

File: JKAA

### PHYSICAL RESTRAINT, SECLUSION, AND TIME OUT

Every student participating in a Massachusetts public education program is free from the use of physical restraint, except in accordance with 603 CMR 46.00 (JKAA E-1). Physical restraint shall only be used in emergency situations of last resort after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. The district's procedural manual on restraint prevention and procedures shall be strictly adhered to.

School personnel shall use physical restraint with two goals in mind:

1. To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
2. To prevent or minimize any harm to the student as a result of the use of physical restraint.

**Physical Restraint:** Physical restraint is prohibited as a means of discipline or punishment or where medically contraindicated as outlined in 603 CMR 46. It may not be used as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others. Physical restraint may not be used as a standard response for any individual student. No written behavior plan or individualized education program (IEP) may include the use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort to be used only in accordance with 603 CMR 46 (JKAA-E1). Also prohibited are medication restraint, mechanical restraint, prone restraint, supine restraint, and seclusion.

Any employee or agent of the Sharon Public Schools shall not be precluded from using such reasonable force as is necessary to protect pupils, other persons or themselves from an assault by a pupil or imminent, serious, or physical harm.

**Written policies and procedures:** The district shall develop and implement written restraint prevention policies and procedures consistent with 603 CMR 46 regarding appropriate responses to student behavior that may require immediate intervention. This policy shall be annually reviewed and provided to program staff and made available to parents of enrolled students.

**Training:** The district shall ensure that all necessary training occurs for all staff in a timely manner. Staff authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint shall participate in in-depth training in the use of physical restraint consistent with the Department of Elementary and Secondary Education's recommendations that such training be competency-based and be at least 16 hours in length with refresher training occurring annually thereafter. 603 CMR 46.04 (3 and 4). Only school personnel who have received training pursuant to 603 CMR 46.03(2) or 46.03(3) shall administer physical restraint on students. Whenever possible the administration of physical restraint shall be administered in the presence of at least one adult who does not participate in the restraint. A person administering physical restraint shall only use the amount of force necessary to protect the student or others from physical injury or harm. The school shall follow the regulations set forth in 603 CMR 46.05 for proper administration of physical restraint including those related to appropriate use of force, use of safest method, appropriate duration and restraint safety requirements.

**Termination of Restraint:** All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she 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.

**Reporting of Restraint:** The program staff shall report to the administration the use of any physical restraint. The staff member who administered the restraint shall verbally inform the principal of the physical restraint as soon as possible and submit a written report to the principal that school day. If the principal is out of the building, the staff member who administered the restraint will report to the principal's designee. The Principal shall maintain an ongoing record of all reported instances of physical restraint, which, upon request, shall be made available to the Department of Elementary and Secondary Education.

The principal (or, if out of the building, their designee) will make reasonable efforts to verbally inform the student's parents or guardians of the restraint the day of the use of restraint. Should the parent be unavailable for a verbal conversation, the principal or designee will, at minimum, email the parent/guardian of the incident that same day. Also, the principal (or, if out the building, their designee) and shall provide the parent or guardian with a copy of the report in the following two manners:

1. By email, to an email address provided by the parent for communications about the student dated; and
2. By regular mail postmarked no later than three working days after the restraint.

The principal shall provide the student and the parents an opportunity to comment orally and in writing on the use of the restraint and on information in the written report. If the school communicates with the student's parents in a language other than English, the restraint communication must be in that language.

**Principal's Review and Report of Data:** The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week and shall convene any necessary review teams in accordance with 603 CMR 46.06(5). If the principal participated in the restraint then a duly qualified individual designated by the superintendent shall lead the review team's discussion. The principal shall ensure that a record of each individual student record review is maintained and made available for review by the Department of Elementary and Secondary Education or the parent/guardian, upon request. The principal shall also conduct a monthly review of school-wide restraint data in accordance with 603 CMR 46.06(6).

The principal shall report all restraint related injuries to the Department of Elementary and Secondary Education. When a restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the required written report to the Department of Elementary and Secondary Education postmarked within three (3) school working days of the administration of the restraint. All other reporting requirements of 603 CMR 46.06 shall be followed.

**Seclusion Prohibited:** Seclusion is defined as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion is not permitted.

**Time Out:** Time-out shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction of the staff, for the purposes of calming. During a time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available for the student at all times. The space used for time-out must be clean, safe, sanitary and appropriate for

the purposes of calming. Time-out shall cease as soon as the student is calmed as determined by the professional judgment of the staff member overseeing the time-out and with the acknowledgment of the student (as appropriate) that s/he is ready to return to the classroom. There must be a procedure for the use of a time-out that includes the process for obtaining approval of the principal of any time out beyond 30 minutes if the student has continuing agitation.

**Loss of Instructional Time:** Any direct loss of academic instruction as a result of restraint or time out must be documented and efforts will be made to make up missed work if necessary.

**Legal Refs.:** M.G.L. 71:37G, Corporal Punishment of Pupils Prohibited; Use of Physical Restraint: Regulations  
603 CMR 46.00, Physical Restraint Regulations effective January 1, 2016

**Revised:** January 6, 2016