

# Amendments to Physical Restraint Regulations and Program and Safety Standards

(603 CMR 43.00 & 603 CMR 18.00; effective January 1, 2016)

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# New Definitions to Note...

- ▶ *Physical restraint* shall mean 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 attention, providing comfort, or a physical escort.\*\*
  - ▶ A physical escort in which the student is guided by 1 or more staff but is willfully following directions to remove him/herself from an environment is NOT defined as a restraint
  - ▶ Any escort in which the student resists, drops to floor, picks up knees, or is escorted by staff while student is walking backwards IS considered a restraint and should be documented as such, with all reporting measures completed for the reason of the removal
  - ▶ \*\*This differs from current regulations in which types of escorts were not defined and NO escort applied to restraint regulations\*^

# New Definitions to Note...

- ▶ *Time-out* shall mean 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.

# Restraints Prohibited within Public Schools:

- ▶ 1. Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.
- ▶ 2. Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under highly specific circumstances.
  - ▶ \*Does not currently apply to any student within the school system at this time who would regularly require this type of intervention\*

# Step By Step: Old Policy...A Recap in the Public Schools

1. Behavior plans could include restraints as a step within the plan
2. Exclusionary “time-outs” not clearly defined nor backed by PQA or BSEA
3. Reporting procedures were vague and infrequently occurred in public schools and did not necessarily include parent notification
  - ▶ Also did not include monthly and yearly reporting per district for number and type of restraints to DESE for monitoring and program evaluation
4. Did not include proactive internal procedures with reviews from administrative and teacher/TA staff

# Previous policy highlight #1: Behavior plans could include restraints as typical practice

## NOW...

### 1. Behavior plans ALWAYS start from least to most restrictive

- ▶ Plans must start at classroom or school expectations, move to PBIS models per school, multiple proactive interventions for individuals exhibiting maladaptive behaviors, and lastly, consider individualized behavioral plans/contingencies with a focus of reinforcement
- ▶ Class/School-wide plans MUST consider new definition of time-outs, though disciplinary measures may still apply
- ▶ If above criteria has been met...disciplinary procedures may continue as approved per school/district as long as proactive strategies have been documented, and all other least restrictive measures have been followed (student was disrupting class, leaving class repeatedly, etc...).
- ▶ Primary focus should always be on the positive, proactive management of behaviors BEFORE they occur
- ▶ Secondary focus should be on the de-escalation process and include least to most restrictive measures at all times
- ▶ Restraints can ONLY be utilized in cases of **IMMEDIATE AND SERIOUS THREAT OF HARM OR INJURY TO STUDENT OR OTHERS**

# Previous Policy Highlight #2: No Clear Definition of “Time-Outs”

## NOW...

Defined definition of exclusionary time-outs

1. Time outs as a strategy for calming; less intense vs. higher intensity behaviors

► Impact of timeout definition and disciplinary procedures...(Lesser intense)

1. Emphasis has dramatically changed to promote more positive inclusive practices when a student is having difficulty regulating behaviors

2. A student can either remove themselves, asked to be removed and willingly comply, or be escorted to

ANY PLACE AWAY FROM THE DIRECT LEARNING

## ENVIRONMENT

► \*\*Includes being asked to sit at desk when student's are on the rug, sent to hall, principal's office, guidance, etc...

# Previous Policy Highlight #2: No Clear Definition of “Time-Outs” continued...

- ▶ Impact of timeout definition and disciplinary procedures...(Higher intensity behaviors)
  - ▶ Regulations now allows a time-out room within public schools
  - ▶ 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 used 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.
  - ▶ Staff do NOT need to remain within the room with the student and can shut the door (provided adequate supervision of all parts of room is possible) when he/she is deescalating (either because the student is aggressive towards staff or engaging in other unsafe behaviors such as bolting, or because a student requests the door be closed, as long as they are not a danger to themselves)

*\*Primarily will apply to particular programs designed to support and deescalate students who have already been identified as having higher intensity behavioral profiles - VERY SMALL PERCENTAGE\**



# Previous Policy Highlight #2: No Clear Definition of “Time-Outs” continued...

- ▶ ANY exclusionary time-out must be reported to the principal or his/her designee in a timely manner, though does not yet need to be tracked or reported to DESE
- ▶ Principals or his/her designee **MUST** physically observe the student if the time-out is beyond 30 minutes (including counseling for a student who is upset through the more intense time-outs that include significant aggression) **AND** deem it necessary and least restrictive to have the time-out continue
- ▶ Schools must internally document any time-out that occurred beyond 30 minutes, who approved it, what behaviors they witnessed that led to approval, and ultimately how long the removal lasted

# Previous Policy Highlight 3: Overview of Reporting Procedures

## **PRIOR TO NEW REGULATIONS:**

- ▶ Schools only had to report to DESE if extended restraint (over 20 minutes), or if there was a student/staff injury
- ▶ No reports or guidelines on exclusionary time-out recordings

# Previous Policy Highlight 3: Overview of Reporting Procedures continued...

## NOW:

- ▶ Any restraint lasting for any amount of time must be reported
  - ▶ To the principal or his/designee as soon as is safely possible
  - ▶ Verbally to the parents on the SAME day of the incident by the principal or designee
  - ▶ In writing to the parents within 3 school days
  - ▶ In writing to DESE within 3 school days should any injury to student/staff occurred
  - ▶ \*\*Sample reporting form attached\*\*
  - ▶ Principals or designee keeps a running record that includes student initials, restraint type, restraint duration, staff members administering the restraint, and any time-outs that were approved to go over 30 minutes
  - ▶ Running record is reported to DESE yearly for review and program evaluations

# Previous Policy Highlight 4: No Procedure for Review of Restraints or Proactive Internal Procedures

## NOW

- ▶ Principals or designees must conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. This will include:
  - ▶ Review and discussion of the written reports
  - ▶ Review of the circumstances leading up to each restraint
  - ▶ Consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, with the goal of reducing or eliminating the use of restraint in the future
  - ▶ Agreement on a written plan of action by the program.

# Previous Policy Highlight 4: No Procedure for Review of Restraints or Proactive Internal Procedures continued...

- ▶ The principal shall conduct a monthly review of school-wide restraint data. This will include:
  - ▶ Determining whether it is necessary or appropriate to modify the school's restraint prevention and management policy
  - ▶ Whether additional staff training on restraint reduction/prevention strategies (such positive behavioral interventions and supports, etc...) may be warranted

# Wrap up and Questions

## ► KEY TAKE-AWAYS

- Much higher emphasis on proactive interventions that could PREVENT a behavior from occurring (or lessen likelihood that behavior may occur)
- Clearer definition of time-outs within public schools
- Strict and concise reporting for ALL restraints that occur which are timely, include notification and input from parents, and are reviewed to see if further proactive measures should be put into place (either for individual students or school-wide)
- Oversight from DESE
- Questions....?

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