General Overview
of
Physical Restraint Requirements
for Public Education Programs

Prepared by the Massachusetts Department of Education for use by Public Education Programs in Annual Staff Training.
Caution

• This presentation provides an overview of the regulatory requirements for the use of physical restraint, but does not iterate all of the detail in the regulations.

• All school staff should read and be familiar with the regulations.

• Viewing this presentation does not substitute for a careful reading of the full regulatory requirements.
Training is IMPORTANT
Because

- A safe school environment is better able to promote effective teaching and learning.
- Preparing appropriate responses to potentially dangerous circumstances helps to eliminate or minimize negative consequences.
Read the Regulations

• 603 CMR 46.00 -- these regulations apply to all public education programs including school events and school sponsored activities.

Lack of knowledge of the law will not protect you or your students from the consequences of inappropriate actions.
Key Aspect: Training and Awareness

• Annually, For ALL staff - Review:
  – Methods of prevention of need for physical restraint
  – Types of restraint and related safety considerations
  – Administering restraint in accordance with student’s needs/limitations
  – Required reporting & documentation
  – Identification of selected staff to serve as information resource to school

Regulation 46.03(1 & 2)
For Selected Staff: In-Depth Training - Contents

• Prevention techniques
• Identifying dangerous behaviors
• Experience in restraining and being restrained
• Demonstration of learned skills
• Recommended 16 hours

Regulation 46.03(4)
### Knowing the terminology:

<table>
<thead>
<tr>
<th>Physical restraint</th>
<th>Not physical restraint:</th>
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<tbody>
<tr>
<td>- &quot;The use of bodily force to limit a student’s freedom of movement.&quot;</td>
<td>“Touching or holding a student without the use of force” --- includes physical escort, touching to provide instructional assistance, and other forms of physical contact that do not include the use of force.</td>
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Regulation 46.02(3)
Other terminology:

• chemical restraint - do not use without physician’s order and parental consent.
• mechanical restraint - do not use without physician’s order and parental consent.
• seclusion restraint - “physically confining a student alone in a room or limited space without access to school staff.” Don’t do it.
• time-out - staff remains accessible.

Regulation 46.02(5)
Extended Restraint

- Longer than 20 minutes.
- Increases the risk of injury.
- Requires additional written documentation and report to the Department of Education.

Regulation 46.02(1)
Is restraint good or bad?

- It depends on how it is used.
- The definition of physical restraint does not identify negative or positive motives nor does it recognize negative or positive consequences.
When may physical restraint be necessary?

• When other, non-physical, interventions have been tried and failed or are judged to be inadequate to the circumstances.

AND

• a student’s behavior poses a threat of IMMINENT, SERIOUS, PHYSICAL HARM to self and/or others

Regulation 46.04(1 & 2)
Do not use physical restraint

- When non-physical interventions could be used.
- As a means of punishment.
- As a response to property destruction, school disruption, refusal to comply, or verbal threats.

Regulation 46.04(3)
Proper Administration of Physical Restraint

- Remember training considerations.
- Have an adult witness if possible.
- Use only the amount of force necessary to protect the student or others.
- Use the safest method. Do not use floor or prone restraints unless you have received in-depth training.
- Discontinue restraint ASAP.
Safety requirements

- Make sure student is able to breathe and speak.
- Monitor physical well-being, monitor respiration.
- If student experiences physical distress -- release restraint and seek medical assistance immediately.
- Know students’ medical and psychological limitations and behavior intervention plans.
Regulations do not prohibit or limit:

- The right to report a crime.
- Law enforcement, judicial authorities, or school security personnel from completing their responsibilities.
- Mandated reporting of neglect or abuse.
- The use of reasonable force to protect oneself, a student, or others.

Regulation 46.04(4)
Follow-Up Procedure: Prevention/Learning from the Experience

• Following every restraint action taken, the circumstances should be discussed with the student, and with others, as appropriate.

• Ask: “How can we avoid this happening again?”

Regulation 46.05(5)(d)
Key Reporting Requirements

Regulation Section 46.06

• **When to Report**: Report only restraints over 5 minutes or in **any** case of an injury (to student or staff).

• **Notify School Administration**: Notify school administration as soon as possible, & provide written report by the next school working day.

• **Notify Parents**: The principal or director of the program notifies the parent, verbally as soon as possible, and by written report within 3 school working days.
Special Circumstances

For students with disabilities (w/ IEPs or 504 plans), physical restraint can be used for different reasons (other than danger) if reasons are detailed and part of the IEP or 504 Plan. Certain limits and requirements will still apply.

Parents may agree to a waiver of reporting requirements in individual circumstances (not for serious injury and not for extended restraints), but

- School cannot require parental consent to waiver
- School must detail alternate reporting mechanism.

Regulation Section 46.07
Find the Regulations:
http://www.doe.mass.edu/lawsregs

See 603 CMR 46.00

Any questions?