraint

Provide guidance to better distinguish between time-out and the prohibited use of seclusion



# Physical Restraint:

603 CMR  
46.02

## Physical Restraint

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

## 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\*."

\*Physical escort is a temporary touching or holding, without the use of force, to help induce a student to walk to a safe location



# Physical Restraint Is:

603 CMR  
46.03(1)(c)

- ★ An emergency intervention –a student's behavior must pose a threat of assault, or imminent, serious physical harm to self or others
- ★ A last resort –all methods of de-escalation have been attempted



# Physical Restraint is a last resort and is not to be used:

As discipline or punishment

When the student cannot be safely restrained

As a response to noncompliance, property destruction, or verbal threats

As a standard response for any individual student.  
**Remove** from IEPs and behavior plans

603 CMR  
46.03(2)





# Safety Requirements:

- Know students' medical and psychological limitations
  - Including known or suspected trauma history
- Make sure the student is able to breathe and speak
- \* **If the student indicates that s/he cannot breathe the restraint must be stopped immediately\***

603 CMR  
46.05(5)







# Safety Requirements:

- Monitor physical well-being, respiration, skin temperature, and color

**\*If the student experiences physical distress -- release restraint and seek medical assistance immediately\***

603 CMR  
46.05(5)

# Now Prohibited:

603 CMR  
46.03(1)

- Mechanical Restraint
- Medication (Chemical) Restraint
- Seclusion
- Prone Restraint\*

\*Prone is permitted under the conditions outlined on the following slide



# The use of prone is prohibited unless the following conditions are met:

Parental consent has been obtained

603 CMR  
46.03(1)(b)

All other forms of physical restraint have failed

No medical contraindications

Repeated serious self-injurious and/or  
assaultive behavior

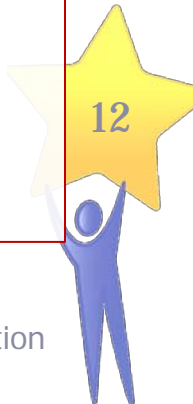
No psychological contraindications

# Seclusion:

603 CMR 46.02

Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving

Seclusion does not include the use of time out as defined in 603 CMR 46.02



# Time-out:

603 CMR 46.02

Time-out is a behavioral support strategy

During a time-out, a student must be continuously observed by a staff member





# Inclusionary Time-out

- ★ *Inclusionary* time-out, is 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

Time-out advisory can be found at:  
<http://www.doe.mass.edu/sped/advisories/2016-1ta.html>



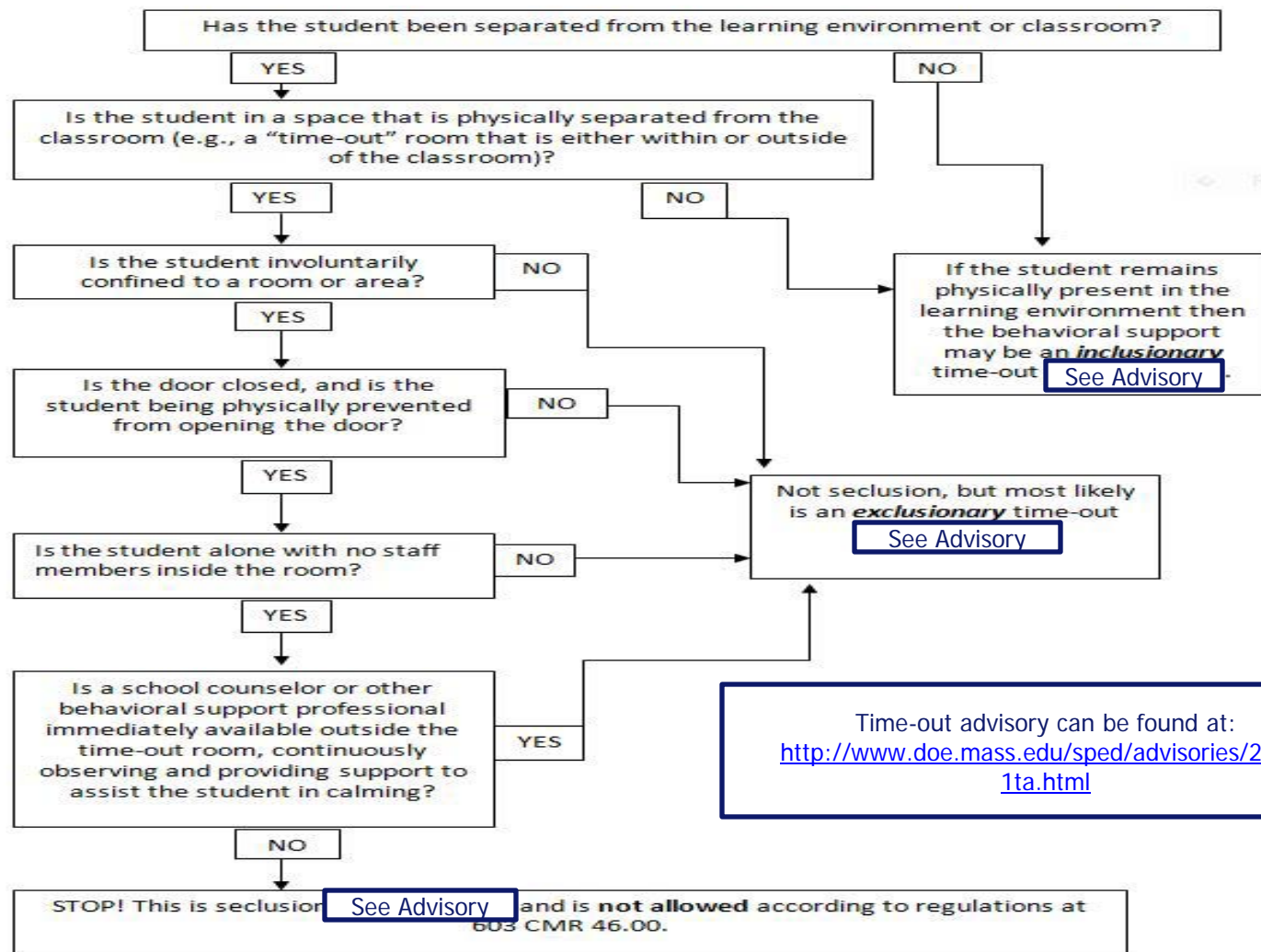
# Exclusionary Time-out

- ★ **Exclusionary** time-out as a staff- directed behavioral support should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom
- ★ **Exclusionary** time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.
- ★ During an **exclusionary** time-out:
  - ★ The student must be continuously observed by a staff member;
  - ★ Staff must 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 the purpose of calming;
- ★ **Exclusionary** time-out must cease as soon as the student has calmed.

Time-out advisory can be found at:  
<http://www.doe.mass.edu/sped/advisories/2016-1ta.html>

# Time-out or Seclusion:

## Exclusionary time-out vs. seclusion



Time-out advisory can be found at:  
<http://www.doe.mass.edu/sped/advisories/2016-11a.html>



# Proper Administration of Physical Restraint:

603 CMR  
46.05

- ★ Only trained school personnel shall administer restraint
- ★ Have an adult witness if possible
- ★ Use only the amount of force necessary to protect the student or others



# Proper Administration:

603 CMR  
46.05

- ★ Use the safest method. Only those who have received in-depth training may participate in a floor restraint
  - ★ –for prone, all required steps must be completed beforehand
- ★ Discontinue restraint ASAP or if the student indicates that s/he cannot breathe
- ★ Physical restraint must be stopped after 20 minutes unless the principal has been made aware of the situation and approves the continuation of the restraint



# Restraint Training:

603 CMR  
46.04(2)

Must occur within the first month of school each year and must incorporate prevention strategies including:

The role of student and family in preventing restraint

The program's restraint prevention policy

Pre-restraint interventions

Student histories

Trauma informed care

Positive behavioral supports to reduce restraint



# Additional Required Training Elements:

603 CMR  
46.04(2)

- ★ The types of permitted physical restraints
- ★ The 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



# Additional Required Training Elements:

603 CMR  
46.04(2)

- ★ Administering physical restraint in accordance with:
  - ★ Any medical or psychological limitations
  - ★ Any known or suspected trauma history
  - ★ Any behavioral intervention plans applicable to an individual student
- ★ Identification of program staff who have received in-depth training





# In-depth Restraint Training:

- ★ The principal must identify program staff who are authorized to act as a school-wide resource to assist in ensuring the proper administration of physical restraint
- ★ These staff members must participate in in-depth restraint training
- ★ The Department recommends such training be at least 16 hours for an initial training with refresher training to occur each year

603 CMR 46.04(3)&(4)

# In-depth Training Must Include:

Procedures for preventing restraint

603 CMR 46.04(3)&(4)

Identification of specific dangerous behaviors that may lead to the use of physical restraint

The simulated experience of administering and receiving restraint

Instruction on how to monitor the person being restrained for physical signs of distress



# In-depth Training Must Include:

Demonstrated proficiency in restraint techniques

Instruction about documentation and reporting

Instruction on the impact restraint has on the student and family

603 CMR 46.04(3)&(4)





# Training: Next Steps

- ★ Between now and January 1<sup>st</sup> principals must:
  - ★ Ensure that all staff members have received the required general restraint training
  - ★ Designate specific staff members to be school-wide restraint resources
  - ★ Ensure that designated staff members have received updated in-depth restraint training
  - ★ Ensure that all newly hired staff members receive general restraint training within their first month of hire





# Policy and Procedures Requirements:

603 CMR 46.04(1)

- ★ Methods for preventing student violence, self-injurious behavior, and suicide
- ★ De-escalation techniques
- ★ Methods of engaging parents and youth
- ★ Description of alternatives to restraint in emergency situations



# Policy and Procedures Requirements:

603 CMR 46.04(1)

- ★ Statement prohibiting:
  - ★ Medication restraint
  - ★ Mechanical restraint
  - ★ Prone restraint (except where permitted under 603 CMR 46.03(1)(b))
  - ★ Seclusion
  - ★ The overall use of restraint in a manner inconsistent with CMR 46.00





# Policy and Procedures Requirements:

603 CMR 46.04(1)

- ★ Description of training and reporting requirements and follow-up procedures
- ★ Procedure for reviewing and investigating complaints regarding restraint practices
- ★ Procedure for conducting periodic reviews of restraint data



# Policy and Procedures Requirements:

603 CMR 46.04(1)

- ★ Procedure for implementing the reporting requirements
- ★ Procedure for parental notification
- ★ Procedure for the use of time-out (if utilized) as a behavioral support strategy including the process for obtaining principal approval to extend beyond 30 minutes



# Policies and Procedures: Next Steps

- ★ Superintendents and Executive Directors should be finalizing a review of the districts' or programs' policies and procedures and updating where required
- ★ January 1, 2016, begin implementing updated policies and procedures that meet the requirements set forth in the regulations and described above





# When is Parental Consent Required?

- ★ Restraint is an emergency intervention and does not require consent
- ★ Only the use of prone restraint requires parental consent

603 CMR  
46.03(1)(b)(5)  
And 46.03(1)(c)



# Notification and Reporting Requirements:

603 CMR  
46.06

School principal must be notified immediately

Principal or designee notifies parents

Principal conducts weekly review of individual restraint data

Principal conducts monthly review of school-wide restraint data

All injuries sustained during a restraint must be reported to DESE

Every program collects and reports all restraint data to DESE annually

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# Parental Notification Requirements:

603 CMR  
46.06

- ★ Parents MUST be notified within 24 hours
- ★ Written report emailed or sent within three working days of the restraint
- ★ Parents must be given an opportunity to provide feedback about the restraint





# Written Report Must Contain:

- ★ Name of the student
- ★ Name and title of staff members involved
- ★ Observers
- ★ Date of restraint
- ★ Principal who was informed and if necessary approved the extension beyond 20 minutes

603 CMR  
46.06(4)



# Written Report Must Contain:

- ★ Information about imposed consequences
- ★ Justification for restraint
- ★ Description of antecedent activity
- ★ Behavior prompting restraint
- ★ De-escalation efforts
- ★ Alternatives attempted

603 CMR  
46.06(4)





# Written Report Must Contain:

- ★ Holds used
- ★ Documentation of injury (if any) and medical care provided
- ★ How the restraint ended
- ★ Information regarding opportunities for parents to discuss the restraint and the report

603 CMR  
46.06(4)



# Written Report:

The screenshot shows a web-based form titled "Student Restraint Report Form" from the "Massachusetts Department of Elementary and Secondary Education". The form is labeled "Student Restraint Report" and includes a "Print Form" button. It contains various fields for reporting a restraint incident, including LEA, District, SASTD, School, Student, Gender, Date of Restraint, Start Time, End Time, Name of Person Filling out Form, Person 1 Involved, Person 2 Involved, Person 3 Involved, Observer, Subject Period, Location of Restraint, Hold Used, Was anyone injured during the restraint?, Description of injuries, Date, Time, and Method of Parental Notification, Name of Principal or designee, Date, time, and method of Department notification, Antecedent Activity, and Description of Disciplinary actions taken.

- ★ ESE will provide an individual report for school and district use
- ★ The report will also aggregate the data for the principal's monthly review and submission to ESE



# Written Report: Next Steps

## ★ Principals should:

- ★ familiarize themselves with the new restraint report form that will be available November 20<sup>th</sup>
- ★ decide who will be responsible for completing the form, maintaining the file locally, and sending it to the district's or program's central office for review
- ★ determine who will be the designee for this work in the principals' absence





# Individual Student Review (weekly):

603 CMR  
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 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

# Individual Review Record

603 CMR  
46.06(5)

- ★ The Principal must record weekly individual reviews of multiple restraints
- ★ The record must indicate:
  - ★ A team was convened
  - ★ Restraints were reviewed
  - ★ Parent and student comments were reviewed
  - ★ Analysis of circumstances was completed
  - ★ Future alternatives considered
  - ★ Written plan of action developed

Individual Restraint Review - Microsoft Word

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**Individual Restraint Review Record**

Student's Name \_\_\_\_\_ Date of Review \_\_\_\_\_

Please complete the following steps when conducting an individual restraint record review:

- ☐ Review the written reports submitted for the student.
- ☐ Convene a team to discuss the written reports.
- ☐ Review comments provided by the student and parent about such reports and the use of the restraints.
- ☐ Conduct analysis of the circumstances leading up to each restraint including factors such as:
  - Time of day
  - Day of the week
  - Antecedent events
  - Individuals involved
- ☐ Consider factors that may have contributed to the escalation of behaviors.
- ☐ Consider alternatives to restraint, including de-escalation.



# Principal's Monthly Review of Restraint Data:

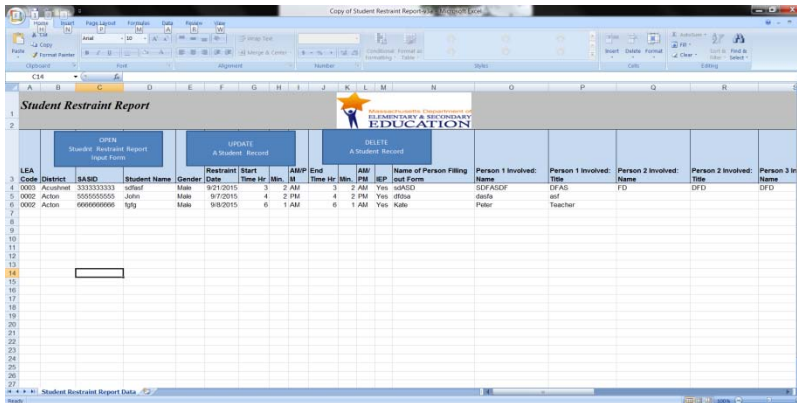
603 CMR  
46.06(6)

- Principal must review school-wide restraint data at least monthly
  - Consider patterns of use, looking for commonalities
- As part of the review the Principal must
  - 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



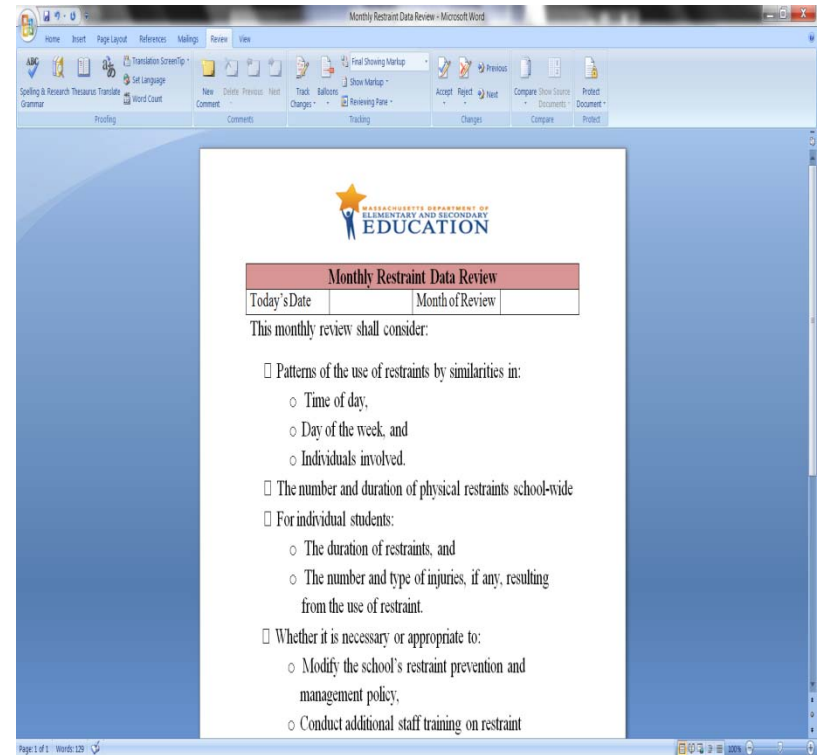
# Monthly Restraint Data Review

- ★ The Monthly data review should be completed in a timely manner to ensure that any changes needed are implemented ASAP



The screenshot shows an Excel spreadsheet titled "Student Restraint Report". It contains a table with columns for LEA, District, BASIS, Student Name, Gender, Restraint Date, Start Time, End Time, AM/PM, SEP, Name of Person Filling Last Form, Person 1 Involved, Person 2 Involved, Person 3 Involved, and Person 4 Involved. The table has several rows of data, including one for a student named "John" who was restrained on 9/7/2015 at 2 PM for 4 minutes by a teacher named "Peter".

LEA	District	BASIS	Student Name	Gender	Restraint Date	Start Time	End Time	AM/PM	SEP	Name of Person Filling Last Form	Person 1 Involved	Person 2 Involved	Person 3 Involved	Person 4 Involved
0003	Acushnet	333333333	John	Male	9/7/2015	2 AM	4 PM	Yes	SEP	John	SEP	SEP	SEP	SEP
0002	Acton	555555555	John	Male	9/7/2015	4 PM	2 PM	Yes	SEP	John	SEP	SEP	SEP	SEP
0002	Acton	666666666	John	Male	9/8/2015	1 AM	6 PM	Yes	SEP	John	SEP	SEP	SEP	SEP



The screenshot shows a Microsoft Word document titled "Monthly Restraint Data Review". It contains a form with a header for the Massachusetts Department of Elementary and Secondary Education. Below the header is a table for "Today's Date" and "Month of Review". The document also includes a section for "This monthly review shall consider:" followed by a list of bullet points.

Monthly Restraint Data Review	
Today's Date	Month of Review

This monthly review shall consider:

- ☐ Patterns of the use of restraints by similarities in:
  - Time of day,
  - Day of the week, and
  - Individuals involved.
- ☐ The number and duration of physical restraints school-wide
- ☐ For individual students:
  - The duration of restraints, and
  - The number and type of injuries, if any, resulting from the use of restraint.
- ☐ Whether it is necessary or appropriate to:
  - Modify the school's restraint prevention and management policy,
  - Conduct additional staff training on restraint



# Reporting to the Department:

- Collect and annually report all physical restraints to the Department
- The first report for restraints occurring from January 1, 2016 through the end of the 15/16 School Year must be submitted to the Department via the Security Portal by July 31, 2016
- Report **all** restraint related injuries to ESE within 3 school working days
- If an injury occurs a Restraint Injury Report must be filled out and submitted to ESE's Office of Program Quality Assurance

603 CMR  
46.06(7)  
&  
46.06(8)



# Reporting: Next Steps

- ★ By January 1, 2016 school districts and programs must identify one central office staff member who is responsible for collecting, maintaining, and submitting school level restraint data to the ESE
- ★ Districts must submit restraint data to ESE by July 31, 2016
- ★ Superintendents and Executive Directors should ensure that policies and procedures reflect changes in the reporting requirements



# Questions and Comments

Paul Bottome  
Educational Specialist,  
Special Education Planning and Policy  
[pbottome@doe.mass.edu](mailto:pbottome@doe.mass.edu)

781-338-3375

