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Malden Public Schools

Restraint and Seclusion

September 2018

**General Training for Public
School District Employees**



Why This Training?

- New Massachusetts Regulations went into effect January 1, 2016
 - 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
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Training Objectives

1. Understand the role of student, staff and family in preventing restraint
2. Notify all staff of 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. 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

603 CMR 46.00
Regulations Overview

What is 603 CMR 46.00?

- 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 regulations ensure that:

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

Several changes have been made to the regulations that went 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

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.”

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?

- 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

- 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

Roles of Individuals

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.

Restraint Prevention & Behavior Support Policy and Procedures

School District Policy

Our School District has a restraint prevention and behavior support policy, that includes:

“Time-Out” vs. Seclusion

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

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

- 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:** a 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

- **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! Closed doors are permitted as long as staff are able to continuously monitor the student at all times.

Further Restrictions on Time-Out

- 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

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.*

De-escalation Techniques and Alternatives to Restraint

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

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

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

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

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

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

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 these 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



A Few Words About Time-Out

- 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

Use of Physical Restraints

Types of Restraints

Permitted

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

- 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.

Considerations to Administering Physical Restraints

What Types of Restraint Are Allowed in an Emergency?

- 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?

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

Considerations for restraint should be made on an individualized basis for each student. 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 student's arm crosses their body, etc.) or if medical/psychological limitations exclude them from being able to be restrained entirely

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

Who May Do Physical Restraints?

- 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***

Summary

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

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.

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

1. Please COMPLETE Post`Test
2. TURN IN to your building
Principal by October 15,
2017

Name (Please Print):

Date:

Following the end of your Restraint Regulations & Procedures Training, please answer the following questions. There is only one correct answer for each question:

1. Physical Restraint is an emergency procedure of last resort and is prohibited unless there is imminent risk of harm. Which of the following examples demonstrates imminent risk of harm?
 - a. A student throws something across the classroom
 - b. A student swears at another student
 - c. A student threatens, with language, to hit someone
 - d. A student jumps on another student, knocks him down and starts punching him
2. When an agitated student requires help to move down the hallway back to his classroom, which of the following physical ESCORT methods is allowed under the new regulations?
 - a. Holding the student's wrist, without force, and moving to the safe space
 - b. Putting one's arm around the student's waist, holding tight and forcing her to walk down the hallway
 - c. Grabbing the elbow and wrist forcefully and guiding him to the room
 - d. Two teachers carrying the student, one with his legs, one with his shoulders, and moving him to a safe location
3. An example of deEscalation of behaviors may include:
 - a. Staff immediately call for help from the schoolBased restraint team
 - b. Staff attempt to redirect the student to a safer area
 - c. Staff physically restrain the student to prevent materials from being thrown on the floor
 - d. Staff call the student's parents to pick him up from school
4. Which of the following is the most appropriate way to use deEscalation techniques?
 - a. Be unrelenting in your demand for completing the work in front of the student
 - b. Offer choices of appropriate activities, rather than remaining with the activity that seems to be challenging the student's ability at the moment
 - c. Loudly reprimand the student for his behavior and demand respect
 - d. Send the student to the principal's office for punishment
5. Seclusion is prohibited. Seclusion is defined by which of the following?
 - a. The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving
 - b. Permitting a student to go to a quiet area in the classroom, when there are students and adults in the classroom
 - c. Allowing a student to put her head down on her desk, and to stay in from recess, with an adult present at all times
 - d. Assisting the student to access a designated TimeOut space where they are continuously monitored by staff for safety
1. TimeOut is **permitted**. Which of the following is the correct definition of TimeOut?
 - a. When a student is put into a room, the door is closed and the student is not allowed to come out of the room until calm. There is no adult observing the student at all times.
 - b. A student is temporarily separated from the classroom, but is under the constant observation of a staff member, either in the classroom or in a separate, safe, clean space.
 - c. The student is asked to stand in a corner, facing the corner, when all students are dismissed for lunch, and the staff member leaves the room, threatening that the student is being watched by a camera in the room.
 - d. A student leaves the classroom when they are calm to access the learning center room in order to complete academic work.
1. There are several types of restraint that are prohibited. Which of the following types of restraints are allowed in public schools, when provided by staff who have received inDepth training?
 - a. Medication restraint
 - b. Seclusion restraint
 - c. Mechanical restraint
 - d. Physical restraints provided by the staff who received inDepth training
8. If you or students are under threat of assault, or imminent, serious, physical harm or the student is under this level of threat to himself, and the student is not responsive to verbal directives or other less intrusive interventions, are you and/or other staff members, regardless of level of training, allowed to restrain the student?
 - a. Yes
 - b. No

Challenges

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

How do we measure student success?

- 1. Attendance Data
- 2. Behavioral Data
- 3. Academic Data: Formative and Summative Assessments
- Types of assessments include: MCAS, PARCC, ACCESS, DIBELS, GRADE, Common Assessments by grade level and Subject Areas, Midterms, Finals, Projects, Performances,
-
- **Legacy MCAS and Next-Generation MCAS

DESE Teacher Licensure

- Track One:
- Preliminary License
- OR
- Track Two:
- Initial License > Professional License
- **Must re-license (150 PDPs) every 5 years to keep employment.

“5 District Partnership” = 5DP

- Malden
 - Chelsea
 - Everett
 - Revere
 - Winthrop
- “The 5DP seeks to raise student achievement across five urban districts with a highly mobile inter-district student population by aligning on and cultivating high quality curriculum, performance standards, assessments, instructional resources, and professional development across the districts.”

Urban Superintendents' Network

- Purpose: “to positively impact learning and teaching in the urban districts through capacity-building and support of district leadership.”
- Consists of 25 Urban Districts:
- Boston, Brockton, Cambridge, Chelsea, Chicopee, Everett, Fall River, Fitchburg, Framingham, Haverhill, Holyoke, Lawrence, Leominster, Lowell, Lynn, Malden, New Bedford, Pittsfield, Quincy, Revere, Salem, Somerville, Springfield, Taunton, Worcester.

Fall and Spring Surveys FY17

- Students (3-5) = classroom teacher and 1 exploratory teacher
- Students (6-12) = 2 randomly assigned teachers
- Students Social Emotional Learning (3-5)
- Students Social Emotional Learning (6-12)
- Teachers
- Staff
- Purpose: To let students and staff know their voice counts.
- To see our strengths and areas for growth.

Directors/Managers

- Janice Raymond = K-4 Literacy and Title I
- Paul Teixeira = K-12 ELL and Title III
- Michele Magner = K-12 Classroom Technology Integration
- Karen Reynolds = K-12 Nursing and K-12 Health
- Charlie Conefrey = K-12 PE and 9-12 Athletics
- Mike Schiavo = K-12 District Data and Assessment Data
- Abbey Dick = K-12 History, 5-12 English, K-12 Art, K-12 Music, K-12 Foreign Language
- Shereen Escovitz = K-12 Math, K-12 Science, 9-12 Business

“Every Student Succeeds Act” (ESSA)

- Initial estimates for SY2017-18 (first year of ESSA implementation) compared to SY2016-17 indicate:
 - 27% increase in Title IV 21st Century Schools
 - 7% increase in Title III English Learners
 - 3% decrease in Title II Effective Instruction
 - 1% increase in Title I

Accountability under ESSA

- 1. Maintain NCLB's annual testing requirements (MCAS)
- 2. Requires system of “annual meaningful differentiation” for all public schools.
- 3. Long-term goals and measures of interim progress for all students and subgroups.
- 4. Identification of and intervention in lowest performing 5% of schools including high schools with graduation rates below 67%.
- 5. Identification of and support with low performing subgroups.

New DESE Changes under ESSA

- 1. Definition of Professional Development = sustained (not one time thing), intensive, collaborative, job-embedded, data-driven, classroom-focused.
- 2. Students in DCF are given same rights as homeless students.
- 3. “Highly Qualified Teacher (HQT)” no longer applies.
- 4. Districts must notify parents that they may request information on professional qualifications of teachers and paraprofessionals, as appropriate.
- DESE will have MA plan for ESSA in March 2017.

ESSA Changes to McKinney-Vento Law

- 1. Homeless Education Liaison “must have the capacity to fulfill the role defined in McKinney-Vento”
- 2. Awaiting foster care is deleted from definition of homelessness but still get all the rights of homeless students
- 3. School of origin extends to the designated receiving school once a homeless student completes all the grades in current school.
- 4. Transportation is provided at the request of the parent through the end of the academic year in which a student becomes permanently housed.

McKinney-Vento Law (cont.)

- 5. Homeless preschool students now have all the same rights.
- 6. A child in foster care has the right to remain enrolled in his/her school of origin for the duration of the time in foster care or until he/she completes all the grades in that school.
- 7. District Homeless Liaison must “collaborate” with DCF to insure transportation is provided, arranged, and funded.
- 8. Students in foster care have the same right to enroll in school immediately without documentation in the district where the student is currently placed.



• Thank-you