

RESTRAINT OF STUDENTS IN THE HARVARD PUBLIC SCHOOLS

The Harvard Public Schools complies with the DESE 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 student's behavior poses a threat of imminent, serious harm to self and/or others. 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, verbal threats, or when medically contraindicated. Chemical restraint (the administration of medication for the purpose of restraint) and mechanical restraints (the use of a physical device to restrict the movement of a student) are prohibited. A protective or stabilizing device may only be used if explicitly authorized by a physician and approved by a parent or guardian and therefore shall not be considered mechanical restraint.

Seclusion is prohibited. The use of Time out procedures during which a staff member remains accessible to the student shall not be considered seclusion (physically confining a student alone in a room or limited space without access to school staff).

When restraint is applied, the student's physical status shall be monitored continuously and the restraint terminated immediately if the student demonstrates physical distress. A person administering physical restraint shall use the safest method available and shall discontinue the restraint as soon as possible. Staff must get permission from the Principal or designee if the physical restraint must extend beyond 20 minutes. Any restraint or time out must end when the student is calmed.

Staff Training. All school staff must receive annual training within the first month of school, or within the first month of hire, with respect to the districts restraint policy (i.e. following the Regulations), including receiving information about interventions that may preclude the need for restraint, de-escalation techniques, the role of student and family in preventing restraint, trauma informed care, student histories, positive behavioral supports to reduce restraint, types of restraint and related safety considerations, and administering physical restraint in accordance with known medical or psychological limitations. 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 an in-depth training(s) with respect to restraint and implementation of the Regulations.

Reporting Requirements and Follow-Up. All instances of restraint must be reported by staff to the Principal immediately, and in writing within the next school day. Parent may view any report about their student. 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 within 24 hours, 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. Parents are given the opportunity to provide feedback.

The Principal will review all reports for compliance weekly. If a student has multiple incidences within a week, the Principal shall convene a school team as the Principal deems appropriate to review events and to develop a plan of action. In the event that a physical restraint results in serious injury to the student or staff member, the school must, within three school working days of the reported restraint, provide a copy of the written report to DESE along with a copy of the school's record of physical restraints covering the thirty-day period prior to the date of the restraint. The Principal must also review all restraint reports monthly. The District will report all incidents to DESE annually.

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. After working with the Principal, students, parents, or guardians who have a complaint regarding physical restraint procedures may request a meeting with the Director of Pupil Services to discuss their concerns. If the parents'/guardians' issues are not resolved at this level, they may request an appointment with the Superintendent.

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.

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.mass.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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