Holbrook Public Schools

TIME-OUT, SECLUSION, AND PHYSICAL RESTRAINT OF STUDENTS

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. The use of time-out, seclusion, and physical restraint is strictly regulated in the state of Massachusetts. Such methods shall be used only in emergency situations of last resort as defined below and in compliance with the regulations put forth by the Department of Elementary and Secondary Education and only after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. The power of the School Committee or of any teacher or other employee or agent of the Committee to maintain discipline on school property shall not include the right to inflict corporal punishment upon any student.

Time-out and seclusion

Time-out is defined as 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 must be continuously observed by a staff member in an unlocked setting from which the student is permitted to leave. Staff shall be with the student or immediately available to the student at all times. Any room or area that is used for time-out must be of appropriate size for the age and the needs of the student; appropriately lighted, ventilated, and heated or cooled, consistent with the remainder of the building; free of objects or fixtures that are inherently dangerous to the student; in compliance with any applicable local fire and building code requirements; and in compliance with any other standards listed by the Department in guidance.

A time-out shall cease as soon as the student has calmed. Staff supervising the student should support co-regulation and closely monitor the student's physical cues, tone of voice, and demeanor to determine whether the student has calmed. Students should not be required to complete a specific task to demonstrate that they have calmed if their physical body, tone, and demeanor demonstrate regulation.

Seclusion is defined as the involuntary confinement of a student alone in a room or area, with or without adult supervision, from which the student is not permitted to leave. The term does not include: a classroom or school environment where, as a general rule, all students need permission to leave the room or area, such as to use the restroom; a behavior support technique that is part of the district's, school's or program's designated procedures for behavior support which involves the monitored separation of a student in an unlocked setting, from which the student is allowed to leave and it is implemented for the purpose of calming; or placing a student in a separate location within a classroom with others or with an instructor, so long as the student has the same opportunity to receive and engage in instruction. Seclusion is prohibited in a public education program except in an emergency situation as a last resort on an individual basis when student behavior poses an imminent threat of assault, or imminent serious physical harm to self or others, but only if safeguards are accounted for. The following safeguards are required prior to the use of seclusion:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff.

2. The student is not responsive to directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.
3. Other forms of interventions have failed to ensure the safety of the student and/or the safety of others.
4. There are no medical contraindications as documented by a licensed physician.
5. There is a psychological or behavioral justification for the use, and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional.
6. The program has obtained consent to use seclusion from the student's parent or guardian and, if appropriate, the student, and such use has been approved in writing by the principal.
7. Any individual using it has received training about alternative behavior interventions and management techniques.

The program has documented compliance with 1-7 above in advance of its use and maintains the documentation.

Imminent Threat of Assault or Imminent Serious Physical Harm is an act placing another in reasonable apprehension of immediate bodily harm. Serious Physical Harm has the same meaning as serious bodily injury as used in the Individuals with Disabilities Education Act (IDEA). It means bodily injury which involves: A substantial risk of death; Extreme physical pain; Protracted and obvious disfigurement; or Protracted loss or impairment of the function of a bodily member, organ, or mental faculty. *See* 34 C.F.R § 300.530(h)(i)(3); 18 U.S.C. § 1365(h)(3).

The threat of harm must be a reasonable apprehension of immediate harm, not a generalized apprehension, and should be based on observable actions and any statements made, not assumptions about students' diagnoses, histories, or emotional states alone.

To promote student safety and uphold regulatory compliance, public education programs must follow strict safeguards when using seclusion as an emergency intervention. Seclusion may only be used in situations where a student poses an imminent threat of assault or serious physical harm, and only when all other less intrusive interventions have been deemed ineffective or inappropriate. The emergency use of seclusion must cease as soon as the student's behavior no longer poses an imminent threat of assault or imminent threat of serious physical harm. The following list outlines the required safeguards before, during, and after the use of emergency seclusion, as well as the administrative responsibilities for monitoring its use. These safeguards include documented student history, active monitoring, timely parent and principal notification, and ongoing data review at the school level to reduce and ultimately eliminate the use of seclusion in alignment with 603 CMR 46.00.

<u>Preconditions for Use of Emergency Seclusion</u>

- The student's behavior presents an imminent threat of assault or serious physical harm to self or others.
- The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff

- The student is not responsive to directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances
- Less intrusive interventions have failed or have failed to ensure the safety of the student and/or the safety of others.
- There are no medical contraindications, as documented by a licensed physician.
- There is psychological or behavioral justification and there are no psychological or behavioral contraindications, documented by a licensed mental health provider.
- The parent or guardian (and student, if appropriate) has provided consent for emergency use of seclusion.
- The principal has approved the use in writing.
- Staff implementing seclusion have documented participation in training in behavioral alternatives.
- Documentation demonstrating compliance with 603 CMR 46.07(2)(a) and (d)–(g) is maintained on file.

<u>During Emergency Seclusion</u>

- A staff member continuously observes and remains immediately available to the student.
- The student is observable in all areas of the room.
- Staff actively use calming and de-escalation strategies, unless unsafe or counterproductive to do so.
- Seclusion is not used for punishment or routine behavior management.
- Seclusion ends immediately once the imminent threat has subsided.
- If used for a period of longer than 30 minutes, obtain approval from the principal.
- The room or space meets all physical safety standards under 603 CMR 46.07(1).

<u>Post-Intervention Procedures</u>

- Parents are notified verbally and in writing in accordance with 603 CMR 46.06(3)–(4).
- The principal is notified as soon as possible and provided a written report by the next school day.

<u>Administrative Oversight Responsibilities</u>

- Weekly review of students with multiple uses of emergency seclusion.
- A review team is convened for repeated use, when applicable.
- Monthly review of school-wide seclusion data is conducted.
- Use of seclusion is reported to DESE[1] in the required format and frequency.

<u>No Medical Contraindications</u>

Before an emergency intervention of seclusion is used, a licensed physician must confirm that no medical conditions make its use unsafe. This includes considering respiratory, seizure, cardiac, or other physical health conditions. The physician must document that no medical contraindications exist.

Behavioral or Psychological Justification

Before an emergency intervention of seclusion is used, a licensed mental health professional must confirm that seclusion is psychologically appropriate for this student. The licensed mental health professional should review the student's trauma history, behavior patterns, and mental health needs to determine whether seclusion would be harmful. The clinician must provide written documentation affirming the justification and lack of psychological contraindications.

Physical Space Inspection

To provide for the safety and well-being of students, any room or space used for the purposes of emergency seclusion must meet the physical space requirements outlined in 603 CMR 46.07(1). In accordance with 603 CMR 46.07(2)(n), these spaces must be inspected by the public education program at least once per week during any period of use to verify ongoing compliance. The inspection must confirm that the environment is clean, safe, and sanitary; appropriately designed for student age and needs; properly lit and ventilated; free of dangerous objects; and compliant with all applicable fire and building codes. The checklist below supports programs in conducting and documenting these weekly inspections.

Inspection Checklist Definitions

- Clean, Safe, Sanitary: Free of spills, clutter, sharp objects, or contaminants.
- Age-Appropriate Design: Size, materials, and aesthetics suitable for students using the room.
- Lighting/Ventilation: Functional lights, windows or vents for airflow, appropriate heating or cooling.
- No Dangerous Objects: No furniture or equipment that poses a risk of harm (e.g., loose wires, electrical outlets, broken ceiling tiles, hard corners).
- Fire & Building Code Compliant: Exits, alarms, and structural components meet local laws, which may be demonstrated through up to date certificates from proper local authorities.

Physical Restraint of Students

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.

Physical restraint, including prone restraint where permitted, 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, or imminent, serious, physical harm to self or others and the student is not responsive to–directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances. All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

Physical restraint shall not be used:

As a means of discipline or punishment;

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

Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs. Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

- The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
- All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
- There are no medical contraindications as documented by a licensed physician;
- There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
- The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
- The program has documented 603 CMR 46.03(1)(b) 1 through 5 in advance of the use of prone restraint and maintains the documentation.

Nothing in 603 CMR 46.00 prohibits:

- The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
- Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
- The exercise of an individual's responsibilities as a mandated reporter pursuant to M.G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

<u>Restraint Procedures and Training</u>

The Superintendent shall develop and implement written restraint prevention and behavior support procedures consistent with 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention.

Each principal or director shall determine a time and method to provide all program staff with training regarding the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Only public education program personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained in 603 CMR 46.00 shall 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.

A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements, use of force, and duration requirements set forth in 603 CMR 46.05. Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.04(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.

Reporting of Physical Restraint:

Program staff shall report the use of any physical restraint as specified in 603 CMR 46.06(2). The program staff member who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent or board of trustees for review. The principal shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department upon request.

The principal shall make reasonable efforts to inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal 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.

The written report required by 603 CMR 46.06(2) and (3) shall include:

- The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant to 603 CMR 46.05(5)(c).

- A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
- A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
- Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.
- Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

Administrative Oversight Responsibilities

- The Principal shall conduct weekly review of students with multiple uses of restraint.
- A review team is convened for repeated use, when applicable.
- The Principal shall conduct a monthly review of school-wide restraint data.
- Use of restraint is reported to DESE in the required format and frequency.
- In the event of restraint related injury, the program must report to DESE in writing within three days, according to the department's requirements.
- If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent or board of trustees shall lead the review team's discussion. The principal shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.

All additional safeguards as determined by DESE in 46.07 must be adhered to and this policy and any associated procedures shall be reviewed and disseminated to staff annually and made available to parents/guardians of enrolled students. The Superintendent shall provide a copy of the Time Out, Seclusion, and Physical Restraint regulations to each Principal, who shall sign a form acknowledging receipt thereof.

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Time-Out Practices: Guidance on the Implementation of Regulatory Amendments to 603 CMR 46.00 and 603 CMR 18.00 – DESE February 2026 Prevention of Physical Restraint and Requirements if used – DESE, amended June 24, 2025