

Physical Restraint Policy and Procedures In Accordance with 603 CMR 46:00

Cape Cod Regional Technical High School (Cape Cod Tech) seeks to promote a safe and productive workplace and educational environment for its employees and students. In accordance with the Code of Massachusetts Regulations (603 C.M.R. 46.00), the law governing the use of physical restraint on students in public schools, Cape Cod Tech seeks to ensure that every student is free from the unreasonable use of physical restraint. Physical restraint shall only be used with extreme caution in emergency situations after other less intrusive alternatives have failed or been deemed inappropriate. See 603 C.M.R. 46.01(3).

School personnel shall only administer a physical restraint when it is needed to protect a student and/or a member of the school community from imminent, serious, physical harm. When a physical restraint is necessary, school personnel shall seek to prevent or minimize any harm to the student as a result of the use of the physical restraint.

Nothing in the Code of Massachusetts Regulations (603 C.M.R. 46.00) or the Cape Cod Tech Physical Restraint Policy, Procedures and Guidelines shall be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services.

The Physical Restraint Policy, Procedures, and Guidelines does not preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent serious physical harm.

Cape Cod Tech has the following initiatives in place to help prevent student violence, self-injurious behavior, and suicide:

- Delivery of Break Free from Depression curriculum to all students.
- Availability of Social Learning Classes to students who struggle with social and emotional issues.
- Onsite office hours for local mental health professionals to provide therapy to students who are patients.
- “AAA Committee” consisting of guidance counselors, administrators, therapists and the school nurse meets weekly to discuss students who have been referred for being at-risk academically or emotionally. The committee identifies appropriate services and/or supports for students in need.
- Interventions and alternative methods that may preclude the need for the use of physical restraint There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods should be used first when seeking to prevent student violence or self-injurious behavior. Physical restraints only should be used in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.
- Examples of interventions and less intrusive methods that may preclude the need for the use of physical restraint include, but are not limited to, the following:
 - Verbal Prompt – Communicating what is expected behavior by clearly stating instructions and expectations.
 - Full or Partial Physical Cue - Placing a hand or hands on a child without force for the purpose of redirecting the child.

- Physical Escort – A temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.
- Time Out – 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 from staff, for the purpose of calming. During time-out, a student will be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out will be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out will cease as soon as the student has calmed. Staff that anticipate a need for a time-out for more than 30 minutes based on an individual student's continuing agitation must contact the Principal no later than 20 minutes after the time-out began for the authorizing and support.
- General guidelines for de-escalating potentially dangerous behavior
 - Remain Calm - To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.
 - Obtain Assistance – Whenever possible, school personnel should immediately take steps to notify school administrators, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
 - One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one person providing overall direction to the response and the follow up procedures will be followed. This may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
 - Remove Student – If feasible, have a student experiencing distress leave an area containing other students and move to another more private and safe area.
 - Remove Other Students – If it is not feasible to have the student experiencing distress move to a more private and safe area, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

If all other less intrusive alternatives have failed or been deemed inappropriate to prevent student violence or self-injurious behavior, a physical restraint may be used. Physical restraint, including prone restraint where permitted is an emergency procedure of last resort when a student's behavior poses a threat of assault, or imminent serious physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions. Physical restraint must be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent serious physical harm. All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

Restrictions and prohibitions on use of a physical restraint

Mechanical restraint is prohibited.

Mechanical Restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or

utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Medication restraint is prohibited

Medication restraint is the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Seclusion is prohibited

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 a time-out as defined in 603 CMR 46.02.

Prone restraint is prohibited except on an individual student basis, and only under the following circumstances:

- The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff
- All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others
- There are no medical contraindications as documented by a licensed physician
- There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional
- The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), such use has been approved in writing by the Principal and the program has documented 603 CMR 46.03(1)(b) 1 – 5 in advance of the use of prone restraint and maintains the documentation. Prone restraint is a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

Physical restraint shall not be used:

- As a means of discipline or punishment
- When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting
- As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent serious physical harm.
- As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

- This policy does not prohibit:
- The right of any individual to report to appropriate authorities a crime committed by a student or other individual
- Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk
- The exercise of an individual's responsibilities as a mandated reporter pursuant to G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency
- Proper administration of a physical restraint
- Only personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 does not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent serious physical harm.
- A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
- A person administering physical restraint will use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.043(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.
- 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.

Follow-up procedures and reporting requirements

At an appropriate time after a student has been released from a restraint the school will

- Review the restraint with the student to address the behavior that precipitated the restraint
- Review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed
- Consider whether any follow-up is appropriate for the students who witnessed the incident. Reporting requirements
- Staff will notify the Principal of any physical restraint **under five minutes** and the Principal or designee must notify the parent/guardian, either verbally or in writing, of such physical restraint.
- Any physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff member must be reported.

- The school staff member who administers a physical restraint of five minutes or longer and/or who administers any physical restraint that results in an injury to a student or staff shall verbally inform the Principal or his/her designee of the restraint as soon as possible and no later than the close of the school day in which the restraint was administered. A written report, in the form attached to these procedures and guidelines at Tab B, shall be completed and provided to the Principal of the school no later than the next working day after the restraint was administered.
- The Principal of the school shall maintain an on-going record of all reported instances of physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff. This record will be made available for review by the Massachusetts Department of Education upon its request.
- The Principal or his/her designee must verbally inform the student's parents or guardians of any physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff as soon as possible and by a written report postmarked no later than three school working days following the use of the physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff. This notice will be issued to the parents/guardians in English and in the home language of the student. The Principal shall provide the Office of the Superintendent with a copy of the written report of a physical restraint when such restraint has resulted in a serious injury to a student or staff member, or when an extended restraint (20 minutes or longer) has been administered as well as a copy of the school's on-going record of all reported instances of physical restraint for the thirty days preceding the reported physical restraint. A copy of the Massachusetts Department of Education Physical Restraint Report [603 CMR 46.06(5)] must be completed with respect to the administration of an extended restraint (20 minutes or longer). This documentation must be provided to the Office of the Superintendent by no later than one school working day after the written report is received by the Principal. The Office of the Superintendent will, in accordance with the requirements of 603 C.M.R. 46.06(5), provide this documentation to the Massachusetts Department of Education within three days of its receipt of the documentation.

Training

Within the first month of each school year, the Principal or designee of each school shall provide all program staff with training on Cape Cod Tech Physical Restraint Procedures and Guidelines. Additionally, for all new school employees that are hired after the start of the school year, the Principal or designee shall within the first month of their employment provide the new employees with training on this Cape Cod Tech Physical Restraint Procedures and Guidelines.

Guidelines; (b) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors; (c) types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used; (d) administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and (e) identification of program staff who have received in-depth training pursuant to 603 C.M.R. 46.03(3) in the use of physical restraint. See 603 C.M.R. 46.03(2).

Staff authorized to serve as a schoolwide Resource on the proper administration of physical restraints At the beginning of each school year, the Principal or designee will identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff must have successfully completed the CPI Nonviolent Crisis Intervention Foundation Program.

Engaging parents

Cape Cod Regional Technical High School Physical Restraint Policy, Procedures and Guidelines will be published in the Student Handbook and posted on the school website in both student and parent sections.

Within the first three months of each school year all parents will be invited to special session of the Parent Council in which the Physical Restraint Policy will be presented and discussed.

Complaint procedures

Informal resolution of concern about use of physical restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the Principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the Principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above. The Principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian is not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process.

Formal resolution of concern about use of physical restraint

A student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent. The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed above. The written complaint shall include (a) the name of the student; (b) the name of the school where the physical restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought.

The Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent shall

contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

Other complaint processes also available

It should be noted that the provisions of this section does not preclude a student from using the complaint process set forth in the Cape Cod Tech "Harassment Policy" to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, homelessness status, marital status or sexual orientation.