SOMERSET BERKLEY REGIONAL SCHOOL DISTRICT

PHYSICAL RESTRAINT OF STUDENTS

PURPOSE AND AUTHORITY:

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the Somerset Berkley Regional School District. Further, students of the District are protected by law from the unreasonable use of physical restraint.

Physical restraint shall be used only in emergency situations after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

1. To administer a physical restraint only when needed to protect a student and/or a member of the school community from immediate, serious, physical harm; and

2. To prevent or minimize any harm to the student as a result of the use of physical restraint.

DEFINITIONS:

The following definitions appear at 603 CMR 46.02:

1. Extended Restraint: A physical restraint the duration of which is longer than twenty (20) minutes.

2. Physical Escort: Touching or holding a student without the use of force for the purpose of directing the student.

3. Physical Restraint: The use of bodily force to limit a student's freedom of movement.

The use of mechanical or chemical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent/guardian. The use of seclusion restraint is prohibited in public education programs.

Mechanical Restraint: The use of physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint.

Seclusion Restraint: Physically confining a student alone in a room or limited space without access to school staff. The use of "Time Out" procedure during which a staff member remains accessible to the student shall not be considered "seclusion restraint."

TRAINING:

Each staff member will be trained regarding the school's physical restraint policy. Each building Principal will arrange training to occur within the first month of each school year, and, for staff hired after the beginning of the school year, within a month of their employment. Training will include information on the topics described in 603 CMR 46.03(2).

At the beginning of each school year, each building Principal will identify staff members to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint, which the Department of Elementary and Secondary Education recommends be at least 16 hours in length. The in-depth training will include the topics described in 603 CMR 46.03(4).

ADMINISTRATION OF PHYSICAL RESTRAINT:

Only school personnel who have received training pursuant to 603 CMR 46.00 shall administer physical restraint on students. Whenever possible, the administration of physical restraint shall be administered in the presence of at least one adult who does not participate in the restraint. A person administering physical restraint shall only use the amount of force necessary to protect the student from injury or harm.

Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Nothing in this policy precludes any teacher, employee or agent of the District from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious physical harm.

REPORTING: File: JKAA

The program staff shall report the use of any physical restraint, regardless of the duration of the restraint or whether the student or staff suffered injury. When a restraint lasting less than twenty minutes, which does not result in injury, has been administered, the staff member who administered the restraint shall inform the administration of the physical restraint as soon as possible, and by written report (using the 'Somerset Berkley Regional School District Behavior Incident Report',) no later than the next school working day. The Principal or director of his/her designee shall maintain an ongoing record of all reported instances of physical restraint, which, upon request, shall be made available to the Department of Elementary and Secondary Education. The Principal shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report (using the "Somerset Berkley Regional School District Behavior Incident Report") postmarked no later than three school working days following the use of restraint. If the school customarily provides the parent or guardian 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 or guardian in that language. The Somerset Berkley Regional School District has developed a form that shall be used as the written report for all restraints under 20 minutes. This form is called the "Somerset Berkley Regional School District Behavior Incident Report" and it can be obtained from the building Principal. This form requests all of the reporting requirements stated in 603 CMR 46.06 for restraints less than 20 minutes. This form must be completed in its entirety by the staff member who administered the restraint.

When a restraint has resulted in serious injury to student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the required written report to the Department of Elementary and Secondary Education within five (5) school working days of the administration of the restraint. The written report required for extended restraints and restraints resulting in serious injury are different from the "Somerset Berkley Regional School District Behavior Incident Report," which is used for restraints under 20 minutes that do not result in serious injury. Forms for written reports to the Department of Elementary and Secondary Education of extended restraints or restraints that result in serious injury can be obtained from the building Principal.

In special circumstances the District may seek a parent's consent to waive the reporting requirements for an individual student for restraints that do not result in serious injury to the student or a staff member and do not constitute extended restraint. For additional information regarding special circumstances for waiver of reporting requirements please see 603 CMR 46.07.

LEGAL REF: 603 CMR 46.00
M.G.L. 71:37G