

PHYSICAL RESTRAINT AND TIME OUT PROCEDURE

PHYSICAL RESTRAINT PROCEDURES

Physical restraint is defined as the use of bodily force to restrict a student's freedom of movement¹. Physical restraint shall only be used as an emergency procedure when other less intrusive alternatives have failed or been deemed inappropriate. In the event that physical restraint is required to protect the safety of school community members, the Fairhaven School Committee has enacted the following procedures to ensure the proper use of physical restraint and to prevent or minimize any harm to the student as a result of the use of physical restraint. These procedures shall be annually reviewed, provided to the school staff, and made available to parents of enrolled students.

None of the foregoing paragraphs or the procedures that follow precludes any teacher, employee or agent to the Fairhaven School Department from using reasonable force to protect students, other persons or themselves from assault or imminent, serious harm.

1. Staff Training

- A. All staff/faculty will receive training regarding the school's restraint policy within the first month of each school year, and employees hired after the school year begins will receive training within one month of starting their employment.
- B. Required training for all staff will include review of the following:
 - (1) The Fairhaven School Department physical restraint policy and procedures;
 - (2) Interventions which may preclude the need for physical restraint, including de-escalation of problematic behaviors;
 - (3) Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
 - (4) Types of physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;
 - (5) Administering physical restraint in accordance with known medical or psychological limitations and/or emergency procedures applicable to an individual student; and
 - (6) Identification of school staff who have received in-depth training (as set forth below in Section C) in the use of physical restraint.
- C. Designated staff members are recommended to participate in at least sixteen hours of in-depth training in the use of physical restraint.
 - (1) At the beginning of the school year, the Superintendent and/ or his/her designee will identify those staff who will participate in in-depth training and who will then be authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint.

¹ Physical escort is defined as the touching or holding a student without the use of force for the purpose of directing the student. Physical escort is **not physical restraint and is not covered by this policy/procedure.**

(2) In-depth training will include:

- a. Appropriate procedures for preventing the need for physical restraint, including relationship building, the de-escalation of problematic behavior, and the use of alternatives to physical restraint;
- b. A description and identification of dangerous behaviors on the part of a student that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of physical 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 district documentation ('Physical Intervention Incident Report') and mandated state reporting requirements and investigation of injuries and complaints ('Physical Restraint Report'); and
- e. Demonstration by participants of proficiency in administering physical restraint.

D. Staff/faculty will review any emergency procedures pertaining to special techniques for identified students.

2. Administration of Physical Restraint

A. Physical restraint may only be used in the following circumstances:

- (1) When non-physical interventions would be ineffective; and
- (2) The student's behavior poses a threat of imminent, serious physical , harm to self and/or others.

B. Physical restraint is prohibited in the following circumstances:

- (1) As a means of punishment; or
- (2) As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm. However, if the property destruction or the refusal to comply with a school rule or staff directive could escalate into, or could itself be serious, imminent harm to the student or to others, physical restraint is appropriate.

C. Only school personnel who have received required training or in-depth training pursuant to this policy shall administer physical restraint on students with one adult witness who does not participate in the physical restraint. The safety of the students and staff are paramount however, the training requirements shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from any assault, or any imminent, serious, or physical harm.

- D. Physical restraint shall be limited to the use of such reasonable force as is necessary to protect a student or others from assault or imminent, serious, physical harm.
- E. A person administering physical restraint shall use the safest method available and appropriate to the situation. Floor or prone restraints are prohibited.
- F. Physical restraint shall be discontinued when it is determined that the student is no longer at risk of causing imminent physical harm to self or others.
- G. Additional safety requirements:
 - (1) A restrained student shall not be prevented from breathing or speaking. A staff member will continuously monitor the physical status of the student, including skin color and respiration, during the restraint. If the student appears and/or indicates that he/she cannot breathe, then the restraint must be stopped and ceased immediately.
 - (2) If at any time during a physical restraint the student demonstrates significant physical distress, as determined by the staff member, the student shall be released from the restraint immediately (“break”), and school staff shall take steps to seek medical assistance.
 - (3) School staff shall review and consider any known medical or psychological limitations and/or emergency procedures regarding the use of physical restraint on an individual student.
- H. At an appropriate time after release of a student from physical restraint, the Principal/or Principal designee, or an appropriate school staff member shall:
 - (1) review the incident with the student to address the behavior that precipitated the the physical restraint;
 - (2) review the incident with the staff person(s) who administered the physical restraint to discuss whether proper physical restraint procedures were followed; and
 - (3) consider whether any follow-up is appropriate for students who witnessed the incident.

3. Methods of Physical Restraint

- A. Lower-level holding in a seated position
Medium-level holding in a seated position
Higher-level holding in a seated position
- B. Lower-level holding in a standing position
Medium-level holding in a standing position
Higher-level holding in a standing position

C. Children's Control Position (CPI)

D. Team Control Position (CPI)

E. Interim Control Position (CPI)

4. Mechanical and Medical Restraints and Seclusion

The use of mechanical restraint, medical restraint, and seclusion is prohibited.

5. Reporting Requirements:

A. School staff shall report the use of physical restraint after administration of a physical restraint.

B. The staff member who administered the physical restraint shall verbally inform the principal of the restraint as soon as possible, and complete the 'Physical Intervention Incident Report' no later than the next school working day.

- (1) The written Physical Intervention Incident Report shall be provided to the principal or his/her designee.
- (2) The principal or his/her designee shall maintain an on-going record (Restraint Reporting Form) of all reported instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request.

C. The principal or his/her designee shall verbally inform the student's parent(s)/guardian(s) of such physical restraint as soon as possible, and by written report postmarked no later than three school working days following the use of such physical restraint.

- (1) If the school customarily provides school related information to the parent(s)/guardian(s) in a language other than English, the written report shall be provided in that language.

D. The Physical Intervention Incident Report must be thoroughly completed and signed by all personnel that were involved and/or witnessed the incident leading to physical restraint.

E. IN the event of an extended physical restraint (physical restraint lasting twenty (20) consecutive minutes, then the school staff must obtain Principal approval before going beyond twenty (20) minutes.

- (1) The Principal must be provided with all details to make the determination.
- (2) The Principal or Principal designee must complete the Department of Elementary and Secondary Education 'Physical Restraint Report' and submit to the Superintendent within three school working days of the reported physical restraint.

F. In the event a physical restraint has resulted in any injury to a student or staff member, then the Principal will within three school working days of the reported physical restraint, provide to the Department of Elementary and Secondary Education a copy of the Physical Restraint Report as described above and a copy of the record of physical restraints maintained by the Principal for the thirty day period prior to the date of the reported physical restraint.

6. Responsibilities of the Principal

The following notes are specific to the reporting requirements of the Principal:

- A. Every physical restraint must be documented on a Physical Intervention Incident Report.
- B. Ensure a process by which notification of any physical restraint is received as soon as possible to the principal who will maintain an ongoing record;
- C. Notify parent of physical restraint verbally and in writing;
- D. Conduct weekly reviews of physical restraints to determine if any student has been restrained multiple times during the week (if so, must convene a review team to discuss, assess, develop written plan of action);
- E. Conduct monthly review of school-wide physical restraint data (look for patterns, identify student intervention plans, determine if revision to school physical restraint policy or more training is needed);
- F. Submit written report to DESE when physical restraint resulted in any injury to student and/or staff.
- G. Report all physical restraints to DESE on the Restraint Reporting Form.

7. Grievance Procedures

- A. Any party aggrieved by the administration of any physical restraint procedure, reporting requirement, documentation or investigation and findings as defined within this Policy, may request a hearing before the Fairhaven School Department.
- B. Requests for a hearing before the Fairhaven School Department, may be made verbally or in writing, but must be made no later than three school working days following the use of physical restraint and the receipt of a written report (as set forth in 5 – Section C).
- C. Within three working school days following a hearing, the Principal shall provide all parties to the hearing a written summation of his/her findings and disposition.
- D. Any party to the hearing aggrieved by the findings and disposition of the Principal may request, in writing and no later than 48 hours following the receipt of said findings and disposition, a hearing before the Fairhaven School Department.

TIME OUT PROCEDURES

Time out from reinforcement ("time out") is a procedure in which a student self selects or is staff directed temporarily to a place in a different, less-rewarding situation or setting, away from the learning activity or classroom, whenever he or she engages in undesirable or inappropriate behaviors, often defined in the student's Behavior Intervention Plan ("BIP"). (Cooper et al 2007, p.360) Time out is not a place it is an event. For time outs to be most effective, it is imperative that timeouts are absent of all possible reinforcing events. Typically, timeout is used in tandem with positive discipline techniques. For example, time out might be employed to reduce the frequency of a student's negative behaviors while an individualized reward system might be put in place to increase the frequency of appropriate student behaviors. Time out is intended to reduce the frequency of a target behavior, as defined in BIP, and can result in unintended negative effects on the student. Subsequently, students should be carefully monitored when timeout is being used. All incidents in which the student is timed out should be recorded in writing on a time out log. Time out procedures should be explained to students prior to a time out being administered. The time out space must be clean, safe, sanitary, and an appropriate space for calming. The time out shall cease as soon as the student has calmed.

1. **Inclusionary time out:** The student is removed from positive reinforcement or full participation in classroom activities, but remains in the classroom i.e. planned ignoring, ask student put head down, place student different location in classroom (not walled off time out rooms in classroom).

2. **Exclusionary time out:** The student is removed from the classroom - complete visual separation or actual physical separation from classroom activities. Actual physical separation should only be used when students are displaying behaviors that are potentially unsafe or overly disruptive. Students remain supervised (with visual observation) by assigned staff at all times. This should not be used for punishment for non-compliance or incidents of misbehavior which are no longer occurring.
 - Student must be continuously observed by staff;
 - Staff must be immediately available at all times;
 - Space must be clean, safe, sanitary, and appropriate;
 - Time out must end as soon as student has calmed;
 - Staff must record and keep a log of time in and time out ('Time out Log');
 - Staff must seek approval from the Principal for continued time out use over 30 minutes;
 - The Principal may not routinely approve such requests - must consider specific circumstances (is student agitated to justify longer than 30 min or if has not helped, implement other behavioral strategies).
 - If during an exclusionary time out, if the student is not safe for staff to be present, then the student may be left in time out setting with the door closed, but a school counselor or other behavioral support professional must be immediately outside the time out setting to continuously visually observe, communicate, and determine when student has calmed.
 - If during an exclusionary time out, if the student is displaying self-injurious behavior, then the staff must be present to assure student safety at all times.

3. **Seclusionary time out:** Prohibited.

Time out Parameters

Staffing - A minimum of two staff members should monitor a time out.

Entering Time Out - Staff should state the reason for time out briefly along with a directive to go to time out. (ex. "Spitting is not allowed. You need to go to time out."). Students should be expected to report independently to time out. If assistance is necessary, it should be carried out solemnly and silently. This is not the time for discussion or to explain what the student did wrong, why it is wrong or how time out will be carried out.

Time In - A timer can be used to track time. Set the timer or look at your watch as soon as the student enters time out. No objects that pose a danger to self or others should enter the time out area (ex. Pencils/pens, keys, paperclips, etc.)

Supervision – Visually monitor at all times, but do not engage in any communication with the student during the time out period.

Communicating with the Student During Time out - Talking with the student on the way to or during time out is reinforcing and only serves to sustain or increase student verbalization. Educators must refrain from engaging in ongoing explanations, warnings, and even arguments/power struggles with students regarding the procedures of time out. It is extremely important for the staff to remain objective, calm and matter-of-fact when using time out. Therefore, staff should implement planned ignoring (all communication and social attention is removed). Interactions with the student should be purposeful, simple-directive, and not socially engaging. Talking should be kept to a minimum. For example, ignore all protests or comments; do not respond to questions or be swayed by remarks such as "I don't care if I have to go to time out!"

Time Done - Be sure to release the student from time out as soon as the interval is over or if the student is displaying calm and in control behavior. The staff may process briefly with the student (ex. Your time out is done. You got the time out for spitting in class. What will you do in that situation next time?). The student may complete a behavior processing sheet after the time out is complete.

Return to Class - When the student is integrated back into the classroom, the teacher should welcome the student back to the room and direct the student to the last activity that preceded the behavior leading to the time out. The Teacher should immediately positively reinforce appropriate behavior as soon as it occurs. There should be no further references, lectures, or jokes about time out.

Common Mistakes During Timeout

- Answering questions posed by the student regarding how much more time he or she has remaining
- Countering misbehavior by penalizing with additional time
- Trying to calm the student down, cajoling or urging him/her to stop the misbehavior (i.e., tantrums, yelling, swearing, kicking, etc.) so that he/she may leave time out (e.g., "If you are quiet, then time out will soon be over.")
- Responding to swearing or threats from the student regarding what he/she will do when out.
- Please remember, these behaviors on the part of staff weaken the potential effectiveness of time out.

Time Out Practices

Open Door Time Out - The student is removed from the instructional setting to a separate time out space, i.e. a time out room. Door is left open. A staff must supervise the student at all times during time out.

Closed Door Time out - The student is removed from the instructional setting to a separate time out space, i.e. a time out room. The door may be closed if student exhibits aggressive, violent, or elopement behavior. The door may also be closed if the student exhibits significant disruption and/or safety concerns that disrupts the learning environment of others. A staff must supervise the student at all times during time out through the viewing window. The door is immediately opened when the behavior subsides and the student calms.

Time out Length - Generally a timeout is short (ex. 3-10 minutes based on the developmental age of the student). The student should display a period of safe, calm, compliant behavior. An effective time out should be swift and brief.

Prompting - Student will be prompted and given the opportunity every 5 minutes to display safe, calm, compliant behavior.

Clinical / Administrative Support - Administration should be notified if a student has not been able to process out of the time out at 30 minutes. Administration should collaboratively make a decision regarding next steps and a plan of action. Administration may continue the time out or request support from the School Adjustment Counselor/Guidance Counselor for a mental status assessment or another clinical intervention as needed.

Exiting Timeout - Generally a time out is a short (3-10 minutes) period of safe, calm, compliant behavior. The student may rejoin the class or move to a process area after he/she has demonstrated safe, calm, compliant behavior. If the student continues to be disruptive during time out, you can simply reset the time and tell the student that he or she must display safe, calm, compliant behavior for a set interval of time (e.g. 5 minutes) before the student can return to the class activity. The timer is reset at each additional outburst--until the student complies.

Nurse Involvement - Students should be checked by the school nurse upon completion of the time out event if the student displayed self injurious behavior and/or unsafe physical behavior while in the time out. If injury is noted staff should report to nurse/administration immediately.

Time Out Space Environment

- Time out space should be a minimum space of 60 square feet.
- The time out space must be clean, safe, sanitary, and an appropriate space for calming.
- The space should be clear of any potentially dangerous objects such as desks, wires, etc.
- Electrical outlets should be capped, lights protected, and walls reinforced if needed.
- The time out space door should be a solid door with a window that allows staff to view all of the room. The door should open inward and have a handle on the outside.
- The time out room door should remain open at all times unless the behaviors listed in 'closed door time out' present.

Documentation

Time out space interventions should be reflected in a Behavioral Intervention Plan or a Program Overview and signed by all parties, including the parent/guardian, prior to implementation. Log all incidents in which time out is used as a behavioral consequence. Note key information about time outs, including:

- Date, Student's Name, Time In, Time Out, and Reason for Time out including antecedent behavior.
- Notation of 5 minute prompt.
- Signature/Initial of Administrator at 30 minutes
- Note any concerning behaviors during time out implementation.

Evidence

There is a large body of evidence supporting the effectiveness of time out procedures and practices.

Miltenberger, 2008
Cooper, Heron, & Heward, 2007, p. 363

Kazdin, A.E. (1989). Behavior modification in applied settings. Pacific Grove, CA: Brooks/Cole Publishing
Yell, M.L. (1994). Timeout and students with behavior disorders: A legal analysis. Education and Treatment of Children, 17, 293-301.

Grievance Procedures

- A. Any party aggrieved by the administration of any time out procedure, reporting requirement, documentation or investigation and findings as defined within this Policy, may request a hearing before the Fairhaven School Department.
- B. Requests for a hearing before the Fairhaven School Department, may be made verbally or in writing, but must be made no later than three school working days following the use of the time out procedure.
- C. Within three working school days following a hearing, the Principal shall provide all parties to the hearing a written summation of his/her findings and disposition.
- D. Any party to the hearing aggrieved by the findings and disposition of the Principal may request, in writing and no later than 48 hours following the receipt of said findings and disposition, a hearing before the Fairhaven School Department.

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