

File: JKAA - PHYSICAL RESTRAINT OF STUDENTS-Current

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the Douglas 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.

The following definitions appear at 603CMR 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 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 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" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint".

Chemical restraint - the administration of medication for the purpose of restraint.

The Superintendent will develop written procedures identifying:

- Appropriate responses to student behavior, that may require immediate intervention;
- Methods of preventing student violence, self injurious behavior, and suicide;
- Descriptions and explanations of the school's method of physical restraint;
- Descriptions of the school's training and reporting requirements;
- Procedures for receiving and investigating complaints.

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Each building Principal will identify staff members to serve as a school-wide resource 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 Dept. of Elementary and Secondary Education recommends be at least 16 hours in length.

Only school personnel who have received training pursuant to 603CMR 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.

In addition, each staff member will be trained regarding the school's physical restraint policy. The Principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.

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.

A member of the School Committee or any teacher or any employees or agent of the School Committee shall not be precluded from using such reasonable force as is necessary to protect pupils, other persons or themselves from an assault by a pupil.

The program staff shall report the use of physical restraint that lasts longer than five minutes, or results in injury to a student or staff member. The staff member shall inform the administration of the physical restraint as soon as possible, and by written report, no later than the next school day. The Principal or director or his/her designee shall maintain an ongoing record of all reported instances of physical restraint, which, upon request, shall be made available to the Dept. of Elementary and Secondary Education.

When a restraint has resulted in serious injury to a student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the required report to the Dept. of Elementary and Secondary Education within five (5) school working days of the administration of the restraint.

In special circumstances waivers may be sought from parents either through the Individual Education Plan (IEP) process or from parents of students who present a high risk of frequent, dangerous behavior that may frequent the use of restraint.

LEGAL REF.: 603 CMR 46.00

M.G.L. 71:37G

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JKAA - PHYSICAL RESTRAINT POLICIES AND PROCEDURE -Revision

I. General Information:

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the Douglas School District. Further, students of the District are protected by law from the unreasonable use of physical restraint. The Douglas Public Schools shall abide by the provisions of 603 CMR 46.00, which regulates the use of physical restraint on students in Massachusetts public school districts. The use of physical restraint is considered an emergency procedure of last resort, and is prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others, and less intrusive alternatives have failed or been deemed inappropriate. Physical restraint shall be used with extreme caution. The District has developed restraint prevention and behavior support procedures, in compliance with 603 CMR 46.00, which shall be annually reviewed, provided to school staff, and made available to parents.

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 (603 CMR 46.01):

- A. 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
- B. To prevent or minimize any harm to the student as a result of the use of physical restraint. Transferred

Note: Nothing in the Code of Massachusetts Regulations (603 C.M.R. 46.00) or the Douglas Public Schools' Physical Restraint Policy shall be construed to limit the protection afforded to publicly funded 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, nothing in the Code of Massachusetts Regulations (603 C.M.R. 46.00) or the Douglas Public Schools' Physical Restraint Policy precludes any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

II. Staff Training (603 CMR 46.04):

- A. All Program Staff: Each staff member will be trained annually regarding the school's physical restraint policy and accompanying procedures. Training will occur within the first month of each school year for all staff members or within the first month of employment for staff members hired after the start of any given school year. The training shall consist of the following: (a) the role of the student, family and staff in preventing restraint; (b) Douglas Public Schools Physical Restraint Prevention and Behavior Support Administrative Procedures and Guidelines, including use of time out as a behavior support strategy distinct from seclusion which is prohibited; (c) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances; (d) 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; (e) administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and (f) identification of program staff who have received in-depth training pursuant to 603 C.M.R. 46.04(3) in the use of physical restraint. See 603 C.M.R. 46.04(2).
- B. Staff Authorized to Serve As A School-Wide Resource on the Proper Administration of Physical Restraints: Each school shall maintain a crisis response team. All members of the crisis response teams are trained in Crisis Prevention Intervention (CPI). In-depth training in the proper administration of physical restraint shall be provided to all crisis response team members in each building and 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) A 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) Demonstration by participants of proficiency in administering physical restraint; and, (f) 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 social-emotional effects. See 603 C.M.R. 46.04(3)&(4).

III. **Prevention, Intervention, and Alternatives to Physical Restraints (603 CMR 46.04):**

- A. Methods for Preventing Student Violence, Self-Injurious Behaviors, and Suicide: School-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student will be provided in each building annually. In addition, the school-level crisis response team will participate in professional development focused on preventative measures to prevent student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The crisis response team along with teachers and other school personnel will identify students who are potentially at-risk and review student social, emotional and behavior progress monthly at the Student Support Team Meeting (SST) to plan interventions and supports for students.

For any student with a history of significant emotional/ behavior including at risk behavior (harm to self and/or others) and/or a student who has previously required a physical restraint, the team will develop a safety behavior intervention plan or crisis plan. The plan should include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and frequent review meetings (at least 2x monthly), etc. for the purpose of assessing progress and making necessary adjustments. School staff should utilize the school district's various tools to help students who are exhibiting aggressive behavior.

- B. Use of Deescalation Strategies as an Alternative to Physical Restraint: There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints should only be used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.
- C. General Guidelines for De-escalating Potentially Dangerous Behavior:
1. Remain calm - To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.
 2. Obtain Assistance - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
 3. One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior, having one person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
 4. Remove Student If Possible - The feasibility of having a student experiencing distress leave an area with other students and move to another more private and safe area in order to de-escalate should be considered.
 5. Remove Other Students - If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the

student de-escalates.

D. Examples of Interventions and Less Intrusive Methods to Reduce the Need for Physical Restraints:

1. Active listening
2. Use of a low non-threatening voice
3. Limiting the number of adults providing direction to the student
4. Offering the student a choice
5. Not blocking the student's access to an escape route
6. Suggesting possible resolutions to the student
7. Avoiding dramatic gestures (pointing, blocking motions, etc.)
8. Verbal prompt - A verbal prompt is communicating what is expected behavior by clearly stating instructions and expectations.
9. Full or partial physical cue - A full or partial physical cue is anytime an adult needs to temporarily place their hands on a student or physically redirects a student without force. These are used at increasing levels as needed to return a student safely back to task. See Physical Redirection and Physical Escort below.
10. Physical Escort - A physical escort is 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.
11. Physical Redirection - A physical redirection is done by temporarily placing one hand on each of the student's shoulders, without force, and redirecting the student to the learning activity, classroom or safe location.
12. Time-Out - A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming. During time-out a staff member must continuously observe a student. 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 is calmed.

E. Emergency Situations: In an emergency situation, school staff are to act in a manner to ensure the safety of the individual as well as other students and personnel. The school staff responding to the emergency situation should adhere to the requirements of the district's Physical Restraint Policy.

IV. Procedure For Use Of Time-Out As A Behavior Support Strategy (603 CMR 46.04):

In the limited instances where the use of time-out rooms is determined to be a necessary behavioral support strategy, such use must be consistent with (603 CMR 46.00).

- A. Use of Inclusionary Time-Out as a Behavior Support Strategy:** The use of time-out is a behavior support strategy when it is inclusionary. Types of inclusionary time-out practices that function as behavior support strategies include, but are not limited to, planned ignoring, asking a student to put his/her head down, placing a student in a different location within the classroom that is not walled-off or otherwise separated from the classroom.
- B. The Use of Exclusionary Time Out:** The use of time-out is exclusionary if the time-out is "a staff-directed behavior support [that] should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom. It should not be used for punishment for noncompliance or for incidents of misbehavior that are no longer occurring. School staff must be physically present with the student who is in an exclusionary time-out setting, including but not limited to, any student who is exhibiting self-injurious behavior. If the student poses a safety risk to staff and is not exhibiting self-injurious behavior, then, in those limited instances, the school counselor or other behavioral support professional must be immediately available to the student outside the entrance to the time-out setting where he/she can continuously observe and communicate with the student as appropriate to determine when the student is calm. A student is never to be locked in a room. During an exclusionary time-out, 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. The time-out shall cease as soon as the student has calmed or when thirty (30) minutes have passed, whichever event is earlier. The preference is for time-out to be

implemented within a classroom. Any space utilized for time-out outside of a classroom must be a safe and calming environment that has been approved by Student Services before it is utilized.

- C. Process of Obtaining Principal Approval for an Exclusionary Time-Out of More than Twenty 20 Minutes. If it appears that a student may be using time-out as a behavior support strategy for more than twenty (20) minutes based on the student's continued agitation, school staff must obtain the approval of the principal before continuing the time-out for more than twenty (20) minutes. The principal can only give approval and when the principal is not on site at the school, the assistant principal or the principal designee can only give approval for the day or period of the day that the principal is not on site at the school. Before making a decision to extend the time-out for the student, the principal must be informed of critical details regarding the time-out of the student, including, but not limited to:
1. The type of time-out; and
 2. The student's behavior and condition during the time-out.

- V. **Administration of Physical Restraints (603 CMR 46.05):** If all other less intrusive alternatives have failed or been deemed inappropriate to prevent student violence, self-injurious behavior and/or de-escalating 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 himself or herself 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.

- A. Each building Principal will identify staff members to serve as a school-wide resource (crisis response team) 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.
- B. Only staff who have received training pursuant to 603 CMR 46.04 shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint.
 1. There are three holds used in Crisis Prevention Intervention (CPI), including the seated position, the standing position and the children's control position. All three are broken into three levels of intensity, low, medium, and high, which allows staff to use a physical response that is appropriate to the student's level of need.
 - a) Seated position has two staff, one on either side of the child, for all three levels of intensity.
 - b) Standing position has one staff with the child at the low level of intensity and then two staff at the medium and high level of intensity.
 - c) The control position has one staff intervening with the child and is used only for a small child.
 2. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
- C. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff members administering the restraint have received in-depth training according to the requirements of 603 CMR 46.04(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.
- D. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself 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.

- VI. **Safety Requirements for the Use of Physical Restraint (603 CMR 46.05):**

- A. Monitoring Safety: No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration.

- B. Physical Distress: Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
- C. Restraint Termination: Restraints must be terminated as soon as the student is not in danger of hurting themselves or any person around them.
- D. Individual Student History: Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
- E. Duration of Restraint: If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint. The principal can only give approval and when the principal is not on site at the school, the Assistant Principal/Special Education Director or the school's designee can only give approval for the day or period of the day that the principal is not on site at the school. Before making a decision to extend the restraint for the student, the principal must be informed of critical details regarding the restraint of the student, including, but not limited to:
 1. The type of restraint; and
 2. The student's behavior and condition during the restraint.
 3. The principal must consider these critical factors so that he/she can determine whether continued use of the restraint is justified based on the student's continued agitation. If the principal determines that the continued use of the restraint is justified based upon the student's continued agitation, the removal from class report form needs to be completed by the staff person seeking the extension, signed by both the staff person and principal and a copy of the report provided to the Office of Student Services by no later than three (3) school working days of the administration of the restraint as to the critical factors he/she was informed of and were considered in making the determination that the continued use of the restraint is justified based on the student's continued agitation.
- F. Need for Medical Attention: School personnel should remember that at any time, school personnel should seek to contact the school nurse and emergency medical assistance if it appears that the student is demonstrating significant physical distress and it is the recommended best practice for school personnel to seek medical assistance when a student appears to be demonstrating or experiencing any physical distress as a result of a restraint.

VII. Prohibitions on Use of Physical Restraints (603 CMR 46.03):

- A. Discipline: 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.
- B. Mechanical/Chemical Restraints: The use of mechanical, chemical, and prone restraint is prohibited, unless permitted pursuant to 603 CMR 46.03(1)(b).
- C. Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:
 1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
 2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
 3. There are no medical contraindications as documented by a licensed physician;
 4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
 5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
 6. The program has documented 603 CMR 46.03(1)(b) 1 through 5 in advance of the use of prone restraint and maintains the documentation.
- D. Medical Restrictions: Physical restraint will not be used when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;

- E. Behavior Support: Physical restraint will not be used as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.
- F. 603 CMR 46.00: Use of restraint inconsistent with the provisions 603 CMR 46.00 is prohibited.

VIII. Procedures Following Brief Physical Contacts and Restraints:

- A. Brief Physical Contact: Brief physical contact with a student by a school staff member in order to promote student safety solely for the purpose of preventing imminent harm to the student, for example, physically redirecting a student about to walk in front of a moving vehicle, grabbing a student who is about to fall or breaking up a fight between students, is not consider a physical restraint. Staff who have brief physical contact with a student in order to promote student safety shall verbally inform the principal of any physical contact as soon as possible and by no later than the close of the school day on which the brief physical contact occurred and, by written report, no later than the next school working day after the brief physical contact occurred, for review of the event. The principal shall make reasonable efforts to verbally inform the student's parents/guardians of the brief physical contact within twenty-four (24) hours of the event and shall review the event with the Student Support Team.
- B. Physical Restraint: After the release of a student from a restraint, the district shall implement follow-up procedures. These procedures include 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.
 - 1. Staff who administers a restraint shall verbally inform the principal of any physical restraint as soon as possible and by no later than the close of the school day on which the restraint was administered and, by written report, no later than the next school working day after the restraint was administered, for review of the use of the restraint. A copy of the removal from class reporting form is attached. If the principal administered the restraint, the principal shall prepare the report no later than the next school working day after the restraint was administered and submit it to the Superintendent for review.
 - 2. The principal shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Massachusetts Department of Elementary and Secondary Education or the student's parents/guardians, upon request.
 - 3. The principal or his/her designee shall make reasonable efforts to verbally inform the student's parents or guardians of the physical restraint within twenty-four (24) hours of the event, and shall notify the parent/guardian by a written report sent either within three (3) working school days of the restraint to an email address provided by the parent/guardian for communication about the student, or by regular mail postmarked no later than three school working days of the restraint. A written report form letter to parents/guardians regarding the administration of a restraint will include student's name, staff names and job titles, observers, beginning time and ending time, principal or designee signature. If the district customarily provides a parent of a student 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 in that language.
 - 4. The written report required by 603 CMR 46.06(2) and (3) shall include:
 - (a) The name of the student; the names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the principal or designee who was verbally informed following the restraint; and, as applicable, the name of the principal or designee who approved continuation of the restraint beyond 20 minutes pursuant to 603 CMR 46.05(3)(c).
 - (b) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to prevent escalation of behavior, including the specific de-escalation strategies used; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
 - (c) A description of the administration of the restraint including the holds used and reasons such

holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(d) Information regarding any further action(s) that the school has taken or may take, including any consequences that may be imposed on the student.

(e) Information regarding opportunities for the student's parents to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

5. The principal shall provide the student and the parent/guardian an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.
- C. School Review: The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least, but not be limited, to following:
1. Review and discussion of the written reports submitted in accordance with 603 C.M.R. 46.06 and section IV of these administrative provides and guidelines and any comments provided by the student and parent/guardian about such reports and the use of restraints;
 2. 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;
 3. Consideration of factors that may have contributed to the 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; and
 4. An agreement on a written plan of action by the school. If the principal participated in the restraint the Superintendent has designated that the Director of Student Services shall lead the review team's discussion.
 5. The principal shall ensure that a record of each individual student review is maintained and made available for review by the Massachusetts Department of Elementary and Secondary Education or the parent/guardian of the student, upon request.
- D. Injuries: When a restraint results in any injury to a student or a staff member, the principal shall send a copy of the written report required by 603 C.M.R. 46.04(4) along with a copy of the record of the school's physical restraints maintained by the principal as required by 603 C.M.R. 46.06(2) and section G (3)(d) above, for the thirty (30) day period prior to the date of the reported restraint to the Massachusetts Department of Elementary and Secondary Education with a copy to the Superintendent of Schools. The report must be postmarked no later than three school working days of the administration of the restraint.
- E. Annual Reporting: The Principal shall work with the Office of Student Support Services to ensure the collection and annual report of data to the Massachusetts Department of Elementary and Secondary Education regarding the use of physical restraint in the manner and form directed by the Massachusetts Department of Education.

IX. IX. Engaging Parents, Guardians, and Students:

The Douglas Public Schools acknowledge the vital role of parents in creating safe schools. We ask parents to be:

1. Knowledgeable about their role in supporting their student(s)
2. Knowledgeable of school rules and expectations
3. Familiar with our expectations regarding respectful and safe behavior as outlined in each building's student handbook.

The Principal should provide all families and students with information about behavioral supports and restraint prevention efforts that are utilized within their school annually. Additionally, the Principal is expected to follow these administrative procedures with respect to identifying students who may be at risk of restraint and work with the student and their family along with the school counselor to identify and work on behavioral supports to prevent restraint from occurring. If a student is restrained, the Principal is expected to follow these

administrative procedures with respect to engaging the student and their family about the use of the restraint, the report regarding the restraint, any disciplinary sanctions that may be imposed and/or any other related matters. Additionally, the school counselor also should follow up with the student and their family regarding behavioral supports.

X. Procedures for Receiving and Investigating Complaints:

- A. Informal Resolution of Concern About Use of Physical Restraint: Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her 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. The principal shall attempt, within his/her authority, to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process detailed below.
- B. Formal Resolution of Concern About Use of Physical Restraint: A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent. The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed. The written complaint shall include (a) the name of the student; (b) the name of the school 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 Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its 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 Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent 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.

- C. Other Complaint Processes Available: It should be noted that the provisions of this section does not preclude a student from seeking resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, marital status or sexual orientation, homelessness, gender identity or genetic information. It also should be noted that the provisions of this section does not preclude a student from using the complaint process set forth in the Douglas Public School Student Handbooks to seek resolution of any complaints regarding a student's deprivation of rights set forth in the school handbook.
- D. Note: Nothing in 603 CMR 46.00 or the Douglas Public School Policies prohibits:
1. The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
 2. Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
 3. The exercise of an individual's responsibilities as a mandated reporter pursuant to M.G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

XI. Definitions (603 CMR 46.02): As used in 603 CMR 46.00, the following terms shall have the following meanings:

"Commissioner" shall mean the commissioner of the Department of Elementary and Secondary Education appointed in accordance with M.G.L. c. 15, §1F, or his or her designee.

"Consent" shall mean agreement by a parent who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent understands and agrees in writing to carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking parental consent, a public education program shall not condition admission or continued enrollment upon agreement to the proposed use of any restraint.

"Department" shall mean the Department of Elementary and Secondary Education.

"Mechanical restraint" shall mean the use of any physical device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

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

"Parent" shall mean a student's father, mother, or legal guardian or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

"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. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

"Principal" shall mean the instructional leader or headmaster of a public education school program or his or her designee. The board of directors of a charter school or virtual school, or special education school or program approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*, shall designate in the restraint prevention and behavior support policy who will serve as principal for purposes of 603 CMR 46.00.

"Prone restraint" shall mean a physical 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 face-down position.

"Public education programs" shall mean public schools, including charter schools, virtual schools, collaborative education programs, and the school day of special education schools approved under 603 CMR 28.09: *Approval of Public or Private Day and Residential Special Education School Programs*, as provided in 603 CMR 18.05(5)(h), and school events and activities sponsored by such programs. "Programs" may be used in 603 CMR 46.00 to refer to "public education programs." For purposes of 603 CMR 46.00, public education programs shall not include the educational services provided within the Department of Youth Services, Department of Mental Health, Department of Public Health, and County Houses of Correction operated or contracted facilities.

"School Working Day" shall mean a day or partial day that students are in attendance at the public education program for instructional purposes.

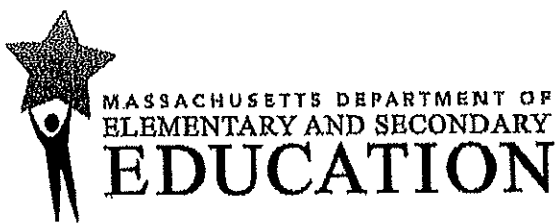
"Seclusion" shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02.

"Time-out" shall mean 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.

LEGAL REF.:

603 CMR 46.00

M.G.L. 71:37G



Douglas Public Schools

Tiered Focused Monitoring Report

**For Group B Universal Standards
Tier Level 1**

Date of Onsite Visit: January 20, 2021

Date of Final Report: March 26, 2021



Jeffrey C. Riley

Commissioner of Elementary and Secondary Education

During the 2020-2021 school year, Douglas Public Schools participated in a Tiered Focused Monitoring Review conducted by the Department's Office of Public School Monitoring. The purpose of the Tiered Focused Monitoring Review is to monitor compliance with regulatory requirements focusing on special education and civil rights.

Districts and charter schools are reviewed every three years through Tiered Focused Monitoring. This review process emphasizes elements most tied to student outcomes and alternates the focus of each review on either Group A Universal Standards or Group B Universal Standards.

Group A Universal Standards address:

- Student identification
- IEP development
- Programming and support services
- Equal opportunity

Group B Universal Standards address:

- Licensure and professional development
- Parent/student/community engagement
- Facilities and classroom observations
- Oversight
- Time and learning
- Equal access

In addition, the Department has reserved a specific set of criteria, collectively known as Targeted Standards, employed when LEA or school-level risk assessment data indicate that there is a potential issue. Identified Targeted Standards are assessed in addition to the Universal Standards.

Universal Standards and Targeted Standards are aligned with the following regulations:

Special Education (SE)

- selected requirements from the federal Individuals with Disabilities Education Act (IDEA-2004); the federal regulations promulgated under that Act at 34 CFR Part 300; M.G.L. c. 71B, and the Massachusetts Board of Education's Special Education regulations (603 CMR 28.00), as amended effective March 1, 2007.

Civil Rights Methods of Administration and Other General Education Requirements (CR)

- selected federal civil rights requirements, including requirements under Title VI of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, together with selected state requirements under M.G.L. c. 76, Section 5 as amended by Chapter 199 of the Acts of 2011 and M.G.L. c. 269 §§ 17 through 19.
- selected requirements from the Massachusetts Board of Education's Physical Restraint regulations (603 CMR 46.00).

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- selected requirements from the Massachusetts Board of Education's Student Learning Time regulations (603 CMR 27.00).
- various requirements under other federal and state laws.

Tiered Focused Monitoring allows for differentiated monitoring based on a district/charter school's level of need, the Tiers are defined as follows:

LEAs in Tiers 1 and 2 have been determined to have no or low risk:

- Tier 1/Self-Directed Improvement: Data points indicate no concern on compliance and performance outcomes – meets requirements.
- Tier 2/Directed Improvement: No demonstrated risk in areas with close link to student outcomes – low risk.

LEAs in Tiers 3 and 4 have demonstrated greater risk:

- Tier 3/Corrective Action: Areas of concern include both compliance and student outcomes – moderate risk.
- Tier 4/Cross-unit Support and Corrective Action: Areas of concern have profound effect on student outcomes and ongoing compliance – high risk.

The phases of Tiered Focused Monitoring for Douglas Public Schools included:

Self-Assessment Phase:

- District reviewed special education and civil rights documentation for required elements including document uploads.
- Upon completion of this internal review, the district's self-assessment was submitted to the Department for review.

Verification Phase:

- Review of additional documents for special education or civil rights.
- Surveys of parents of students with disabilities: Parents of students with disabilities were sent a survey to solicit information regarding their experiences with the district's implementation of special education programs, related services, and procedural requirements.
- Interviews of three staff members consistent with those criteria selected for onsite verification.
- Interview of a parent advisory council (PAC) representative.
- Observations of classrooms and other facilities: The team reviewed floor plans of classrooms and school facilities used in the delivery of programs and services to determine general levels of compliance with program requirements.

Report: For Tier 1 & 2 Tiered Focused Monitoring Reviews

Following the onsite visit, the onsite team holds an informal exit meeting to summarize its comments for the superintendent or charter school leader. Within approximately 20 business days of the onsite visit, the onsite chairperson forwards to the superintendent or charter school leader the findings from the Tiered Focused Monitoring Review. All districts/charter schools in Tiers 1 and 2, as part of the reporting process, then develop a Continuous Improvement and Monitoring Plan (CIMP) for any criteria receiving a rating of "Partially Implemented," "Not Implemented," and "Implementation in Progress." The CIMP outlines an action plan, identifies the success metric, describes the measurement mechanism and provides a completion timeframe to bring those areas into compliance with the controlling statute or regulation. Districts and charter schools are expected to incorporate the CIMP actions into their district and school improvement plans, including their professional development plans.

DEFINITION OF COMPLIANCE RATINGS

Commendable	Any requirement or aspect of a requirement implemented in an exemplary manner significantly beyond the requirements of law or regulation.
Implemented	The requirement is substantially met in all important aspects.
Implementation in Progress	This rating is used for criteria containing new or updated legal requirements and means that the district has implemented any old requirements contained in the criterion and is training staff or beginning to implement the new requirements in such a way that the onsite team anticipates that the new requirements will be implemented by the end of the school year.
Partially Implemented	The requirement, in one or several important aspects, is not entirely met.
Not Implemented	The requirement is totally or substantially not met.
Not Applicable	The requirement does not apply to the school district or charter school.

Douglas Public Schools

SUMMARY OF COMPLIANCE CRITERIA RATINGS

	Universal Standards Special Education	Universal Standards Civil Rights and Other General Education Requirements
IMPLEMENTED	SE 15, SE 32, SE 35, SE 36, SE 50, SE 51, SE 52, SE 52A, SE 54, SE 55, SE 56	CR 3, CR 7, CR 7A, CR 7B, CR 8, CR 10A, CR 10B, CR 10C, CR 12A, CR 16, CR 20, CR 21, CR 22, CR 23, CR 24
PARTIALLY IMPLEMENTED		CR 17A, CR 25
NOT IMPLEMENTED		CR 7C

The review instruments, that include the regulatory requirements specific to the special education and civil rights criteria referenced in the table above, can be found at www.doe.mass.edu/psm/resources/default.html.

Improvement Area 1
Criterion: CR 7C - Early release of high school seniors
Rating: Not Implemented
Description of Current Issue: A review of the district's calendar indicated that the conclusion of the seniors' school year is more than 12 school days before the regularly scheduled closing date of the high school.
LEA Outcome: Douglas Public Schools will ensure that neither the conclusion of the seniors' school year nor graduation is more than 12 school days before the regularly scheduled closing date of the high school. The school committee will approve a compliant 2021-2022 school calendar and the district will implement procedures that ensure future compliance.
Action Plan: By April 16, 2021, Douglas Public Schools will submit a 2021-2022 school calendar that ensures neither the conclusion of the seniors' school year nor graduation is more than 12 school days before the regularly scheduled closing date of the high school. By May 5, 2021, upon Department approval of the calendar, the school committee will approve the 2021-2022 school calendar. Evidence will include meeting minutes indicating approval. By June 30, 2021, the district will disseminate the school committee-approved calendar to the school community. Evidence will include notification of dissemination.
Success Metric: By February 2, 2022 and beyond, Douglas Public Schools will ensure that neither the conclusion of the seniors' school year nor graduation is more than 12 school days before the regularly scheduled closing date of the school. Evidence: <ul style="list-style-type: none"> * Updated school calendar * School committee minutes indicating approval * Notification of dissemination to the school community
Measurement Mechanism: The Assistant Superintendent of Student Support Services shall review a proposed school calendar each February to ensure compliance. Following this administrative review, the Assistant Superintendent of Student Support Services shall submit the calendar to the school committee for approval no later than March of each year.
Completion Timeframe: 06/30/2021

Improvement Area 2

Criterion: CR 17A - Use of physical restraint on any student enrolled in a publicly-funded education program
Rating: Partially Implemented
Description of Current Issue: A review of documents indicated that the district's written restraint prevention and behavior support procedures are not consistent with regulations 603 CMR 46.00 regarding appropriate responses to student behavior that may require immediate intervention. Specifically, the procedures do not include a description of the program's training requirements.
LEA Outcome: Douglas Public Schools will update its written restraint prevention and behavior support procedures so that they are consistent with regulations under 603 CMR 46.00. Once approved by the Department of Elementary and Secondary Education, the district will disseminate the updated procedures to staff, students, and parents/guardians of students. The district will ensure all staff receive the required trainings related to restraint prevention and behavior support policy and procedures. The district will also ensure that the policy and procedures are reviewed annually.
Action Plan: By June 30, 2021, Douglas Public Schools will submit revised restraint procedures that include a description of the program's training requirements. By November 1, 2021, upon Department approval of the procedures, Douglas Public Schools will disseminate the updated procedures to the school community. Evidence will include a link to the online policy and procedures and notification to the school community. By November 1, 2021, Douglas Public Schools will submit evidence of training for all program staff on the district's revised restraint procedures. Evidence will include training materials, meeting agendas and signed attendance sheets.
Success Metric: By February 2, 2022 and beyond, the Douglas Public Schools' written restraint prevention and behavior support policy and procedures will be consistent with regulations under 603 CMR 46.00. The district will annually disseminate the policy and procedures to the school community. All staff will receive the required trainings related to the restraint prevention and behavior support policy and procedures. The policy and procedures will be reviewed annually. Evidence will include: - Revised written restraint prevention and behavior support procedures - Link to the online policy and updated procedures - Notification to the school community - Training materials, meeting agendas, and signed attendance sheets
Measurement Mechanism: Douglas Public Schools' leadership team will annually review the written restraint prevention and behavior support policies and procedures, as well as review the means of dissemination to the school community. District leadership will provide and track staff trainings to ensure all staff are trained within the first month of each school year and for staff hired after the school year begins, within a month of their hire date.
Completion Timeframe: 11/01/2021

Improvement Area:
Criterion: CR 25 - Institutional self-evaluation
Rating: Partially Implemented
Description of Current Issue: A review of documents and interviews indicated that the district does not evaluate all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities.
LEA Outcome: Douglas Public Schools will evaluate all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability or housing status, have equal access to all programs, including athletics and other extracurricular activities. The district will make such changes as are indicated by the evaluation.
Action Plan: By September 1, 2021, Douglas Public Schools will submit protocols, procedures, and tools developed to conduct an annual self-evaluation of its K-12 program. By October 1, 2021, Douglas Public Schools will train all relevant staff members on the protocols, procedures, and tools developed to conduct the annual self-evaluation. Evidence will include training materials, meeting agendas and signed attendance sheets. By November 1, 2021, Douglas Public Schools will conduct an annual civil rights self-evaluation of its K-12 program, including athletics and other extracurricular activities. Evidence will include the results of a completed annual self-evaluation. By December 1, 2021, Douglas Public Schools will submit the Superintendent's recommendations to the school committee for the necessary policies, program changes, and budget resource allocations needed to address the results of the self-evaluation. Evidence will include a summary of recommendations made by the Superintendent to the school committee.

Success Metric: By February 2, 2022 and beyond, Douglas Public Schools will evaluate all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities. Likewise, the Superintendent will make annual recommendations to the school committee for any necessary policies, program changes, and budget resource allocations needed to address the results of the self-evaluation.

Evidence will include:

- *Protocols, procedures, and tools developed to conduct an annual self-evaluation
- *Training materials, meeting agendas, and signed attendance sheets
- *The results of a completed annual self-evaluation
- *Summary of recommendations made by the Superintendent to the school committee

Measurement Mechanism: Douglas Public Schools leadership, including the Assistant Superintendent of Student Support Services and the Director of Curriculum, will lead the district leadership team in the development and annual review of the protocols, procedures, and tools used to conduct the annual self-evaluation. The Assistant Superintendent of Student Support Services will ensure that appropriate training occurs annually for those engaged in the evaluation. The district leadership team will annually evaluate its K-12 program, including athletics and other extracurricular activities, and will make such changes as are indicated by the evaluation. The district leadership team will review the annual program evaluation in the summer of each school year and make recommendations for any necessary policies, program changes, and budget resource allocations needed to address the results of the self-evaluation. The Superintendent will annually present the results of the evaluation to the school committee and make recommendations for any necessary policies, program changes, and budget resource allocations needed to address the results of the self-evaluation.

Completion Timeframe: 12/01/2021