

RESTRAINT OF STUDENTS IN THE HARVARD PUBLIC SCHOOLS

The Harvard Public Schools complies with the DOE restraint regulations, 603 CMR 46.00 et seq. (Regulations), to the extent required by law. According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. A brief overview of the Regulations is provided below.

Methods and Conditions for Implementation. School staff may use physical restraint only (1) when non-physical interventions would be ineffective and the students behavior poses a threat of imminent, serious harm to self and/or others or (2) pursuant to a students IEP 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 students refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm. Chemical¹ and mechanical² restraints may only be used if explicitly authorized by a physician and approved by a parent or guardian. Seclusion restraint³ is prohibited. The use of Time out procedures during which a staff member remains accessible to the student shall not be considered seclusion restraint.

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

Staff Training. All school staff must receive training with respect to the districts 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. Additionally, the school must identify specific staff to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in in-depth training with respect to restraint and implementation of the Regulations.

1. Chemical Restraint-the administration of medication for the purpose of restraints.
2. Mechanical Restraint-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. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.
3. Seclusion Restraint-physically confining a student alone in a room or limited space without access to school staff.

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 building 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.

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, staff and consideration of whether follow-up is appropriate for students who witnessed the incident.

Complaints. Complaints and investigations regarding restraint practices are covered by the Districts Policy on Restraint of Students.

Additional information, including a copy of the regulations, can be obtained from the Superintendent's Office, 978-456-4140. A copy of the regulations may also be obtained at www.doe.edu/lawsregs/603cmr46.html <<http://www.doe.edu/lawsregs/603cmr46.html>>.

LEGAL REF.: [603 CMR](#) 46.00, M.G.L. [71:37C](#)

CROSS REF: School Student/Parent Handbook
Staff Handbook

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