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
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:

**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:

- 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

603 CMR 46.03(1)(c)
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*
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:

- 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
- All other forms of physical restraint have failed
- No medical contraindications
- Repeated serious self-injurious and/or assaultive behavior
- No psychological contraindications

603 CMR 46.03(1)(b)
Seclusion:

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:

Time-out is a behavioral support strategy

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

603 CMR 46.02
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](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](http://www.doe.mass.edu/sped/advisories/2016-1ta.html)
Time-out or Seclusion:

Exclusionary time-out vs. seclusion

Has the student been separated from the learning environment or classroom?

YES

Is the student in a space that is physically separated from the classroom (e.g., a “time-out” room that is either within or outside of the classroom)?

YES

Is the student involuntarily confined to a room or area?

NO

Is the door closed, and is the student being physically prevented from opening the door?

YES

Is the student alone with no staff members inside the room?

NO

STOP! This is seclusion and is not allowed according to regulations at 603 CMR 46.00.

NO

Not seclusion, but most likely is an exclusionary time-out

See Advisory

If the student remains physically present in the learning environment then the behavioral support may be an exclusionary time-out

See Advisory

Time-out advisory can be found at:
http://www.doe.mass.edu/sped/advisories/2016-1ta.html
Proper Administration of Physical Restraint:

- 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:

★ 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

Massachusetts Department of Elementary and Secondary Education
Restraint Training:

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

603 CMR 46.04(2)
Additional Required Training Elements:

★ 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

Massachusetts Department of Elementary and Secondary Education
Additional Required Training Elements:

- 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
- 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

603 CMR 46.04(3)&(4)
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 1st 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:

- 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:

👉 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

603 CMR 46.04(1)
Policy and Procedures Requirements:

- 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:

★ 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
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:

- 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
Parental Notification Requirements:

- 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:

- 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
Principals should:

- familiarize themselves with the new restraint report form that will be available November 20th
- 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):

- 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

★ 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
Principal’s Monthly Review of Restraint Data:

- 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.
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
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

781-338-3375