

LEXINGTON SCHOOL COMMITTEE POLICY

RESTRAINT OF STUDENTS POLICY

Adopted: June 11, 2002

Date Approved by
School Committee:

6/11/2002

Signature of Chair:

_____ on file _____

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I. BACKGROUND OF POLICY

The Board of Education for the Commonwealth of Massachusetts adopted regulations governing Physical Restraint (603 CMR 46.00), hereinafter referred to as the "Regulations," effective April 2, 2001. In distributing the Regulations, the Board of Education, through the Department of Education (DOE) has described its goal of working in partnership with local educational agencies to ensure that every student participating in a Massachusetts public education program is free from the unreasonable use of physical restraint. The Lexington Public Schools complies with the Regulations to the extent required by law. This policy provides a brief overview of the Regulations.

II. PURPOSE AND SCOPE

The Regulations govern the use of physical restraint on students in publicly funded school districts, charter schools, collaborative education programs and special education schools approved under applicable Regulations. Regulations apply not only at school, but also at school-sponsored events and activities, whether or not on school property.

The Lexington School Committee's goal is to work in partnership with the Massachusetts Department of Education to ensure that every student participating in the Lexington Public Schools program is free 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 to prevent or minimize harm to any student as a result of physical restraint.

III. APPLICATION

Methods and Conditions for Implementation

School staff may use physical restraint¹ only (1) when nonphysical interventions are ineffective and the student's behavior poses a threat of imminent, serious harm to self and/or others, or (2) pursuant to a student's Individual Education Plan or other written plan developed in accordance with state and federal law and approved by the school and parent or guardian.

Physical restraint may not be used as a means of punishment or as a response to property destruction, 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.

^{1/} Physical restraint is the use of bodily force to limit a student's freedom of movement. It does not include touching or holding a student without the use of force for the purpose of directing the student.

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Chemical and mechanical restraints may not be usedⁱⁱ. Seclusionⁱⁱⁱ is prohibited.

Whenever possible, the administration of restraints shall be witnessed by at least one adult who does not participate in the restraint.

The Regulations do not prevent a teacher, employee or agent of the Lexington Public Schools from using reasonable force to protect students, other persons or themselves from assault, or imminent serious physical harm, or from restraining students, as otherwise provided in the Regulations.

Staff Training

In the first month of each school year, all school staff will receive training with respect to the district's restraint policy (i.e., following the Regulations), including receiving information about interventions that may preclude the need for restraint, types of restraint and related safety considerations, and administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student. New hires during the year will be trained within the first month of their employment.

Additionally, each school will identify specific staff to serve as school-wide restraint team to ensure proper administration of physical restraint. These individuals must participate in an in-depth training with respect to restraint and implementation of the Regulations.

Reporting Requirements and Follow-Up

In instances where a physical restraint (1) lasts more than five minutes or (2) results in injury to a student or staff member, the school staff must report the physical restraint to the principal or a designee. The principal/designee must maintain an ongoing record of all such reported instances, which will be made available in accordance with state and federal law and regulations. The principal/designee must also verbally inform the student's parent or guardian of the restraint as soon as possible, and by written report postmarked no later than three school working days following the use of the restraint. The written restraint report must be provided to the parent or guardian in the language in which report cards and other necessary school-related information are customarily provided. The report must also include information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

^{2/}Exceptions may be made when explicitly authorized by a physician and approved by a parent or guardian. Chemical restraint is the administration of medication for the purpose of limiting the student's freedom of movement. Mechanical restraint is the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. It does not include a protective or stabilizing device ordered by a physician.

^{3/}Seclusion is defined as physically confining a student alone in a room or limited space without access to school staff. It does not include the use of "time out" procedures during which a staff member remains accessible to the student.

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In the event that a physical restraint (1) lasts longer than 20 minutes or (2) results in serious injury to the student or staff member, the school must, within five school working days of the reported restraint, provide a copy of the written report to DOE along with a copy of the school's record of physical restraints covering the thirty-day period prior to the date of the restraint.

For students who require the frequent use of restraint because they present a high risk of frequent, dangerous behaviors, school staff may seek and obtain the parent or guardian's consent to waive reporting requirements for restraints administered to an individual student that do not result in serious injury to the student or staff member or constitute extended restraint (longer than 20 minutes).

Follow-up procedures for restraint include not only the reporting requirements set forth above, but also reviewing the incident with the student to address the behavior that precipitated the restraint, 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.

Complaints

To file a complaint regarding a restraint please contact:

Dr. Denise Rochlin, Director
Student Services Pre-K-12
Lexington Public Schools
1557 Massachusetts Avenue
Lexington, MA 02420
(781) 861-2490

References

A description of the list of physical restraint methods generally used in the Lexington Public Schools is available in each school building through the school principal.

Regulations of the Commonwealth of Massachusetts governing Physical Restraint (603 CMR 46.00) can be obtained at: www.doe.mass.edu/lawsregs/603cmr46.html.

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