

**Franklin Public Schools  
Franklin, Massachusetts 02038**

**Action Required**

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**Subject:** Policy

**Date:** July 23, 2019

**Dept:** School Committee

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**Reason:** Required Vote

**Enclosure:** yes

**Recommendation:**

Policy First Readings

I recommend moving the following policies to a second reading as discussed:

BEC – Executive Sessions

BEDG – Minutes

JKAA – Physical Restraint of Students

**Action Requested of the School Committee:**

Majority vote of the School Committee is required.

**Vote Tabulator**

A. Bergen: Y / N

D. Schultz: Y / N

C. Douglas: Y / N

MJ Scofield: Y / N

D. Feeley: Y / N

G. Zub: Y / N

M. Linden: Y / N

Action: \_\_\_\_\_

## **EXECUTIVE SESSIONS**

All meetings of the Franklin School Committee are open to attendance by the public and media representatives. However, the Committee has the right to convene in a closed executive session when it meets the following procedural conditions imposed by state law:

1. The Committee will first convene in an open session for which due notice has been given.
2. The chair (or, in their absence, the presiding member) will state the purpose for the executive session.
3. A majority of the members must vote to enter the executive session, with the vote taken by roll call and recorded in the official minutes.
4. The chair or presiding member will state before entering the executive session whether the Committee will reconvene in open session after the executive session.

The law puts specific limitations on the purposes for which executive sessions may be convened. The Committee may enter executive sessions only for the following reasons:

1. To discuss the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual; provided that the individual has certain rights enumerated in the law including requiring the Committee to hold an open session should the individual so request..
2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.
3. To discuss strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect on the bargaining or litigating position of the Committee and the chair so declares. Collective bargaining may also be conducted.
4. To discuss the deployment of security personnel or devices, or strategies with respect thereto.
5. To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Committee.
7. To comply with the provisions of any general or specific law or federal grant-in-aid requirements.
8. To consider or interview applicants for employment by a preliminary screening

committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening..

9. To meet or confer with a mediator with respect to any litigation or decision on any public business within its jurisdiction involving another party.

Accurate records of the proceedings conducted in executive session will be kept and may remain classified only so long as their publication would defeat the purpose of the session. The Committee or the chair/designee will review executive session minutes for possible declassification at reasonable intervals at least once each year. Such determination will be announced at the Committee's next meeting and such announcement will be included in the minutes of that meeting.

When a specific set of executive session minutes, not yet declassified, is requested by a member of the public, the Committee shall render a decision on declassification at its next meeting or within 30 days after the request, whichever first occurs.

All votes taken in executive session will be recorded roll call votes, and will become part of the minutes of executive sessions.

LEGAL REFS.: M.G.L. 30A:21; 30A:22

CROSS REFS.: BDE, Subcommittee of the School Committee  
BE, School Committee Meetings  
BEDG, Minutes  
KEB, Public Complaints about School Personnel

Reviewed, revised 11/4/09; 5/8/14  
To School Committee for First Reading: 7/23/19

## MINUTES

The minutes of a Franklin School Committee meeting constitute the written record of Committee actions; they are legal evidence of what the action was. Therefore, the secretary of the Committee will be responsible for reporting in the minutes all actions taken by the Committee.

Minutes will include:

1. A statement on the nature of the meeting (regular or special), the time, the place, and note the approval of the last regular or special meeting minutes.
2. Names of the members present or absent, annotated as to arrival and departure times, if during the meeting, and the name of any member who participated in the meeting remotely.
3. A summary of each subject discussed and a list of documents and exhibits used at the meeting.
4. A complete record of official actions taken by the Committee relative to the Superintendent's recommendations, to communications, and to all business transacted. Resolutions and motions will be given in their exact wording, accompanied by the names of members moving and seconding and a record of the results of the vote. Reports and documents relating to a formal motion may be omitted if they are referred to and identified by title and date.
5. Notation of formal adjournment of open session meeting.

Copies of the minutes will be sent to all Committee members at least 48 hours in advance of the meeting at which the minutes are to be approved. Minutes of all open and executive sessions shall be created and approved in a timely manner.

The approved minutes will become permanent records of the Committee. Approved minutes of public meetings and minutes of executive sessions that have been declassified will be in the custody of the Superintendent who will make them available to interested citizens in a timely manner upon written request.

LEGAL REFS.: M.G.L. 30A:22; 66:10; 940 CMR 29.00

CROSS REF.: KDB, Public Right To Know  
BEC, Executive Sessions

Reviewed, no revision 7/8/08; 5/8/14;  
To School Committee for 1<sup>st</sup> Reading 7/23/19

## PHYSICAL RESTRAINT OF STUDENTS

Restraint Prevention and Behavior Support Policy and Procedures (Based on 603 C.M.R. 46.00, effective January 1, 2016, and DESE Technical Assistance Advisory SPED 2016-1, July 31, 2015)

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#### I. OVERVIEW

The Franklin Public Schools (“the District”) seeks to ensure that every student is free from the use of physical restraint that is inconsistent with the requirements of 603 C.M.R. 46.00. Physical restraint is an emergency measure of last resort. It may be administered only when necessary to protect a student and/or school community member from assault or imminent, serious physical harm. When, based on this standard, physical restraint is necessary, staff will strive to prevent or minimize any harm to the student as a result of the use of physical restraint. The District will annually review its Restraint Prevention and Behavior Support Policy and Procedures, provide it to all District staff, and make it available to parents of enrolled students.

#### II. DEFINITIONS

*Mechanical Restraint:* the use of any device or equipment to restrict a student’s freedom of movement. The term 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:* 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.

*Physical Escort:* 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:* 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:* instructional leader of a public school education program or his or her designee.

*Prone Restraint:* 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.

*Seclusion:* 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 below.

*Time-Out:* 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.

DESE's Technical Assistance Advisory SPED 2016-1, issued on July 31, 2015, provides the following additional definitions pertaining to time-out:

*Inclusionary time-out:* when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.

*Exclusionary time-out:* the separation of the student from the rest of the class either through complete visual separation or from actual physical separation.

### III. PROHIBITIONS

Medication restraint, mechanical restraint, and seclusion are prohibited in all public school education programs. Prone restraints shall be used only in accordance with 603 CMR 46.03.

### IV. SPECIFIC RIGHTS

Neither 603 C.M.R. 46.00 nor this policy prohibits: (1) any teacher, employee or agent of the District from using reasonable force to protect students, others or themselves from imminent, serious, physical harm; (2) any individual from reporting to appropriate authorities a crime committed by a student or other individual; (3) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or person alleged to have committed a crime or posing a security risk; or (4) an individual from reporting neglect or abuse to the appropriate state agency, pursuant to M.G.L. c.119 § 51A. 3

### V. DESE TECHNICAL ASSISTANCE ON USE OF TIME-OUT

DESE's Technical Assistance Advisory SPED 2016-1, issued on July 31, 2015, explains the differences between "inclusionary time-out" and "exclusionary time-out" as follows:

*"Inclusionary time-out":* when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.

The use of "inclusionary time-out" functions well as a behavior support strategy while allowing the student to remain fully aware of the learning activities of the classroom. "Inclusionary time-out" includes practices used by teachers as part of their classroom

behavior support tools, such as “planned ignoring,” asking students to put their heads down, or placing a student in a different location within the classroom. These strategies, used to reduce external stimuli in the student’s environment while keeping the student physically present and involved in learning, have proven to be useful tools for classroom management.

If the student is not “separated from the learning activity” or the classroom, the student will be in “inclusionary time-out” and the requirements that accompany the use of “exclusionary time-out,” listed below, do not apply. A student is not “separated from the learning activity” if the student is physically present in the classroom and remains fully aware of the learning activities.

“Inclusionary time-out” does not include walled off “time-out” rooms located within the classroom; use of those is considered to be “exclusionary time-out.”

“*Exclusionary time-out*”: the separation of the student from the rest of the class either through complete visual separation or from actual physical separation.

**The following requirements apply to the use of “exclusionary time-out”:**

- “Exclusionary time-out” may be used only for the purpose of calming;
- During “exclusionary time-out,” the student must be continuously observed by a staff member;
- The staff member will either be with the student or immediately available to the student at all times;
- The space used for “exclusionary time-out” must be clean, safe, sanitary and appropriate for calming;
- ***Unless it poses a safety risk, a staff member must be physically present with the student who is in an exclusionary time-out setting;***
- If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed;
- ***Students must never be locked in a room;***
- For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student;
- An “exclusionary time-out” must be terminated as soon as the student has calmed; and
- An “exclusionary time-out” may not extend beyond thirty (30) minutes without the approval of the Principal. A Principal may grant an extension beyond thirty (30) minutes based only on the individual student’s continuing agitation.

## VI. REQUIREMENTS FOR USE OF PHYSICAL RESTRAINT

### *Legal Standard for Use*

Physical restraint is considered an emergency procedure of last resort. This means that it may be used only when the student’s behavior poses a threat of assault or imminent, serious, physical harm to self and/or others; and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

Physical restraint may never be used for punishment. Physical restraint may not be used as a response to a student's property damage, disruption of school order, refusal to comply with rules/directions, or verbal threats unless the above harm standard is also met.

Brief physical contact to promote safety is not considered a restraint. DESE's *Question and Answer Guide to Implementation of 603 CMR 46.00, The Regulations for the Prevention of Physical Restraint and Requirements if Used*, issued on July 31, 2015, states that "brief physical contact to promote safety refers to measures taken by school personnel consisting of physical contact with a student for a short period of time solely to prevent imminent harm to a student, for example, physically redirecting a student about to wander on to a busy road, grabbing a student who is about to fall, or breaking up a fight between students."

Physical restraint may not be used as a standard response for any student. No IEP or written behavioral plan may include physical restraint as a standard response to any behavior.

#### *Safety*

To ensure student safety, staff will review and consider a student's medical and psychological limitations, known or suspected trauma history, and/or behavior intervention plans. Physical restraint will not be used when it is medically contraindicated for reasons including, but not limited to, communication-related disorders, asthma, seizures, cardiac condition, obesity, bronchitis, or risk of vomiting.

During a physical restraint, staff will continuously monitor the student's physical status, including skin temperature, color, and respiration, and make certain that the student is able to breathe and to speak. Staff will use the safest physical restraint method available and appropriate for the situation and will use only the amount of force necessary to protect the student or others from physical injury or harm. Whenever possible, another adult who is not a participant in the restraint will witness the administration of the restraint.

The School Nurse will assess the student following a physical restraint.

#### *Duration*

A physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student demonstrates or expresses significant physical distress (e.g., difficulty breathing, sustained or prolonged crying, sustained or prolonged coughing). If a student demonstrates or expresses significant physical distress, staff will release the restraint and seek medical assistance immediately. **For any student to be restrained for more than twenty (20) minutes, staff must obtain the Principal's approval.** This approval must be based on the student's continued agitation justifying the need for continued restraint.

#### *Follow-up*

Follow-up procedures will be implemented after the release of the student from physical restraint. These will include reviewing the incident with the student to address the precipitating behavior, reviewing the incident with staff who administered the restraint to discuss whether proper restraint procedures were followed, and considering whether any follow-up is appropriate for students who witnessed the incident.

#### *Prone and Floor Restraints*

Prone restraints are prohibited, except on an individual basis and when all of the following conditions, which require specific documentation, are met: (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 restraint have failed to ensure the safety of the student and/or 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 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 the use of prone restraint is approved in writing by the Principal; and (6) the program has documented all of the above before using prone restraint and maintains the documentation. The only staff authorized to administer a prone restraint are staff who have received in-depth restraint training in accordance with 603 C.M.R. 46.04(3).

Floor restraints are prohibited unless the staff administering the restraint have received in-depth training in accordance with 603 C.M.R. 46.04(3), and these trained staff members determine that such method of restraint is required to provide safety for the student or others.

## VII. REPORTING PHYSICAL RESTRAINT USE

All physical restraints, regardless of duration, will be reported.

### *Reporting within School and to Parents*

The reporting process within the school and to the student's parents is as follows: The staff will immediately verbally inform the Principal, and the Principal will make reasonable efforts to verbally inform the student's parents within 24 hours of the restraint. The staff will file a detailed written report no later than the next school day, and the Principal will e-mail or mail the written report to the parents within three (3) school days of the restraint. There are no individual waivers permitted for these reporting requirements.

### *Report Contents*

The report will include: names and job titles of those involved, including observers; date and time the restraint began and ended; the name of the administrator who was verbally informed; the name of the Principal or designee who approved extending the restraint beyond twenty (20) minutes, when such approval was obtained; what was happening before the restraint; the efforts staff used to prevent escalation of the student's behavior, including the specific de-escalation strategies that the staff used; the alternatives to restraint that staff attempted; the justification for initiating the restraint; a description of the holds used and why they were necessary; a description of the student's behavior and reaction during the restraint, and any medical care given; information regarding any further actions the school has taken or may take; and information regarding opportunities for the student's parents to discuss the restraint with the school.

### *Reporting to the Department of Elementary and Secondary Education*

The reporting process to the Department of Elementary and Secondary Education (DESE) is as follows: The District will report to DESE all restraints that result in serious injury to either a student or a staff member within three (3) working days of the restraint. Additionally, the District will provide DESE with an annual report of its physical restraint use.

## VIII. ADMINISTRATIVE REVIEWS OF PHYSICAL RESTRAINT USE

Two types of administrative reviews will be conducted in regards to the use of physical restraint. The Principal will conduct a Weekly Individual Student Review and a Monthly School-Wide Review.

### *Weekly Individual Student Review*

A Weekly Individual Student Review will be conducted in regards to any student who has been restrained multiple times during the week. The Principal will convene a review team to assess the progress and needs of any such student, with the goal of reducing or eliminating future restraint. This team will review and discuss the written restraint reports, analyze the factors that led to the restraint, consider the factors that may have contributed to the escalation of the student's behavior, and develop a written action plan.

### *Monthly School-Wide Review*

A Monthly School-Wide Review will also be conducted by the Principal. In this review, the Principal will consider patterns of restraints, number of restraints, duration of restraints and any injuries caused by restraints. The Principal will assess whether the restraint prevention and management policy needs to be modified and/or whether there is a need for additional staff training on restraint reduction and restraint prevention strategies.

## IX. TRAINING REQUIREMENTS

### *General Training*

The Principal will ensure that all staff receives training on the District's Restraint Prevention and Behavior Support Policy and Procedures and the requirements for the use of restraint. This training will comply with the requirements of 603 C.M.R. 46.04(2).

### *In-Depth Training*

The Principal will identify and authorize certain staff to serve as a school-wide resource to assist in ensuring the proper administration of physical restraint. These identified staff will participate in an in-depth training that complies with the requirements of 603 C.M.R. 46.04(3) and 603 C.M.R. 46.04(4).

- a) Appropriate procedures for presenting 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.

X. SPECIFIC PROCEDURES The District has developed and implemented specific procedures regarding appropriate responses to student behavior that may require immediate intervention.

### ***Methods to prevent student violence, self-injurious behavior, and suicide (individual crisis planning, de-escalation techniques)***

Through the implementation of the Multi-Tiered System of Support (MTSS), the District strives to ensure all students' social, emotional and academic needs are met while in the school setting.

All school buildings have the support of either a school psychologist and/or a school adjustment counselor who is able to support individual students, consult with teachers and assist families.

Additionally, subject to eligibility under the Individuals with Disabilities Education Act ("IDEA") and/or

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) students individual needs can be addressed through the identification, evaluation and placement process, which provided for individual service and/or accommodations for eligible students.

Some of the ways the staff is trained to prevent violent, self-injurious behavior and suicide are as follows:

- Training provided to staff on De-escalation Strategies
- Documentation in the District Curriculum Accommodation Plan (DCAP)
- Referrals to community resources

***Alternatives to physical restraint (verbal prompting, physical escort, time-out, de-escalation techniques)***

Through the implementation of MTSS students may be provided with individual behavior support plans, direct instruction and/or special education or related supports. Our goal is to teach students the skills they require to access and progress in the curriculum. Each building has staffs members identified who have received the in-depth restraint training that instructs them on extensive de-escalation strategies. This training also provides them with an understanding of challenging behaviors and manners of prevention.

***Description of physical restraints used in emergency situations***

Through the training provided to staff through Safety Care the following restraints may be used as an emergency procedure of last resort:

- 1-Person Stability Hold
- 2-Person Stability Hold
- Forward Escort
- Reverse Escort
- Seated Stability Hold
- 1-Person Seated Stability Hold
- 2-Person Seated Stability Hold
- Chair Stability Hold
- Leg Wrap

For more information please see the Safety Care Training Manual located in the Student Services Office.

***Restraint notification procedure***

Following the administration of a restraint the following steps must be taken:

- All staff involved and the student must be seen by the nurse to assess for any injuries.
- The Principal will make reasonable efforts to verbally inform the student’s parents within 24 hours of the restraint.
- The staff will file a detailed written report no later than the next school day.

- Principal will e-mail or mail the written report to the parents within three (3) school days of the restraint.
- A copy of the restraint report will be provided to the following people:
  - Parent (via US Mail or email address on file)
  - Principal
  - Director of Student Services

***Methods to engage parents in discussions about restraint prevention and the use of restraint solely as an emergency measure***

- Parents will be provided an opportunity to respond to the written incident report either in writing or in person. They should contact the principal directly who can arrange this.
- Information on the District's restraint procedures will be shared with the Joint Parent Communication Council (JPCC) and the Special Education Parent Advisory Council (SEPAC).
- Parents can always request to meet with the building Principal or the Director of Student Services if they have more questions regarding restraint prevention or the use of restraint.

**Restraint Complaint Procedure**

Any individual who wishes to file a regarding physical restraint practices should immediately report their concern promptly to the school principal or designee. The building principal will promptly investigate the complaint and provide the complainant notification of the outcome of the complaint within a reasonable time period of receipt of the complaint.

REF: Legal Authority: 603 C.M.R. § 46.00 DESE Technical Assistance Advisory SPED 2016-1, July 31, 2015 Effective 1/1/16.

Reviewed, Revised, Adopted by School Committee: 11/15/16

Reviewed, Revised, Adopted by School Committee: 5/28/19

To School Committee for 1<sup>st</sup> Reading: 7/23/19