

Newton Public Schools- Restraint Prevention and Behavior Support Policy: Procedures and Protocols for Implementation, Documentation, and Review

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In any unsafe situation, Newton Public Schools staff will conduct a careful assessment of the risks and benefits of any intervention. In most cases, unsafe situations can be de-escalated by verbal intervention and the use of positive behavior support strategies. Newton Public Schools is committed to the prevention of physical restraint whenever possible and its use only as a last resort. If physical restraint is necessary, the safe administration of physical restraint is of the utmost importance and will be done in accordance with the regulations for the prevention and safe use of physical restraint (603 CMR 46.00) which were established by the Department of Elementary and Secondary Education (DESE) and effective on January, 1, 2016.

Definitions:

1. **Physical Restraint**- 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.
2. **Prone restraint**- Shall mean 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 facedown position. The use of prone restraint is prohibited unless where permitted under 603 CMR 46.03 only under exceptional and extremely rare situations with prior approval from DESE.
3. **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. This is not considered a restraint. However, if the escort is performed against the active resistance of the student to go with the staff person, consider the procedure a restraint and document its occurrence as such.
4. **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 his or herself.
5. **Seclusion** - 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. The use of seclusion is prohibited in Massachusetts.

Prevention of Physical Restraint

1. Physical restraint is an emergency procedure of last resort. There are many strategies and programs that foster social emotional learning and behavioral regulation and may reduce the need for physical restraint.
2. These strategies and programs form a continuum of supports, ranging from school-wide strategies (Tier 1), less intensive supports to small groups or individuals (Tier 2), and intensive and individualized supports (Tier 3). Examples of supports include:

a. Tier 1

- i. Class- or School-Wide Behavior Support Systems
- ii. Trauma Sensitive School Training
- iii. Provision of Self-Regulation Strategies
- iv. Inclusionary Time-Out
- v. Safety Care Incident Prevention Procedures

b. Tier 2

- i. Counseling/SEL Group
- ii. Child Study Teams
- iii. Collaborative Problem Solving
- iv. Provision of Self-Regulation Strategies
- v. Inclusionary Time-Out
- vi. Safety Care Incident Prevention and Minimization Procedures
- vii. Check In Check Out

c. Tier 3

- i. Individualized Counseling
- ii. Collaborative Problem Solving
- iii. Individualized Functional Behavior Assessment and Behavior Support Plan Development
- iv. Inclusionary time-out
- v. Safety Care Incident Minimization Procedures

3. If a student engages in challenging behavior, staff is encouraged to contact building-based supports: child study teams, school psychologist, social worker, counselor, behavior analyst, or special educator for assistance in developing behavioral supports that may reduce the likelihood of severe challenging behavior.

Use of Time-out

1. 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. Time-out can either be inclusionary or exclusionary.
 - a. ***Inclusionary*** time-out is when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.
 - b. ***Exclusionary*** time-out is a staff-directed behavioral support where the student is separated from the rest of the class either through complete visual separation or by actual physical separation. Exclusionary time-out should only be used when the student is displaying behaviors that 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 spaces include rooms designed exclusively for calming, other classrooms, or cubicle spaces.

2. Staff shall be physically present with the student in the time-out room to help the student calm.
3. In rare instances when it might not be safe for the staff member to be present with the student in the time-out room, school staff must be immediately available to the student and must continuously observe the student to make sure they are safe. If the door is closed, the window must allow for observation of the student anywhere in the room.
4. For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student.
5. If a student in the time-out room asks to use the bathroom or has some other basic necessity, those requests should be granted.
6. Exclusionary time-out shall end as soon as the student has calmed.
7. The staff implementing the exclusionary time-out should have completed in-depth training in the non-violent crisis intervention program used by the district (Safety Care) within the past year.
8. The space used for exclusionary time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Sensory tools or calming materials (e.g., bean bag chairs, exercise balls, stress balls, etc.) will be available as appropriate for the student.
9. For any *exclusionary* time-out that may last longer than 30 minutes, staff must seek approval from the principal for the continued use of time-out. It is recommended that the principal be contacted at the 20-minute mark of an exclusionary time-out. The principal may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified. If it appears that the use of *exclusionary* time-out exacerbates the student's behavior, or the continuation of the *exclusionary* time-out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.

Safe Use of Restraint

1. ***Physical restraint shall be considered an emergency procedure of last resort and can only be used 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, or such interventions are deemed to be inappropriate under the circumstances.***
2. Only restraints taught as part of the in-depth training in the non-violent crisis intervention program used by the district (Safety Care) may be used.

3. Physical restraint should only be implemented by staff that have completed the in-depth training in the non-violent crisis intervention program used by the district (Safety Care) in the past year.
4. Staff shall attempt the least restrictive and safest method possible. More restrictive methods should only be used if less restrictive methods have failed or have been deemed inappropriate to the situation.
5. Prior to the use of restraint, staff should have reviewed and considered any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student prior to the implementation of restraint.
6. Restraint cannot be used if it is medically contraindicated because of medical reasons such as asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting. Student's IEP team should meet to discuss available alternatives if restraint is not medically allowable for a student using the Pre-Restraint Parent Checklist.
7. The amount of force used should be the minimum necessary to protect the student and others from harm.
8. No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration. Restraint methods should not prevent normal breathing or speaking.
9. All physical restraints must end as soon as the student is no longer an immediate danger to himself or others. A restraint must be stopped immediately if the student indicates that he or she cannot breathe, or if the student expresses or is observed to be in severe physical distress, such as having difficulty breathing or sustained or prolonged crying or coughing. If that occurs, school staff should take steps to seek medical assistance immediately.
10. Whenever possible, the restraint should be witnessed by more than one person. This person should be an individual not involved in the restraint.
11. If it appears that a student may need to be restrained for more than 20 minutes, staff members must obtain the approval of the principal *before* continuing restraint beyond 20 minutes. It is recommended that the principal be notified at the 10-minute mark of the restraint. Before making a decision on the extension, the principal must be informed of all critical details regarding the restraint of the student, including the type of restraint and the student's behavior and condition during the restraint, so that they may determine whether continued restraint is justified based on the student's continued agitation.
12. After the release of a student from a restraint, the student's physical and psychological status should be evaluated by a licensed medical professional, typically the school nurse.

13. After the release of a student from a restraint, follow-up procedures should be implemented. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint (if appropriate), reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

Staff Training

1. All staff must complete a one-hour training on the safe use and prevention of restraint and behavior support policy. This training must be completed within one month of employment.
2. Staff who work directly with students with a documented history of unsafe behavior and other staff identified as members of school-based crisis intervention teams must receive a competency-based, in-depth training. Refresher trainings must be held annually. The non-violent crisis intervention program currently adopted by the district is Safety Care.
3. The in-depth training must be provided by an instructor who has been certified in the crisis intervention program in use in Newton Public Schools (Safety Care).

Documentation and Notification

1. All schools will maintain electronic restraint/time-out folders for any student who has had a physical restraint, a physical escort against active resistance, or an exclusionary time-out that is not otherwise already identified as a calming strategy within a behavior support plan (BSP) that has been approved by the student's parent or guardian. The electronic folders will contain copies of any restraint/exclusionary time-out reporting forms pertaining to that student.
2. Each instance of restraint should be recorded on the NPS Restraint Google Form. Items/Questions on the form with an asterisk (*) are required to be answered. For Subject, Location, & Hold Used, choose one of the available options only; do not create new answers.
3. Each instance of exclusionary time-out that is not otherwise or already identified as a calming strategy within a behavior support plan (BSP) that has been approved by the student's parent or guardian should be recorded on the NPS Exclusionary Time-Out Report Google Form.
4. If the exclusionary time-out is identified as a calming strategy on the student's BSP, then the internal NPS ETO Log Form should be used to document the use of the room. The time-out logs are kept electronically and shared with the building Principal and Supervisor of ABA Services.
5. Even if an exclusionary time-out is otherwise and already identified on a student's BSP, if the door is held shut by staff during an exclusionary time-out, then the incident should be documented on the NPS Exclusionary Time-out Report Google Form.
6. NPS Restraint and Exclusionary Time-Out Report Google Forms should be completed

within 24 hours. These are automatically shared with the building principal and other necessary school staff, as well as with the Supervisor of ABA services. The Supervisor of ABA Services is responsible for sharing Restraint Reports with the DESE.

7. If any injury occurs to a student or program staff member during a restraint or exclusionary time-out, the NPS injury report should be completed and shared with the building principal and the Supervisor of ABA Services. The questions related to injuries should also be fully completed on the NPS Restraint or Exclusionary Time-Out Report Google Form.

Administrative Review of Physical Restraint Reports and Time-Out Logs

1. Only the NPS Restraint and Exclusionary Time-Out Report Google Forms should be used to document restraints, as well as exclusionary time-outs that are not otherwise and already identified as a calming strategy on an approved BSP. However, even if exclusionary time-out is identified as a calming strategy on an approved BSP, the Exclusionary Time-Out Report Google Form should still be completed if the door is held shut during an exclusionary time-out.
2. The NPS Time-out log may also be used as an internal form of data collection. However, a NPS exclusionary time-out reporting form must be completed as well.
3. Each principal should be notified of a restraint or exclusionary time-out not otherwise and already identified as a calming strategy on an approved BSP as soon as possible and by written report no later than the next school working day.
4. Each principal or designee should notify the student's parents or guardian verbally within 24 hours of the restraint or exclusionary time-out not otherwise and already identified as a calming strategy on an approved BSP and by email or mail within no more than 3 school working days.
5. Each principal or designee should offer parents/guardians an opportunity to discuss with school officials the restraint, consequences that may be imposed on the student, or any related matter. Parents/guardians wishing to discuss any of these concerns should contact the building principal.
6. Any complaint or concern regarding physical restraint should be brought to the Assistant Superintendent of Student Services, Casey Ngo-Miller. Additionally, the Massachusetts Department of Elementary and Secondary Education provides mechanisms to file complaints and request investigations, the processes which are set forth in [Parent's Notice of Procedural Safeguards - Special Education](#) and more information can be found on the DESE website, [Technical Assistance - Documents - Special Education](#).
7. Each principal shall identify a building-based review team or teams to review incidents of physical restraint and exclusionary time-out not otherwise and already identified as a calming strategy on an approved BSP. Exclusionary Time-Out logs should also be reviewed.
8. The principal must review any individual restraint and exclusionary time-outs not otherwise and already identified as a calming strategy on an approved BSP data weekly

to analyze events with the goal of evaluating all restraints and time-outs and to determine if all best-practice guidelines were followed with the goal of reducing future incidents of physical restraint and exclusionary time-out. Monthly meetings chaired by the principal must also be held to evaluate school-wide data and the Principal Monthly Restraint and ETO Checklist should be completed using the Google form. The form is automatically shared with the Supervisor of ABA Services when it is completed.

9. All NPS Restraint and Exclusionary Time-Out Report Google Forms are automatically shared with the Supervisor of ABA Services who reviews them within 24 hours and reaches out to schools/staff with any questions or concerns. The Supervisor of ABA Services shares the information from Restraint Reports with DESE.
10. The district supervisor of ABA services will be available to assist each team with developing clinical and educational suggestions with the goal of reducing future incidents of physical restraint or removal from the educational setting.