

HILLTOWN COOPERATIVE CHARTER PUBLIC SCHOOL

PHYSICAL RESTRAINT POLICY

The Commonwealth of Massachusetts Department of Education has issued specific regulations concerning the use of physical restraint on students at publicly-funded elementary and secondary education programs, found at 603 CMR 46.00 et seq. These regulations apply to all students, including regular education students and students with disabilities. Hilltown Cooperative Charter Public School (HCCPS) is committed to ensuring that the use of physical restraint with students strictly adheres to these regulations.

Pursuant to the regulations, school personnel will use physical restraint with two goals in mind, and only after other less intrusive methods have been attempted or considered:

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

In accordance with state and federal law, nothing in the regulations precludes school personnel from implementing physical restraint contained in an agreed-upon Behavioral Intervention Plan. A Behavioral Intervention Plan is the result of a Functional Behavioral Assessment and may be found in an Individual Educational Program, Section 504/Accommodational Plan, or on its own. A Behavioral Intervention Plan informed written consent by the student's parent/legal guardian.

It should also be noted that nothing in the regulations precludes a teacher or other staff member from using reasonable force to protect students, themselves, or other persons from assault or imminent, serious physical harm.

Definitions:

1. Physical restraint may be defined as “the use of bodily force to limit a student’s freedom of movement.”
2. Extended restraint may be defined as a physical restraint which lasts for more than twenty (20) minutes.
3. Physical escort may be defined as “touching or holding a student without the use of force for the purpose of directing the student.” Physical escort is not physical restraint.
4. Other restraints can include placing a student in seclusion in a limited space or location without access to school staff. The use of “time-outs” where a staff member is present or accessible by the student does not constitute seclusion restraint. The type of physical restraint used is dependent upon the special training of staff members in specific kinds of such restraints.

Staff Training:

All administrators, faculty and other program staff will receive annual training regarding this policy. Training will include the use of interventions to de-escalate problem behavior in order to avoid the use of restraints; the types of restraints and related safety issues for each; employing physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans for individual students; and the staff member(s) who have received in-depth training with whom they may consult as needed.

Additional in-depth training for designated staff members will include:

1. Appropriate procedures for preventing the need for physical restraint; de-escalation of problem behaviors; relationship building; and the use of alternatives to restraint;
2. Description and identification of dangerous behaviors by a student which may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations to determine whether restraint is warranted;
3. Simulated experiences in administering and receiving physical restraint, instruction regarding the effects upon the person restrained, including the monitoring of physical signs of distress and obtaining medical assistance.
4. Instruction regarding documentation and reporting requirements and the investigation of injuries and complaints; and
5. Demonstrations by participants showing that they are proficient in administering physical restraint.

Faculty and staff will review any behavior plans pertaining to special techniques to be use with identified students.

When Physical Restraints is Used:

1. Physical restraint may be used when non-physical interventions have been attempted without success or when it is apparent that they would not be effective. It may only be used when a student's behavior poses a threat of imminent, serious physical harm to self and/or others or when otherwise outlined in a Behavioral Intervention Plan.
2. Physical restraint is limited to the use of such reasonable force as may be necessary to protect a student or other persons from assault or imminent, serious physical harm.
3. Unless specifically indicated in an agreed-upon Behavioral Intervention Plan, physical restraint may not be used as a response to property destruction, disruption of school order, a refusal to comply with a school rule or staff directive, or verbal threats which do not constitute a threat of imminent, serious physical harm. Physical restraint may never be used as a means of punishment.
4. A school staff member who uses a physical restraint on a student must use the safest method available which is most appropriate to the situation at hand, and the method for which that staff member has been trained. Staff shall review and consider any known medical or psychological limitations and/or behavior intervention plans regarding the use of physical restraint upon an individual student.

5. No physical restraint may be used which prevents a student from speaking or breathing, and must be used in such a way as to prevent or minimize physical harm. If, at any time during the restraint, the student demonstrates significant physical distress, the restraint shall be removed immediately.
6. A physical restraint must be discontinued as soon as possible when it has been determined that a student no longer poses a risk of harm to self or others.
7. Following the use of a physical restraint, either the education or administrative coordinator and the staff member involved in the restraint will meet with the student to address the behavior which prompted the restraint. The coordinators will also review the incident with the staff members who were involved and determine whether follow-up is needed for students who may have witnessed the incident.
8. **Physical restraint regulations do not prohibit any individual from reporting a crime committed by a student to local law enforcement or other state agencies. Law enforcement officers or judicial authorities are not prohibited by this regulation from the exercise of their responsibilities, which may include the physical detainment of a student or other person alleged to have committed a crime or who poses a security risk. In addition, an individual who is a mandated reporter under M.G.I., c. 119, & 51A is not prohibited by this policy from complying with their responsibility to report neglect or abuse to the appropriate state agency.**

Reporting Requirements:

A staff member who administers a restraint shall verbally inform the education or administrative coordinator as soon as practical that day and by written report no later than the next school day.

2. The education or administrative coordinator shall verbally inform the student's parent/guardian of the use of physical restraint as soon as practical and by written report no later than three (3) school days following such use.
3. The report must include:
 - a) The names and job titles or staff who administered the restraint and the person(s) who observed it;
 - b) The date and time the restraint was used, the time it began and ended, and the name of the coordinator who was verbally informed.
 - c) A description of the activity of the restrained student and other students and staff in the vicinity immediately preceding the use of the restraint; the behavior which prompted it; the efforts made to de-escalate; alternatives which were attempted first; and the jurisdiction for resorting to physical restraint.
 - d) A description of the restraint used and the reasons why; the student's behavior and reactions during the restraint; how it ended; and documentation of injury, if any, to the student or staff and any medical care provided;
 - e) For extended restraints, a description of the alternatives that were attempted first; the outcome of those efforts; and the jurisdiction for administering an extended restraint.
 - f) Information regarding any further action(s) taken by school staff, including any disciplinary actions taken toward the student.
 - g) Information regarding opportunities for the student's parent/guardian to discuss

the restraint and related matters with the coordinator, as well as their right to file a grievance.

The administrative coordinator shall maintain an ongoing record of all reported instances of the use of physical restraint that shall be made available to the Department of Education.

When a restraint has resulted in a serious injury to the student or program staff member Involved, or when an extended restraint has been administered, a written report must be submitted to the Department of Education within five (5) school days of the date of the restraint. The administrative coordinator must, at this time, also provide the Department of Education with a copy of the ongoing record of restraints for the thirty (30) day period preceding the date of the reported restraint. The Department will notify the school of any required actions, if warranted, within thirty (30) calendar days of the receipt of the report.

Nothing contained herein shall relieve staff reporting requirements when a personal injury occurs within the scope of employment.

Individual Waiver of Reporting Requirements:

A school may seek a parent/guardian's consent to waive the reporting requirements for restraints which do not result in injury or extended restraint. Such a waiver should only be sought for students who present behaviors that may require the frequent use of restraints. The parent/guardian must provide informed, written consent to the waiver, which shall specify the reporting requirements that are being waived. The informed, written consent will be kept in the student's file, along with specific information regarding when and how the parent/guardian will be informed of the administration of restraints on their child.

Students with Disabilities:

Restraints which are administered to students pursuant to their Individualized Education Programs, Section 504 Accommodation Plans, or other plans developed in accordance with state and federal law, and which has been agreed upon by both the school and the parent/guardian, shall be deemed to meet the requirements of 603 CMR 46.00. The limitations on chemical, mechanical, and seclusion restraints as specified above continue to apply to students with disabilities, as do the above reporting requirements.

GRIEVANCE PROCEDURE

HCCPS has established an internal procedure in order to provide for prompt and equitable resolutions of complaints regarding the administration of physical restraints.

Definitions:

A "Grievance" is a complaint made pursuant to, and arising out of, HCCPS' obligation to comply with state regulations regarding the use of physical restraints.

An "Aggrieved Party" is a person or persons making the complaint.

The purpose of this grievance procedure is to secure prompt and equitable solutions to grievances which may, from time to time, arise pursuant to 603 CMR 46.00.

General:

No aggrieved party will be subject to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in the investigation of any alleged complaint within the context of this grievance procedure.

All documents, communications, and records dealing with the filing of a grievance will be kept confidential to the full extent provided by law.

Forms for filing grievances will be provided upon request by the administrative office.

Procedure:

1. The aggrieved party should complete the Grievance Form and return it to the building principal or his/her designee at the school building in which the alleged grievance occurred. The complaint should be filed within fifteen (15) days after the complaint becomes aware of the alleged violation. Assistance will be provided, upon request, to enable an individual to complete the Grievance Form and pursue the grievance process.
2. Within (10) school days after receiving the grievance, the education or administrative coordinator shall meet with the aggrieved party in an effort to resolve the grievance. This investigation into the complaint is contemplated to be thorough, but informal, in nature. All interested persons and their representatives, if any, shall be afforded an opportunity to be heard and to submit evidence relevant to the complaint. If the grievance is not resolved, it will be forwarded to the HCCPS Grievance Committee.
3. Within thirty (30) school days of receipt of an unresolved grievance, the HCCPS Grievance Committee will conduct a hearing to determine what, if any, action shall be taken in response to the grievance. The hearing shall be held at a time and place mutually convenient to all parties. The hearing procedure will follow appropriate due process procedures including:
 - a. the opportunity for the aggrieved party to present the grievance
 - b. in any suitable manner
 - c. the right of the aggrieved party to an impartial hearing officer
 - d. the right of the aggrieved party to be represented by counsel or an advocate at the aggrieved party's expense;
 - e. the right of the aggrieved party to a prompt decision.

Parents/legal guardians should provide advance notice to the Grievance Committee that they will be represented by counsel or an advocate at the grievance hearing. Failure to provide such notice will likely result in a postponement of the hearing.

4. A written determination of the validity of the complaint and a description of the resolution, if any, shall be issued by the Grievance Committee and forwarded to the complainant no later than fifteen (15) working days after the hearing. The determination of the validity of the complaint and the description of the resolution will be provided in an alternate format, upon request) if needed for effective communication.
5. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within fifteen (15) working days following receipt of the written determination to the full Board of Trustees of HCCPS.

6. The right of a person to a prompt and equitable resolution for the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA, Section 504 or other complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
7. These rules shall be construed to protect the substantive rights of the interested persons to meet appropriate due process standards and to assure that HCCPS comply with 603 CMR 46.00.

REPORT OF PHYSICAL RESTRAINT

To be completed by restrainer(s) and Administrative or Education Coordinator

School _____

Parent _____

Phone _____

Restrainer(s) _____

Student being Restrained _____

DOB _____ Grade _____

Address _____

Observers of Restraint _____

Job Title(s) _____

Date of Restraint _____ Time Began _____ Time Ended _____

1. Name of Administrator verbally informed _____

2. Activity of restrained student and others in vicinity immediately preceding use of the restraint

3. Behavior that prompted restraint

4. Efforts made to de-escalate physical restraint

5. Justification for resorting to physical restraint

6. Description of restraint/reason why

7. Student's behaviors during and reactions to restraint

8. How restraint ended

9. Injury to student or staff

(A) Medical care provided, if any _____

(B) DOE sent written notification of serious injury: Yes ___ No ___ Date _____

10. Extended Restraints

(A) Description of alternatives first attempted

(B) Outcome of these efforts

(C) DOE sent written notification of extended restraint
Yes ___ No ___ Date _____

11. Further actions by school, including disciplinary action toward student

12. Parent/Guardian provided opportunity to discuss restraint with principal/designee
Yes ___ No. ___

13. Parent/Guardian informed of the right to file a grievance
Yes ___ No ___ Date _____

14. Coordinator/Designee verbally informed parent/guardian of restraint
Yes ___ No ___ Date _____ Time _____

15. Coordinator/designee sent written report to parent/guardian
Yes ___ No ___ Date _____

Signatures:

_____ Coordinator/designee
_____ Restrainer
_____ Restrainer
_____ Restrainer
_____ Restrainer

