

PREVENTION OF PHYSICAL RESTRAINT OF STUDENTS

The Weston Public Schools complies with the Department of Elementary and Secondary Education (hereinafter “DESE”) regulations governing the use of restraint, which can be found at 603 CMR 46.00 et seq. (the “Regulations”). According to their terms, the Regulations apply at school and also at school-sponsored events and activities, whether or not on school property.

Purpose. The purpose of this policy is to ensure that every student attending the Weston Public Schools is free from the unlawful use of physical restraint. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

- (a) 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
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

Definitions.

“Restraint” shall mean limitation on a student’s physical movement using force against the student’s resistance.

“Physical restraint” shall mean direct physical contact that prevents or significantly restricts a student’s freedom of movement. The term physical restraint does not include prone restraint, mechanical restraint, or medication restraint. Additionally, physical restraint does not include: providing brief physical contact, without force, to promote student safety or limit self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

“Physical escort” shall mean 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.

“Mechanical restraint” shall mean the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of their body. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint. *The use of a mechanical restraint is prohibited unless explicitly authorized by a physician and consented to in writing by the parents/guardians/caregivers of the student.*

“Seclusion” shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented, or reasonably believes they will be prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02. *The use of seclusion is expressly prohibited.*

“Time-out” shall mean a behavioral support strategy 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 shall not be involuntarily confined and must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. Time-out shall cease as soon as the student has calmed or when thirty (30) minutes have passed, whichever event is earlier. The preference is for time-out to be implemented within a classroom. Any space utilized for time-out outside of a classroom must be approved by the Director of Student Services before it is utilized.

“Medication restraint” shall mean the administration of medication for the purpose of temporarily controlling behavior. *The use of medication restraint is prohibited unless explicitly authorized by a physician and consented to by the parents/guardians/caregivers of the student.*

“Prone restraint” shall mean a 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 prone position. *The use of prone restraint is expressly prohibited.*

“Principal” shall mean the instructional leader of a public education school program or designee.

District’s Physical Restraint Procedures

Use of Restraint. Physical restraint shall be considered an emergency procedure of last resort, and shall be prohibited in public education programs except when a student’s behavior poses a threat of assault imminent, serious, physical harm, and other lawful and less intrusive behavior interventions and/or alternatives, or such interventions and/or alternatives are deemed to be inappropriate under the circumstances. Any and all physical restraints may only be administered by school personnel who have been properly trained in the use of physical restraint.

Physical restraint *shall not* be used:

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

Mechanical restraint, medication restraint, and seclusion is prohibited in public education programs. Seclusion does not include a time-out, as defined within the Regulations.

The Regulations do not limit the protections afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services.

Proper Administration of Physical Restraint. Only Weston Public Schools personnel who have received training pursuant to the Regulations shall administer physical restraint on students. Whenever possible, the administration of a physical restraint shall be witnessed by at least one adult who does not participate in the restraint. Nothing in this policy shall preclude a teacher, employee or agent of the Weston Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations. School personnel shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student, as well as known or suspected trauma history. Physical restraints shall not be administered in such a way that a student is prevented from breathing or speaking. All physical restraint must be terminated as soon as the student is no longer an immediate danger to themselves or others and shall be administered in such a way as to prevent and/or minimize physical harm. If during a physical restraint the student demonstrates any difficulty breathing or significant physical distress, such as trouble breathing, prolonged coughing or crying, or similar behavior, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

Restraint Lasting More than 20 minutes. If a student may possibly be restrained for more than twenty (20) minutes based on the student continuing to be an immediate danger to himself or others, school staff must obtain the approval of the principal *before* continuing the restraint for more than twenty (20) minutes. Approval can only be given by the principal. If the principal is not on site at the school, approval can only be given by the assistant principal, or teacher of the day designee for the day or period of the day that the principal is not on site at the school. Before making a decision to extend the restraint for the student, the principal must be informed of critical details regarding the restraint of the student, including, but not limited to:

- (a) the type of restraint; and
- (b) the student's behavior and condition during the restraint.

The principal must consider these critical factors so that he/she can determine whether continued use of the restraint is justified based on the student's continued immediate danger to himself or others. If the principal determines that the continued use of the restraint is justified the report form at **Tab A** will be completed by the staff person who seeking the extension, signed by both the staff person and principal and a copy of the report provided to the Office of Student Services by no later than three (3) school days of the administration of the restraint as to the critical factors he/she was informed of and were considered in making the determination that the continued use of the restraint is justified based on the student's continued agitation. A copy of the report form is attached hereto at **Tab A**.

Staff Training. All school staff must receive annual training in the first month of the school year (and new hires during the school year, within a month of their start date) with respect to the District's restraint prevention and behavior support policy and requirements when restraint is

used. All school staff will receive training on the Weston Public Schools Restraint Prevention and Behavior Support Guidelines. Training shall include information on the role of various individuals in preventing restraint, the restraint prevention and behavior support policy and procedures, interventions that may preclude the need for restraint, types of permitted physical restraints and related safety considerations, and administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student.

Additionally, the school principal must identify specific staff that are authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in additional in-depth training in the use of physical restraint and implementation of the Regulations.

Reporting Requirements. Staff shall report the use of any physical restraint, as required by the Regulations. The staff member who administered the restraint shall notify the Principal or designee verbally as soon as possible, and then in writing, no later than the next school day. The report shall be maintained by the school and made available for review by the Parent(s) or DESE upon request.

The Principal or designee shall make reasonable efforts to inform the Parent(s) of the restraint *within twenty-four (24) hours* of the restraint, and shall notify the Parent(s) by written report within *three (3) school days* of the restraint. The information in the report shall conform with 603 CMR 46.06(4). The written restraint report must be provided to the Parent(s) in the language in which report cards and other necessary school-related information are customarily provided. The Principal or designee shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

All physical restraints that result in injury must be must be reported to DESE. In addition, the District will collect and annually report data relating to the district's use of restraints to DESE.

The Principal or designee shall review restraint data weekly to determine whether one or more students may have been restrained multiple times during the week. If so, the Principal or designee shall convene one or more teams as deemed appropriate to assess the student's progress and needs, with the goal of reducing or eliminating the need for restraint. The Principal or designee shall also conduct a monthly review of school-wide restraint data and take steps to reduce or eliminate the use of restraint within the school where appropriate.

Prevention of Dangerous Behavior. As set forth in the Regulations, the Weston Public Schools shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

Parent Engagement. In accordance with the regulations, the Weston Public Schools shall engage Parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure.

Complaint Procedures. A student or representative who has a complaint regarding the District's restraint practices may report the matter to the Principal. In the event the Principal is alleged to have engaged in improper restraint practices, the report should be made to: Weston Public Schools, Director of Student Services, Case House, 89 Wellesley Street, Weston, MA

02493; (781)786-5240.

Complaints must be filed, in writing, within 60 school days of the event giving rise to the complaint and must include (1) a description, in as much detail as possible, of the restraint and the surrounding events; (2) the date and location of the restraint; and (3) all persons who have knowledge of the restraint and surrounding events (witnesses), as can be reasonably determined.

The District will investigate the reported events, including interviewing witnesses deemed necessary and appropriate, and reviewing all written documentation leading up to and pertaining to the incident and all reports filed to determine the facts relevant to the complaint. Such investigation will generally be completed and a written disposition made within twenty (20) school days of receiving the complaint. If this timeline is not met, the reason(s) for not meeting will be documented. If the complainant is not satisfied with the initial disposition, he/she may appeal to the Superintendent, who can be contacted at: Case House, 89 Wellesley Street, Weston, MA 02090, 781-786-5210.

ADOPTED: November 23, 2020

LEGAL REF.: M.G.L. 71:37G; 603 CMR 46.00