

Rising Tide Charter Public School Physical Restraint Policy and Procedures

A. Introduction

It is the policy of Rising Tide Charter Public School (Rising Tide) to promote a safe and productive workplace and educational environment for its employees and students and to ensure that every student in the school community is free from the use of physical restraint in compliance with the applicable Department of Elementary and Secondary Education (DESE) regulations.

Accordingly, school personnel shall administer a physical restraint only as a last resort when it is needed to protect a student and/or a member of the school community from imminent, serious, physical harm. When a physical restraint needs to be administered, school personnel shall seek to prevent or minimize any harm to the student as a result of the use of the physical restraint.

This policy shall not be construed to limit the protection afforded to students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, this policy shall not be construed to preclude any teacher, employee or agent of Rising Tide from using reasonable and necessary force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The Head of School will develop written procedures and guidelines related to this policy identifying: (1) appropriate responses to student behavior that may require immediate intervention; (2) Methods for engaging parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure; and (3) alternative methods that should be used first when seeking to prevent student violence, selfinjurious behavior, and suicide, including individual crisis-planning and deescalation of potentially dangerous behavior occurring among groups of students or with an individual student, including alternative methods in emergency situations that avoid resorting to physical restraint.

A. Physical Restraint Procedures

1. Definitions

Consent shall mean agreement by a parent/guardian who has been fully informed of all information relevant to the activity for which agreement is sought, in their native language or other mode of communication, that the parent/guardian understands and agrees in writing to the carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time.

Mechanical restraint shall mean the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of their body. The use of mechanical restraint is prohibited. A protective or stabilizing device that has been prescribed by an appropriate medical or related service professional shall not be considered a mechanical restraint.

Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. The use of medication restraint is prohibited. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Physical escort shall mean 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.

Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. The term physical restraint does not include prone restraint, mechanical restraint, or medication restraint. Additionally, physical restraint does not include: providing brief physical contact, without force, to promote student safety or limit selfinjurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Prone restraint shall mean a 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 prone position. The use of prone restraint is expressly prohibited.

Restraint shall mean limitation on a student's physical movement using force against the student's resistance.

Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented, or reasonably believes he or she will be prevented, from leaving. Seclusion does not include a timeout. The use of seclusion is expressly prohibited.

Timeout shall mean 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 timeout, a student shall not be involuntarily confined and must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. Timeout shall cease as soon as the student has calmed or when fifteen (15) minutes has passed, whichever event is earlier. If a student has not sufficiently calmed after an attempt to return the student to the learning activity at the conclusion of fifteen (15) minutes, the student may be placed in a subsequent time-out period. If after thirty (30) minutes have passed, the student remains dysregulated, the student shall

be escorted to the Dean of Community/Assistant Principal/Principal's office. The preference is for timeout to be implemented within a classroom. Any space utilized for timeout outside of a classroom must be approved by the Office of Student Services before it is utilized. Any use of time-out must be logged and shared with the Principal.

B. Use of Restraint

If all other lawful and less intrusive alternatives have failed or been deemed inappropriate to prevent student violence, selfinjurious behavior and/or deescalating potentially dangerous behavior occurring among groups of students or with an individual student, a physical restraint may be used as a last resort.

In other words, a physical restraint can only be used as a last resort in an emergency when a student's behavior poses a threat of imminent, serious physical harm to themselves or others, and the student does not respond to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed inappropriate under the circumstances.

Any physical restraint shall be limited to the use of such reasonable force as is necessary, for the least time necessary, to protect a student or another member of the school community from assault or imminent, serious, physical harm. A physical restraint may only be administered by school personnel who have been properly trained in the use of physical restraint.

C. Other Limitations on Use of Restraint

The following practices are expressly prohibited: (i) use of restraint inconsistent with the provisions set forth above; (ii) use of physical restraint as a means of discipline or punishment, as a response to the destruction of property or disruption of school order, as a response to a student's refusal to comply with a school rule or staff directive, or as a response to verbal threats when those actions do not constitute a threat of imminent, serious, physical harm; (iii) use of prone restraint; (iv) use of mechanical restraint; (v) use of medication restraint; (vi) use of restraint when a student cannot be safely restrained; and (vii) continued use of restraint when a student indicates that he or she cannot breathe, or appears to be in severe distress (including but not limited to: difficulty breathing, sustained or prolonged crying and coughing).

Restraint may not be included as a planned response for any individual student. No written individual behavior plan or individualized education plan (IEP) may include the use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

D. Proper Administration of a Physical Restraint

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received either the in-depth or basic training as detailed herein. Whenever possible, the administration of the physical restraint shall be witnessed by at least one adult who does not participate in the

physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary to protect the student or others from physical injury. Additionally, school personnel administering a physical restraint shall use the safest method available and appropriate to the situation in accordance with the safety requirements detailed herein, and shall discontinue the restraint as soon as possible.

All physical restraint must be terminated as soon as the student is no longer an immediate danger to themselves or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

It should be noted, however, that these training requirements shall not preclude a teacher, employee or agent of the school from using reasonable and necessary force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

E. Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin color, temperature and respiration. Any and all restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to themselves or others.

Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm. If, at any time during a physical restraint the student demonstrates difficulty breathing or significant physical distress, including but not limited to, trouble breathing or prolonged coughing or crying, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance. School personnel shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student, as well as known or suspected trauma history.

At any time during the administration of a physical restraint, school personnel may take steps to seek medical assistance if it appears that the student is demonstrating significant physical distress.

F. Follow-up Procedures

At an appropriate time after a student has been released from a restraint, the Principal or their designee shall implement the follow-up procedures: (1) review the restraint with the student to address the behavior that precipitated the restraint; (2) review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed; (3) follow-up should occur with students who witnessed the incident, including teacher debrief, counselor debrief or

the use of restorative practices; (4) written notification of the restraint should be sent to the Office of Student Services and the Head of School promptly and no later than within 24 hours of the incident; and (5) verbal and written notification of the restraint shall be communicated to the parents/guardians as soon as practicable.

G. Reporting Requirements

The school 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 for the Principal to review the use of the restraint. If the Principal has administered the restraint, the Principal shall prepare the report and submit it to the Head of School for review.

The contents of the report shall include: the name of the student; the names and job titles of the staff directly or indirectly involved in the restraint; the date of the restraint; the time the restraint began and ended; a description of the location and the activity at the time of the restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of the behavior, including the specific de-escalation strategies; alternatives to restraint that were attempted; the justification for initiating the physical restraint; a description of the administration of the restraint, including the holds that were necessary and how the restraint ended; and documentation of any injury to the student and/or staff member, if any, and any medical care provided. The report shall also include information regarding any further action(s) the school has taken or may take, including consequences for the student and opportunities for the student's parents/guardians to discuss the administration of the restraint with school leaders. The Principal shall maintain ongoing records of all reported instances of physical restraint.

The Principal shall verbally inform the student's parents/guardians of any physical restraint as soon as possible but no later than twenty-four (24) hours after the use of restraint, and by a written report by an email or regular mail postmarked no later than three (3) school working days following the use of the physical restraint. If the primary language of the home is a language other than English, the restraint report shall also be provided to the parents/guardians in that language. The Principal shall provide the student and the parent/guardian an opportunity to comment in writing on the use of the restraint and on information in the written report.

The Principal shall convene a student support team to make an assessment of an individual student's needs if a student has been restrained on two (2) separate occasions within a seven (7) day period or three (3) times within a thirty (30) day period. Members of the student support team shall participate in the assessment. Each member of the student support team shall read written reports of restraint and any comments provided by the student and parent/guardian about such reports and the use of the restraints. In addition to review and discussion of such reports by the student support team, the assessment shall include an analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved. The assessment shall conclude with a

plan for addressing any factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions, as appropriate, with the goal of reducing or eliminating the use of restraint in the future. The Principal shall ensure that a record of each individual student reviewed by the student support team is maintained and made available for review by the DESE, upon request.

When a physical restraint has resulted in an injury to a student or a staff member, the Principal shall send a written report to DESE postmarked no more than three (3) school working days of the administration of the restraint. The Principal shall also send to DESE a copy of the record of physical restraints maintained by the Principal for the 30-day period prior to the date of the reported restraint that resulted in an injury.

The Principal shall conduct a monthly review of schoolwide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints schoolwide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The Principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management practices and procedures, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

The school will collect and report data to DESE annually regarding the use of physical restraints in the manner and form directed by DESE.

H. Complaint Procedures

Informal Resolution of Concern About Use of Physical Restraint

Before initiating a formal complaint procedure, a student or their parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve their concerns regarding a specific use of a physical restraint by raising the issue with the Principal. The student and their parent/guardian should direct their concerns regarding a specific use of a physical restraint to the Principal within ten (10) days of the parent/guardian's receipt of the written report from the school as detailed herein. The Principal shall attempt, within their authority to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or their parent/guardian are not satisfied with the resolution, or if the student and/or their parent/guardian does not choose informal resolution, then the student and/or their parent/guardian may proceed with the formal complaint process detailed herein.

Formal Resolution of Concern About Use of Physical Restraint

A student or their parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve their concerns regarding a specific use of a

physical restraint by submitting a written complaint to the Head of School. The student and/or their parent/guardian should submit this letter to the Head of School within twenty (20) days of the parent/guardian's receipt of the written report from the school as detailed herein. The written complaint shall include (a) the name of the student; (b) the location where the physical restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought.

The Head of School, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Head of School and/or their designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Head of School and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Head of School shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

I. Training Requirements

1. All Program Staff

Within the first month of each school year, the Principal or their designee shall provide all program staff with training on restraint prevention and behavior support, the requirements of when restraint is used and this policy.

Additionally, for all new school employees that are hired after the start of the school year, the Principal or their designee shall within the first month of their employment provide the new employees with training on this policy. The training shall consist of the following: (a) this policy and related procedures and guidelines developed by the Head of School (b) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances, including use of timeout as a behavior support strategy distinct from seclusion; (c) when behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration; (d) administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student, including known or suspected trauma history; (e) the role of the student, staff and family in preventing use of restraint; and (f) identification of program staff who have received in-depth training in the use of physical restraint.

2. Staff Authorized to Serve as a SchoolWide Resource on the Proper Administration of Physical Restraints

At the beginning of each school year, the Principal shall identify program staff that is

authorized to serve as a schoolwide resource to assist in ensuring proper administration of physical restraint.

The content of the in-depth training shall be competency-based and at least sixteen (16) hours in length. Such individuals shall participate in at least one refresher course during subsequent school years of no less than eight (8) hours in length. Training shall include, but not be limited to: (a) appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint; (b) description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted; (c) the simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance; (d) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; (e) instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and socialemotional effects; and (f) demonstration by participants of proficiency in administering physical restraint.

J. Methods for Preventing Student Violence, Self-Injurious Behavior, and Suicide

Prevention

Prevention techniques include using positive steps taken before a behavioral crisis occurs.

1. Interrupting

Interrupting is the first thing to do when trying to break a chain of behaviors, distracting the individual to another topic or something in the environment.

2. Ignoring

Ignoring is used during the early stages of negative behavior to which the behavior is not visibly responded, in order to avoid inadvertently reinforcing it. It does not mean that early danger signs are truly ignored and does not mean that dangerous behaviors are ever ignored.

3. Redirecting

Redirecting is used to manage a potentially dangerous behavior by deflecting or redirecting the behavior, and then reinforcing a more appropriate behavior by rewarding the individual for displaying the more appropriate behavior.

De-escalation

De-escalation techniques include using positive steps taken before a behavioral crisis occurs.

1. Remain calm. Respond rather than react.
2. Provide personal space, be aware of non-verbal communication, and provide a

supportive, non-threatening stance that communicates respect.

3. Intervene verbally, use a neutral and level tone of voice and cadence, listen, enforce limits, and be consistent. Keep your volume low, keep instructions clear, and communicate respect.
4. Offer the student a choice when discussing possible resolutions with the student.
5. Obtain assistance. Whenever possible, staff members should immediately take steps to obtain additional assistance by notifying School Leaders, Crisis Response Team members, or other staff members of a potentially dangerous situation.
6. Keep one person as the primary responder to the student in order to minimize confusion and/or distress for the student. The primary responder may be the first trained staff member on the scene or the staff member with the most information about the particular situation.
7. Remove the student from the area, if possible. To reduce the escalation of distress, it is helpful to remove the student from a public setting to a more private and safe area.
8. If it is not feasible to remove the student from the area, remove the other students from the area to another location if feasible until the situation has stabilized.

Scenarios:

- *If a student asks a questions to seek information, then provide them with a rational response.*
- *If the student questions or challenges authority, then ignore the challenge and attempt to re-direct the topic.*
- *If the student refuses to comply with your direction, then set clear, reasonable, and enforceable limits.*
- *If the student acts out verbally and screams and swears, then remove the audience from the room and allow the student to calm down in a safe place.*
- *If the student threatens others or self, verbally or non-verbally, then take all threats seriously and seek assistance.*

Alternatives to Physical Restraint

In addition to the prevention and de-escalation techniques outlined above, there are a variety of appropriate responses or interventions that should be used first when seeking to prevent challenging behaviors, student violence, self-injurious behaviors, or to de-escalate potentially dangerous or disruptive behavior among groups of students or with an individual student. Rising Tide staff members use the following strategies to support students prior to exhibiting challenging behaviors or as alternative to physical restraint when students begin exhibiting agitation:

1. **Provide opportunities for a break, such as to the water fountain or quick walk around the hallway.**
2. **Provide an opportunity to meet with an Adjustment Counselor, a Special Education Teacher, the Advisor, the Dean of Community, or the Assistant Principal.**
3. **Provide an opportunity for time-out.** Time-outs are 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 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. Any time outs over thirty (30) minutes must obtain Principal approval.

4. **Provide a physical escort** A physical escort is a temporary touch 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 or upset to walk to a safe location. Physical Escorts must be brief in nature.

Crisis Planning

Follow-up Response to Threats of Violence or Suicide

Rising Tide has a Medical and Behavioral Health Emergency Response Plan in addition to a School-Centered Emergency Management and Recovery Guide. Threats of violence or self-injury, made by a student or group of student(s), should be reported immediately to the Lead Counselor and the Principal, regardless of whether a student's behavior resulted in the use physical restraint. Based on the situation, the Lead Counselor or members of the Crisis Response Team may call 911, recommend or require that the student(s) undergo a Risk Assessment, or refer the student for an outside evaluation.

Protocol for Student Suicidality

A student is at risk for self-injury/suicide if they indicate through actions speech or writings that they may be at risk of harming themselves physically.

When teacher or staff member becomes aware of any student experiencing at-risk behavior or suspicion of risk for self-injury (verbal statements, writing, report from peers, parents etc.) they will report immediately to members of the Wellness team and the Principal. Members of the Crisis Response Team, including School Leaders and Wellness Team members, are familiar with response guidelines for students in crisis.

The identified student will be accompanied by an adult to a Wellness office and directly supervised by an Adjustment Counselor throughout the process. The Principal and other members of the Crisis Response Team will be notified and the student's level of risk will be assessed. The Crisis Response Team will determine if the situation is an emergency, is urgent, or is routine, and will respond according to the Medical and Behavioral Health Emergency Response Plan. In all situations, the parents/guardians will be contacted.

If it is determined that the student needs to be evaluated at an emergency room, a staff member shall accompany the child in the ambulance and remain with the student in the emergency room until a parent/guardian arrives. If an outside evaluation is recommended, documentation of the student's safety must be provided

in order for them to return to school. If appropriate, a re-entry meeting for the student may be scheduled.

K. Methods for Engaging Parents and Students

Rising Tide will conduct an annual workshop, open to the entire school community, concerning restraint prevention and the use of restraint solely as an emergency procedure. This workshop may be coordinated with the Rising Tide Special Education Parent Advisory Council (RT-SEPAC), and other relevant community groups.

Any parent/guardian with concerns about the use of physical restraint at Rising Tide may request a meeting with the Principal or the Head of School to discuss such concerns. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may also make use of the Grievance Procedure, described below.

L. Grievance Procedure

This grievance procedure is established to ensure procedures are in place for receiving and investigating complaints regarding physical restraint practices. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:

1. The complaint must be submitted in writing or on audiotape to the Student Support Director.
2. The Student Support Director will meet with the complainant within ten (10) school days of receipt of the complaint.
3. A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the Student Support Director and the Department of Elementary and Secondary Education.
4. A written report will be developed by the Student Support Director and provided to the complainant.