



# **MARLBOROUGH PUBLIC SCHOOLS**

**MASSACHUSETTS RESTRAINT & SECLUSION REGULATIONS  
AND PROCEDURES: GENERAL TRAINING FOR PUBLIC  
SCHOOL DISTRICT EMPLOYEES**

**NEW LAW IN EFFECTIVE JANUARY 1, 2016**

# Why This Training?

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- New Massachusetts Regulations are going into effect January 1, 2016 - Prevention of Physical Restraint and Requirements If Used
- The state mandates that all staff receive annual training in order to understand prevention techniques as well as to understand the regulations surrounding the application of physical restraint to students
- We want our students and staff to remain safe in school when involved with difficult behavior

# Training Objectives

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1. Understand the role of student, staff and family in preventing restraint
2. Notify all staff needing to review the district's restraint prevention and behavior support policy and procedures when they are available
3. Learn de-escalation strategies and other alternatives to restraint
4. Understand when behavior presents an emergency, the types of permitted physical interventions
5. Understand the bigger picture (medical, psychological limitations, known or suspected trauma history, and or behavioral intervention plans) as it applies to physical restraint
6. Identify the program staff who have received in-depth training in the use of physical restraint

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# **603 CMR 46.00 REGULATIONS OVERVIEW**

# What is 603 CMR 46.00?

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These state regulations govern the use of physical restraint on students in publicly funded elementary and secondary education programs including all Massachusetts public school districts, charter schools, virtual schools, collaborative education programs, and the school day of approved special education schools

*The purpose is to ensure that every student participating in a Massachusetts public education program is free from the use of physical restraint that is inconsistent with these regulations, and that physical restraint shall be used only in **emergency** situations as a **last resort***

# The Regulation Ensure That:

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Physical restraint is an emergency procedure of last resort and is prohibited except when:

- 1) A student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and;
- 2) The student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or;
- 3) Such interventions are deemed to be inappropriate under the circumstances

# REVISED Regulations, effective January 1, 2016

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Several changes have been made to the regulations that will go into effect as of January 1, 2016. These include:

- Revised definitions of restraint
- Addition of the definition of “time out”
- New prohibitions on the use of prone restraint
- Revised/additional reporting requirements after restraint has been used

# Restraint Defined

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The regulations define **physical restraint** as:

“direct physical contact that prevents or significantly restricts a student’s freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting for attention, providing comfort, or a physical escort.”

# Physical Escort

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The definition of physical restraint is also made distinct from a **physical escort** which is defined as:

“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.”

# What is Permitted Under the New Regulations?

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- Brief physical contact to promote student safety (such as guiding a student or re-directing a student)
- Providing physical guidance or prompting when teaching a skill
- Redirecting attention (such as to a shoulder, face or torso)
- Providing comfort
- Physical escort that does not involve force

# Training Requirements

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All staff must receive a general training regarding the district's/program's restraint prevention and behavior support policy and requirements when restraint is used. *This training meets the requirements set forth under these regulations.*

Additionally, specific program staff identified by the principal or his/her designee must receive an "in-depth training" in the use of physical restraint and assist in ensuring proper administration of physical restraint.

# PREVENTING RESTRAINT

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# Roles of Individuals

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Students, families, and school staff each play a role in preventing restraint and ensuring the safety of the school community:

**Students** - students should follow school rules and codes of conduct as outlined in district policies (e.g. student handbooks).

**Families** - families should be made aware of school rules and codes of conduct, as well as district policies and procedures; regular communication between parents and school is important to facilitate family support.

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***School Staff*** - staff should inform students and parents of school rules and district policies, and abide by school policies and procedures, including adherence to Massachusetts restraint regulations.

Staff must also promptly inform the principal or her/his designees of the use of restraint and must provide a written detailed report to the principal/designee within one school working day.

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# **RESTRAINT PREVENTION & BEHAVIOR SUPPORT POLICY AND PROCEDURES**

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# School District Policy

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Marlborough Public Schools approved the new District policy on November 10, 2015.

Please see the District website or your building administration to obtain a copy.

# “Time-Out” vs. Seclusion

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**Seclusion** means 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 time-out as defined in 603 CMR 46.02. Seclusion is prohibited under 603 CMR 46.03.

**Time-out** means the temporary separation from learning or the classroom, but does not necessarily mean going to a special “time-out room”; it could mean moving to a desk outside of the classroom or to the guidance office to calm down.

# Time-Out

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Time-out is 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 must be **continuously observed** by a staff member.
- **Staff shall be with the student or immediately available** to the student at all times.
- The space for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

# Inclusionary vs. Exclusionary Time-Out

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The state has further defined “time-out” procedures to assist districts in understanding how to use time-out using the least restrictive methods:

- **Inclusionary Time-Out**: Behavior support strategy that allows the student to remain fully aware of the learning activities of the classroom. This can include: "planned ignoring," asking students to put their heads down, or placing a student in a different location within the classroom (this does not include walled off "time-out" rooms located within the classroom).

# Inclusionary vs. Exclusionary Time-Out

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- **Exclusionary Time-Out**: A behavior support strategy that includes the removal of a student from the learning environment. This should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. Staff-directed exclusionary time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.
- Exclusionary time-out **cannot** include the use of a locked door.

# Further Restrictions on Time-Out

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- If an exclusionary time-out period lasts 30 minutes, the principal or her/his designee must approve the continuation of time-out based on the student's continuing agitation.
- The time-out procedure should include seeking principal approval prior to the 30 minute timeframe in order to proceed with the time-out.

# Further Restrictions on Time-Out

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The emphasis on the added definition of “time-out” in the regulations is to clearly identify time-out as a behavior support strategy that is non-punitive and where students are never left alone. A staff person is always in proximity and is able to view the student at all times.

*The amended regulations explicitly prohibit seclusion. It should NEVER be used with students! A student **may not be left alone in a room until they calm down** without a staff member continuously observing her/him.*

# A Few Words About Time-Out

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- A student may choose time-out or a staff member may direct a student to the time-out area, for the purpose of calming.
- Any student removal from the instructional area due to escalated behaviors is considered to be a “time-out” (e.g. guidance office, learning center room). It is not limited only to spaces labeled as a “time-out” area.
- Any student in a time-out space must be continuously observed by a staff member.
- Staff shall be with the student or immediately available at all times.
- The space must be clean and safe.

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# **DE-ESCALATION TECHNIQUES AND ALTERNATIVES TO RESTRAINT**

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Physical restraint should **ONLY** be used as a **LAST RESORT** when no other safe alternatives can be used! Alternative interventions to restraint must be considered and attempted.

# Early Signs of Escalation

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If a student is showing signs of escalating behaviors, staff should consider the environment and make some quick adjustments, if needed, to ensure the safety of the student and others. These may include:

- Removing potential weapons from the immediate area (e.g. scissors, sharp pencils, materials that could be used as a projectile, etc.)
- Attempting to redirect the student to another safer area, if possible.
- Removing other students from the immediate area.

# Early Signs of Escalation

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Staff should also consider a variety of behavioral interventions that may be effective in de-escalating the student, such as:

- Offering choices of activities.
- Reducing the demands/amount of work expected (without removing the expectations entirely).
- Reminding student of reinforcers available for engaging in appropriate behaviors (e.g. first work, then you can read).
- Prompting the student to use functional language to communicate their feelings or needs (e.g. if you are frustrated you can tell me “I need a break”).

# Early Signs of Escalation

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Whenever there is a **behavior support plan** in place for a student, staff should defer to the specific interventions outlined in the behavior plan!

Be familiar with your students' behavior support plans and/or individualized education programs and the interventions and accommodations recommended in those documents.

# New Limitations on Behavior Support Plans

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No written Behavior Plan or Individualized Education Program (IEP) may include “physical restraint” as a standard response to any behavior.

**Physical Restraint is an emergency procedure and a last resort.**

# Crisis Intervention

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If a student's behavior is significantly escalated, sometimes attempting to talk to the student can make them more agitated. Staff may consider using the "wait strategy" and limit their use of verbal language, while still visually monitoring the student at all times, and wait until the student shows signs of calming before they attempt to talk to the student.

If a student cannot be safely maintained in an area, staff may also consider the use of a time-out space as a safer alternative to physical restraint.

# Crisis Intervention

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If a student's behavior poses a threat of assault, or imminent serious physical harm to self or others and the student is nonresponsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances, physical restraint shall be considered an emergency procedure of last resort, given the above exceptions.

This means staff may forcefully move a student if the above criteria are met, prior to the arrival of a staff member with in-depth restraint training. Only the amount of force necessary to protect the student or others from physical injury or harm should be used.

# USE OF PHYSICAL RESTRAINTS

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# Types of Restraints Permitted

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Only physical restraints, consistent with 603 CMR 46.00 are permitted to be used in schools.

Mechanical restraints, medication restraints, and seclusion are **prohibited** in public education programs!

Additionally, prone restraints (where student is placed laying face-down on the floor) are also **prohibited**, (except in rare circumstances where there is explicit written consent to do so).

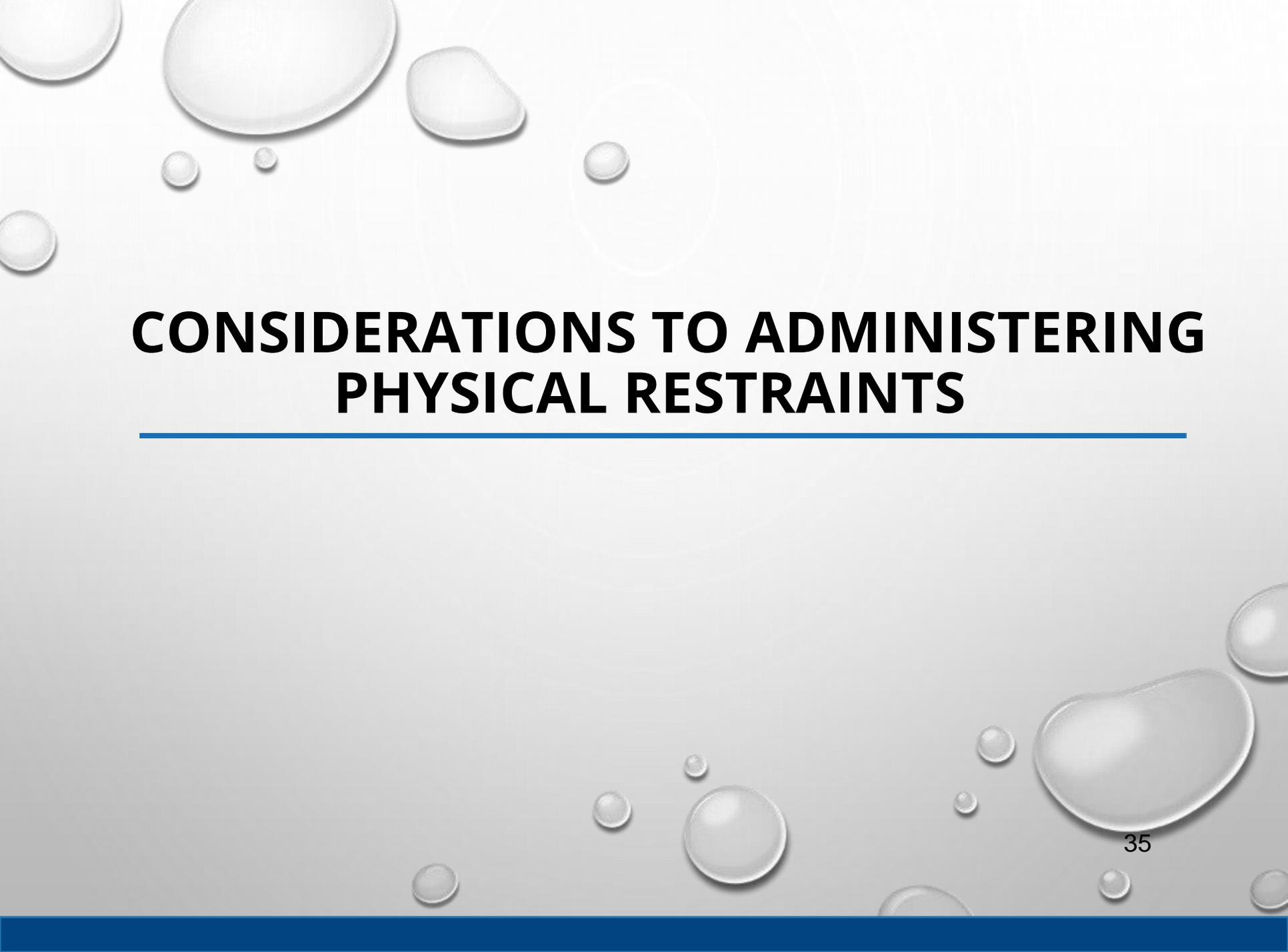
# Risks of Restraint

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All restraints pose a significant amount of **risk** for both the student and staff members implementing the restraint.

Risks to the student may include: cuts/scrapes, bruises, broken bones, hyperthermia (overheating), psychological trauma, breathing problems/asphyxia, and death.

Restraints should always be conducted in a team approach! This will ensure that the restraint is being implemented properly and safely and avoid the potential for future litigation.

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# **CONSIDERATIONS TO ADMINISTERING PHYSICAL RESTRAINTS**

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# What Types of Restraint Are Allowed in an Emergency?

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- Only use the amount of force necessary to protect the student or others from physical injury or harm.
- Use the safest method available and appropriate to the situation.
- Prone restraints are prohibited unless an in-depth trained staff member judges that such a method is required to provide safety for the student or others present AND prior consent is obtained for the prone restraint.

# What Should You Do If Faced with an Emergency?

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1. Use only the amount of force necessary to move or contain the student and prevent injury or harm to the student or others.
2. Move the student to a close-by safe, protected area. This area should be free of breakable materials or materials that could be thrown.
3. Have someone call for the Restraint Team.
4. If possible, have a partner help you escort the student and then remain with you and the student until the Restraint Team member(s) arrive.

# Considerations

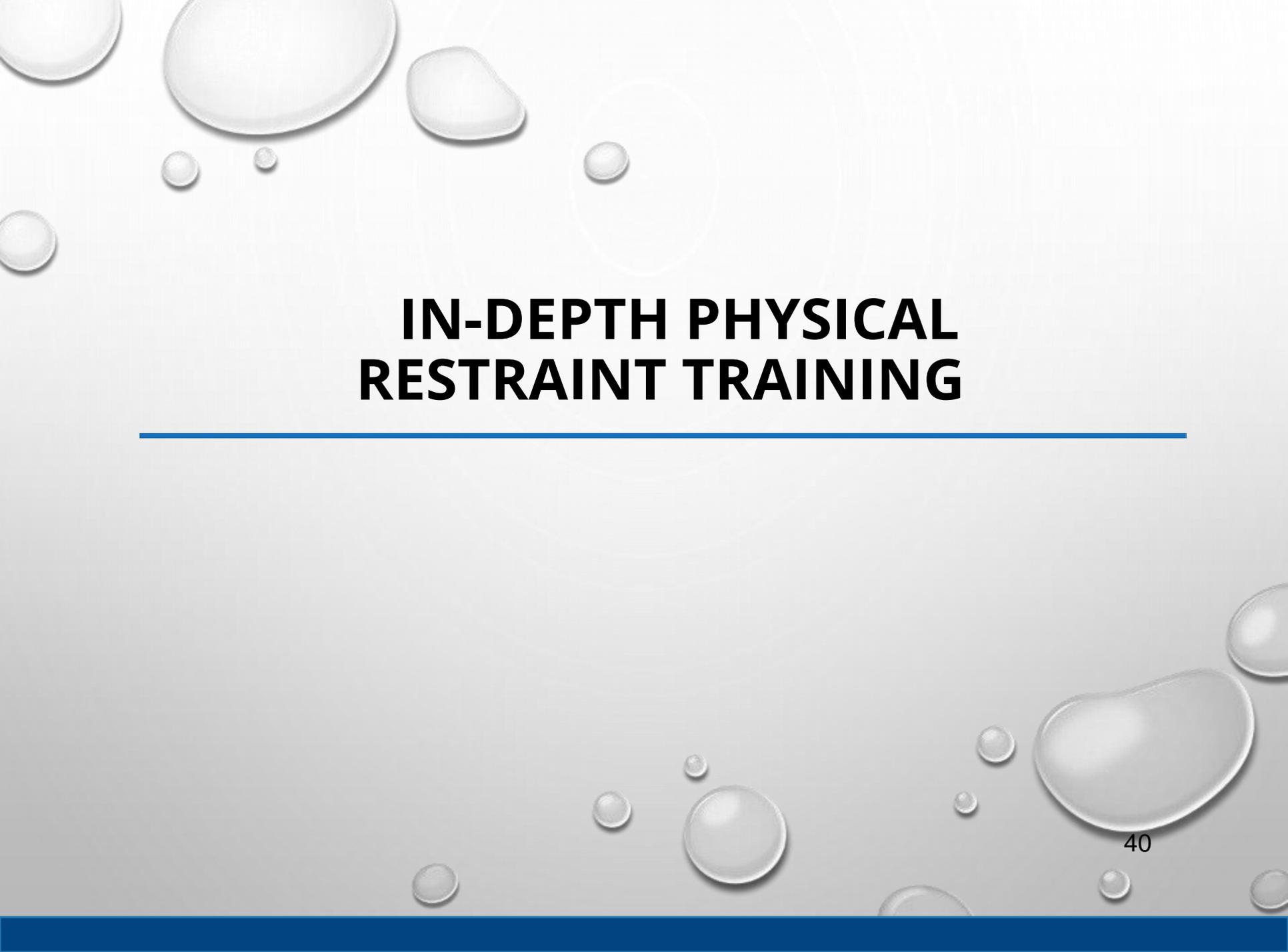
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Considerations for restraint should be made on an individualized basis. Students may have medical/psychological limitations or known or suspected trauma histories that should be considered prior to implementing restraint.

Medical/psychological limitations: considerations may include specific types of restraints that students may not be able to participate in (e.g. chair holds, one-person holds where a student's arm crosses their body, etc.) or if medical/psychological limitations exclude them from being able to be restrained entirely.

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Trauma History: students who have known or suspected trauma histories may only be able to participate in restraints under certain circumstance (e.g. if a student had a history of abuse from a male individual, the protocol for restraint may include that only female staff can restrain the student in emergency situations as a last resort).



# **IN-DEPTH PHYSICAL RESTRAINT TRAINING**

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# Who May Do Physical Restraints?

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- Only staff members who have received in-depth training are authorized to serve as a school-wide resource to assist in proper administration of physical restraint.
- ***However, this 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.***

# **REPORTING PHYSICAL RESTRAINT**

*ALL PHYSICAL RESTRAINTS, REGARDLESS OF DURATION, WILL BE REPORTED.*

# Reporting Within School and to Parents

- The staff will verbally inform the principal immediately.
- The staff will file a detailed written report no later than the next school day on the district report form.
  - There are no individual waivers permitted for these reporting requirements.

# Administrative Reviews of Physical Restraint Use

To be conducted by principal:

- Weekly individual student review (ISW)
- Monthly school-wide review (MSWR)

# Reporting to the Department of Elementary and Secondary Education

- The district will report to DESE all restraints that result in serious injury to either a student or a staff member within three (3) working days of the restraint.
- The district will provide DESE with an annual report of its physical restraint use.

# Safety-Care Training

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The Marlborough Public Schools uses the Safety-Care training program for de-escalation techniques and physical restraint.

Please see your building administration for a copy of the School Crisis Team members, a copy the building procedures, and a list of additional staff trained in Safety-Care.

# Summary

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1. Regulations regarding physical restraint have changed in MA and provide more explicit directives for staff in order to prevent unnecessary restraints of students.
2. Prevention of escalation of behavior should always be a staff person's first intervention.
3. Restraint may only be used in emergency situations to protect a student or staff member from assault, or imminent, serious, physical harm.

# Summary

4. Time-out, for the purpose of calming, may be used, as long as a staff person is continuously observing the student and is immediately available to the student. Time-out should cease as soon as the student has calmed.
5. Seclusion, (when a student is involuntarily confined and is physically prevented from leaving), is prohibited.
6. There is a team of staff in your school who have received in-depth training. Know how to contact that team if necessary.

# Summary

7. Nothing in the regulations precludes any teacher, employee or agent of your school or district from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.