

Education Client Alert
November 2015

DESE MANDATES METHOD OF REPORTING AND SUBMITTING
PHYSICAL RESTRAINT DATA

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On January 1, 2016, the revised regulations on physical restraint in public education programs, 603 CMR 46.00, will become effective. On November 19, 2015, In anticipation of new requirements under these regulations, the Department of Elementary and Secondary Education (“DESE”) posted a new, electronic Restraint Reporting Form designed to log individual instances of restraint and track program restraint data on a linked spreadsheet.

The Restraint Reporting Form and the instructions for its use can be accessed here: <http://www.doe.mass.edu/sped/docs.html>. The Restraint Reporting Form is a macro-enabled workbook file (.xlsm) and requires a computer with Microsoft Excel.

The revised regulations at 603 CMR 46.00 do not mandate any specific form or system for reporting individual physical restraints or for tracking internal data on such restraints. However, the revised regulation at 603 CMR 46.06(8) states that “every program shall collect and annually report data to the Department... in a manner and form directed by the Department.” DESE’s instructions for use of the Restraint Reporting Form state, “Superintendents and Executive Directors must ensure that every school has received an electronic version of the Restraint Reporting Form.” Similarly, “Principals must ensure that the Restraint Reporting Form is accessible to any school personnel who will be required to complete the form.” **Therefore, DESE appears to be mandating that programs use the electronic Restraint Reporting Form and related spreadsheet for recording every restraint, instead of any locally-developed documents.**

The Restraint Reporting Form is linked to a spreadsheet where users can select either the Restraint Report Form for Districts or the Restraint Report Form for Out-Of-District Settings. Once users have filled in all the required information, the report form can be “submitted,” and the information will be saved in the spreadsheet. DESE instructs that the spreadsheet should be saved on a school-wide server to ensure uniformity and the confidentiality of the information. The Restraint Reporting Form itself can also be printed and sent as notice to the parent(s)/guardian(s) of the restrained student. DESE suggests that Principals use the spreadsheet when conducting the weekly, individual student reviews and monthly administrative reviews required by the revised regulations. See 603 CMR 46.06(5),(6). The spreadsheet will then be submitted to DESE at the end of each school year.

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Public education programs (including public school districts, charter schools, collaborative programs, and approved private special education programs) are advised to ensure that they are capable of opening, downloading, and saving the Restraint Reporting Form to a school-wide server prior to January 1, 2016. Programs will also need to ensure that all staff who may be involved in restraints can access the electronic Restraint Reporting Form before that deadline. In addition, some programs may have already developed local forms or procedures for reporting, logging, and monitoring physical restraints in advance of the January 1, 2016 effective date. Such programs will need to re-assess their procedures and plans for staff training in order to take into account DESE's new mandated electronic reporting system.

The Restraint Reporting Form is intended to promote uniformity in school restraint reporting practices and facilitate the administrative requirements of the revised regulations. Given the fast-approaching deadline for implementation, schools are advised to look into installing and testing out the Restraint Reporting Form as soon as possible.

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