

## USE OF PHYSICAL RESTRAINT AND SECLUSION

~~Cape Elizabeth Schools hereby authorizes school officials to use designated time out rooms and therapeutic restraint to the extent permitted by law, and in a manner consistent with state law and regulations. The Superintendent of Schools is responsible for developing procedures for the use of designated time out rooms and therapeutic restraint. This policy and any accompanying procedures shall be reviewed at least annually by the Superintendent or his/her designee, and the Superintendent shall recommend to the School Committee any needed changes in this policy.~~

For purposes of

The \_\_\_\_\_ School Board has adopted this policy and the accompanying procedures to implement the standards for use of physical restraint and seclusion with students, as required by state law and regulations, and to support a safe school environment. Physical restraint and seclusion, as defined by this policy, may only be used as an emergency intervention when the behavior of a student presents an imminent risk of injury or harm to the student or others.

The Superintendent has overall responsibility for implementing this policy and any the accompanying procedures, the terms “designated time out room” and “therapeutic restraint” shall have procedure, but may delegate specific responsibilities as he/she deems appropriate.

### 1. Definitions

The following meanings/definitions apply to this policy and procedure:

**Designated time out room:** ~~A designated time out room is a room used specifically to isolate a student for the purpose of bringing under control student behavior that is dangerous or presents a risk of significant property damage. Dangerous behavior is behavior that presents a risk of injury or harm to that student or to others, and in the judgment of those involved cannot be controlled through interventions short of isolation in the designated time out room.~~

~~This policy and any accompanying procedures do not apply to interventions such as sending a student to the Principal’s office, to any staff member’s room or office, or to any other such setting, but is instead limited to use of a room specifically designated by the Superintendent of Schools for the purpose of isolating students as described above. Use of this area to control student behavior must comply with this policy and any procedures developed hereunder.~~

**Therapeutic Restraint:** ~~Therapeutic restraint is physical restraint of a student for the purpose of preventing that student from injuring him or herself or others, when such restraint is undertaken in accordance with an individualized, written plan that specifically calls for therapeutic restraint. Therapeutic restraint as defined in this policy and any accompanying procedures should be administered by personnel trained in that restraint.~~

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School personnel should not use as a type of therapeutic restraint any restraint that restricts the free movement of the diaphragm or chest or that restricts the airway so as to interrupt normal breathing or speech of students.

Therapeutic A. **Physical restraint:** An intervention that restricts a student's freedom of movement or normal access to his or her body, and includes physically moving a student who has not moved voluntarily.

### **Physical restraint does not include any of the following:**

1. Physical escort: A temporary touching or holding of the hand, wrist, arm, shoulder, hip or back for the purpose of moving a student voluntarily.
2. Physical prompt: A teaching technique that involves physical contact with the student and that enables the student to learn or model the physical movement necessary for the development of the desired competency.
3. Physical contact: When the purpose of the intervention by any school official that is to comfort a student and the student voluntarily accepts the contact.
4. Momentarily deflecting the movement of a student when the student's movements would otherwise be governed by state law on destructive, harmful or dangerous to the student or others.
5. The use of reasonable force (seat belts, safety belts or similar passenger restraints, when used as intended during the transportation of a child in a motor vehicle.
6. The use of a medically prescribed harness, when used as intended; the use of protective equipment or devices that are part of a treatment plan prescribed by a licensed health care provider; or prescribed assistive devices when used as prescribed and supervised by qualified and trained individuals.
7. Restraints used by law enforcement officers **[include if the school unit has school resource officers; or school resource officers employed by a police department]** in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33. **[NOTE: Local school boards should review their existing policies on relations with law enforcement and/or SROs to ensure that they are consistent with this policy/procedure. At a minimum, a cross reference to this policy/procedure should be added. Local boards that have not adopted a policy/procedure on law enforcement are encouraged to do so. Specific questions about this exception in Chapter 33 should be directed to legal counsel.]**
8. MDOE Rule Chapter 33 does not restrict or limit the protections available to school officials under 20-A M.R.S.A. § 4009), which includes the use of a reasonable degree of force by, but those

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protections do not relieve school officials ~~against a~~ from complying with this policy/procedure.

- B. **Seclusion:** The involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving, with no other person who is creating a disturbance, when the official believes that force is necessary to control the disturbing behavior or in the room or area with the student.

### **Seclusion does not include:**

1. **Timeout:** An intervention where a student requests, or complies with an adult request for, a break.

## **2. Procedures for Implementing Physical Restraint and Seclusion**

The requirements for implementing physical restraint and seclusion, as well as incident notices, documentation and reporting are included in the accompanying procedure, JKAA-R.

## **3. Annual Notice of Policy/Procedure**

[Name of school unit] shall provide annual notice to remove the person from the scene parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee. **[NOTE: Local boards should consider how best to provide notice to parents/legal guardians. For parents, suggestions include providing the policy/procedure in the first-day packet or inclusion in student handbooks. Information can also be provided on the school unit's website, but at this point in time we do not recommend that the website be the sole method of the disturbance-disseminating information to families.]**

## **4. Training Requirements**

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. **[Name of school unit]** will ensure that there are a sufficient number of administrators/designees, special education and other staff who maintain certification in a restraint and seclusion training program approved by the Maine Department of Education. A list of certified staff shall be updated annually and maintained in the Superintendent's Office, in each school office and in the school unit's Emergency Management Plan. **[NOTE: Local boards should ensure that this information is included in the school unit's emergency management plan system-wide and in any specific safety/emergency plans for individual schools.**

## **5. Parent/Legal Guardian Complaint Procedure**

A parent/legal guardian who has a complaint concerning the implementation of this policy/procedure must submit it in writing to the Superintendent **[or insert other appropriate**

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**administrator]** as soon as possible. The Superintendent/designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days, if practicable. **[NOTE: Chapter 33 does not contain a specific time limit for local school units to respond to parental complaints. We have inserted a time limit for discussion purposes, but local boards should discuss what makes sense for their school unit. For ease of administration, it may make sense to make the deadline consistent with other complaint procedures, such as the employee and student discrimination/harassment complaint procedures.]**

A parent/legal guardian who is dissatisfied with the result of the local complaint process may file a complaint with the Maine Department of Education. The Department of Education will review the results of the local complaint process and may initiate its own investigation at its sole discretion. The Department shall issue a written report with specific findings to the parent/legal guardian and the school unit within 60 calendar days of receiving the complaint.

Legal References: 20-A M.R.S.A. §§ 4502(5)(M); 4009 --  
Me. DOE Reg., ch. 33

Cross References: ~~JKAA-R: Time Out Rooms and Therapeutic~~ Procedures on Physical Restraint Procedures and Seclusion  
JK – Student Discipline  
KLGA/KLG-R – Relations with Law Enforcement OR  
KLGA/KLGA-R – Relations with School Resource Officers  
EBCA – Comprehensive Emergency Management Plan

Formerly Policy JKGA, adopted April 8, 2008

ADOPTED: April 12, 2011

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These procedures are established for the purpose of meeting the obligations of Cape Elizabeth Schools under state law/regulations and local school board policies Board Policy JKAA governing the use of designated time out rooms, physical restraint and therapeutic restraint, seclusion. These procedures shall be interpreted in a manner consistent with state law and regulations.

### I-1. Definitions :

For purposes of these procedures, the terms “designated time out room” and “therapeutic physical restraint” and “seclusion” shall have the following meanings defined in Policy JKAA. Definitions for other important terms in this procedure include:

**1. Designated time out room:** ~~A designated time out room is a room used specifically to isolate a student for the purpose of bringing under control student behavior that is dangerous or presents a risk of significant property damage. Dangerous behavior is behavior that, in the judgment of those involved, presents a risk of injury or harm to that student or to others, and cannot be controlled through interventions short of isolation in the designated time out room.~~

~~This policy and any accompanying procedures do not apply to interventions such as sending a student to the Principal’s office, to any staff member’s room or office, or to any other such setting, but is instead limited to use of a room specifically designated by the Superintendent of Schools for the purpose of isolating students as described above. Use of this area to control student behavior must comply with these procedures.~~

**2. Therapeutic Restraint:** ~~Therapeutic restraint is physical restraint of a student for the purpose of preventing that student from injuring him or herself or others, when such restraint is undertaken in accordance with an individualized, written plan that specifically calls for therapeutic restraint. Therapeutic restraint as defined in these procedures should be administered by personnel trained in that restraint.~~

~~School personnel should not use as a type of therapeutic restraint any~~ **A. Emergency:** A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.

**B. Imminent risk of injury or harm:** A situation in which a student has the means to cause physical harm or injury to him/herself or others and such injury or harm is likely to occur at any moment, such that a reasonable and prudent person would take steps instantly to protect the student and others against the risk of such injury or harm.

**C. Dangerous behavior:** Behavior that presents an imminent risk of injury or harm to a student or others.

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- D. Serious bodily injury:** Any bodily injury that involves: (1) A substantial risk of death; (2) Extreme physical pain; (3) Protracted and obvious disfigurement; or (4) Protracted loss or impairment of the function of a bodily member, organ or mental faculty.

**2. Physical Restraint**

To the extent possible, physical restraint will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated a physical restraint in an emergency, trained staff must be summoned to the scene to assume control of the situation if the emergency continues.

This procedure does not preclude law enforcement personnel from implementing physical restraints in carrying out their professional responsibilities.

**A. Permitted Uses of Physical Restraint**

1. Physical restraint may be used only as an emergency intervention when the behavior of a student presents imminent risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Physical restraint may be used to move a student only if the need for movement outweighs the risks involved in such movement.
3. Prescribed medications, harnesses, and other assistive or protective devices may be used as permitted by Rule Chapter 33.
4. Parents may be requested to provide assistance at any time.

**B. Prohibited Forms and Uses of Physical Restraint**

1. Physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.
2. Physical restraint used solely to prevent property destruction or disruption of the environment in the absence of imminent risk of injury.
3. Physical restraint that restricts the free movement of ~~the~~ a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech ~~of students.~~ (restraint-related asphyxia).

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“Therapeutic restraint” does not include any intervention by any school official that would otherwise be governed by state law on the use of reasonable force (20-A M.R.S.A. Section 4009), which includes the use of a reasonable degree of force by school officials against a person who is creating a disturbance, when the official believes that force is necessary to control the disturbing behavior or to remove the person from the scene of the disturbance.

### ***II. Designation of Time Out Rooms***

1. If the Superintendent of Schools determines that there is a need for a designated time out room in a particular school building, he or she shall designate the room to be used for that purpose, and shall ensure that said room meets the requirements of these procedures. The building principal shall be familiar with these procedures on the use of the designated time out room, and shall ensure that staff understand the proper use of that room. Once a room has been designated specifically for this purpose, it shall not be used in any manner that would be inconsistent with its use as a designated time out room.

2. Designated time out rooms 4. Physical restraint that relies on pain for control, including but not limited to joint hyperextension, excessive force, unsupported take-downs (e.g., tackles), the use of any physical structure (e.g., wall, railing or post), punching and hitting.

5. Aversive procedures, and mechanical and chemical restraints.

a. Aversive procedures are defined as the use of a substance or stimulus, intended to modify behavior, which the person administering it knows or should know is likely to cause physical and/or emotional trauma to a student, even when the substance or stimulus appears to be pleasant or neutral to others. Such substances and stimuli include but are not limited to infliction of bodily pain (e.g., hitting, pinching, slapping); water spray; noxious fumes; extreme physical exercise; costumes or signs.

b. Mechanical restraints are defined as any item worn by or placed on the student to limit behavior or movement and which cannot be removed by the student. Prescribed assistive devices are not considered mechanical restraints when used as prescribed and their use is supervised by qualified and trained individuals in accordance with professional standards.

c. Chemical restraints are defined as the use of medication, including those administered PRN (as needed), given involuntarily to control student behavior. Prescribed medications are not considered chemical

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restraints when administered by a health care provider in accordance with a student's health care plan.

**C. Monitoring Students in Physical Restraint**

1. At least two adults must be present at all times when physical restraint is used except when, for safety reasons, waiting for a second adult to arrive is precluded by the particular circumstances.
2. The student must be continuously monitored until he/she no longer presents an imminent risk of injury or harm to him/herself or others.
3. If an injury occurs, applicable school policies and procedures should be followed.

**D. Termination of Physical Restraint**

1. The staff involved in the use of physical restraint must continually assess for signs that the student is no longer presenting an imminent risk of injury or harm to him/herself or others, and the emergency intervention must be discontinued as soon as possible.
  - a. The time a student is in physical restraint must be monitored and recorded.
  - b. If physical restraint continues for more than ten (10) minutes, an administrator/designee shall determine whether continued physical restraint is warranted, and shall continue to monitor the status of the physical restraint every ten (10) minutes until the restraint is terminated.
  - c. If attempts to release a student from physical restraint have been unsuccessful and the student continues to present behaviors that create an imminent risk of injury or harm to him/herself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

**3. Seclusion**



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To the extent possible, seclusion will be implemented by staff certified in a training program approved by the Maine Department of Education. If untrained staff have intervened and initiated seclusion in an emergency, trained staff must be summoned to the scene as soon as possible.

A “timeout” where a student requests, or complies with an adult request for, a break is not considered seclusion under this procedure. Seclusion also does not include any situation where others are present in the room or defined area with the student (including but not limited to classrooms, offices and other school locations).

### A. Permitted Uses and Location of Seclusion

1. Seclusion may be used only as an emergency intervention when the behavior of a student presents imminent risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Seclusion may be achieved in any part of a school building with adequate light, heat, ventilation and of normal room height.
  - a. Seclusion may not take place in a locked room.
  - b. If a specific room is designated as a seclusion room, it must be a minimum of sixty (60) square feet, ~~with;~~ have adequate light, heat, and ventilation ~~and;~~ be of normal room height. ~~The door to the timeout room may not be locked, latched or secured in any way that would prevent the student from exiting the room.;~~ contain an unbreakable observation window shall be located in a wall or door to permit continuous observation; and must be free of hazardous material and objects which the student and any staff member in the timeout room could use to self-inflict bodily injury.

### *~~III. Use of Designated Time Out Rooms~~*

~~1. The designated time out room shall be used specifically for the purpose of isolating a student to bring under control student behavior that is dangerous or presents a risk of significant property damage. Dangerous behavior is behavior that presents a risk of injury or harm to that student or to others, and cannot be controlled through interventions short of isolation in the designated time out room. The designated time out room shall not be used for punitive purposes, for staff convenience, or to control minor misbehavior.~~

~~2. The designated time out room shall be used only after less intrusive interventions have failed to bring the student’s behavior under control. A student should remain in the designated time out room only for the time necessary for the student to compose him or herself sufficiently to return~~

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to the classroom with minimal risk that the behavior will quickly re-occur, in the opinion of school officials monitoring the intervention.

3. School officials shall not keep a student in the designated time out room for more than one hour. If the student continues to present dangerous behaviors after this period of time, the placement in that room may be continued only with written authorization of the building principal or designee. In that event, the student's parent or guardian should also be called for the purpose of taking the student home for the remainder of that school day.

4. Students in a designated time out room shall be directly observed at all times by a staff person.

5. School officials monitoring a child in the designated time out room shall not secure the door to that room in any manner, including holding the door so as to keep the child shut in that room. In the event that a child who is actively demonstrating dangerous behaviors attempts to leave the room, the staff member may use restraint to ensure safety, and should attempt to arrange for emergency personnel and the parents to be contacted.

6. If at any point during the child's stay in the designated time out room, the building principal or his/her designee believes that the child can not be maintained safely even in that setting, the building principal or designee shall call the child's parent to come pick up the child, and may also call other emergency personnel for the purpose of taking custody of the child and ensuring the child's safety.

### ***IV. Documenting Use of the Designated Time-Out Room***

1. Each time a child is placed in a designated time out room, a school official involved in that decision shall document the action. The documentation must include the following: the name of the student; the date and time of placing the child in the room; the time that the placement ended; the antecedent events leading up to the behavior requiring the placement; the behavior itself leading to the placement; other types of intervention that may have been used; the names of staff members involved in the incident; and the names of staff members who monitored the child's placement in the designated time out room. If a call is placed to the family or to emergency personnel, that should be noted in the documentation as well.

2. This written documentation shall be provided to the building principal or designee within two school days of the incident itself. If possible, the parents should be notified of the incident on the same day of the child's placement in the designated time out room, or as soon as possible thereafter.

### ***V. Use of Therapeutic Restraint***

1. Therapeutic restraint as covered by these procedures shall be used only for the purpose of preventing a student from injuring him or herself or others, when such restraint is undertaken in

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accordance with an individualized, written plan that specifically calls for therapeutic restraint. Therapeutic restraint as covered by these procedures shall be used only after less intrusive interventions have failed to bring the student's behavior under control.

2. Attempts shall be made to involve the parents in developing an individualized, written plan that specifically calls for therapeutic restraint. For students with disabilities, the student's IEP Team or 504 Team may develop such a plan if the Team determines it is appropriate to do so.

3. Therapeutic restraint as covered by these procedures shall involve the least amount of physical contact that is required to bring the behavior under control, and should be implemented by persons who have successfully completed an appropriate training program in the identification and de-escalation of potentially harmful behaviors and the safe use of passive physical therapeutic restraints.

4. School personnel should not use as a type of therapeutic restraint any restraint that restricts the free movement of the diaphragm or chest or that restricts the airway so as to interrupt normal breathing or speech of students.

5. At least two adults should be involved in the use of therapeutic restraint as covered by these procedures, and if possible, both adults should have completed an appropriate training program. In the event that an emergency situation prevents the presence of two adults for the therapeutic restraint, one individual may undertake the intervention and his/her conduct shall be protected to the full extent allowed by state law on the use of reasonable force in emergencies (20-A M.R.S.A. Section 4009). If an untrained adult is involved in the intervention, his/her conduct shall also be protected to the full extent allowed by state law on the use of reasonable force in emergencies.

6. The school district shall maintain a list of all personnel with restraint training, and the list shall include the date and type of training and the name and qualifications of the trainer.

7. The use of therapeutic restraint as covered by these procedures should not exceed one hour in length. If the student is still presenting dangerous behaviors after that time, the use of therapeutic restraint may be continued with written authorization of the building principal or designee. In that event, the student's parent or guardian should also be called for the purpose of taking the student home for the remainder of that school day.

8. If at any point during the therapeutic restraint, the building principal or his/her designee believes that the child can not be maintained safely even with that restraint, the building principal or designee shall call the child's parent to come pick up the child, and may also call other emergency personnel for the purpose of taking custody of the child and ensuring the child's safety.

9. Should involved staff believe that a student has been injured during a therapeutic restraint, the staff member shall follow school procedures in reporting that injury to the school nurse or others, as soon as reasonably practicable. School officials should document any physical injury

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~~to a student arising from a therapeutic restraint in a manner consistent with documentation of other student injuries at school.~~

~~10. In the event that school officials use restraint on a child in any manner inconsistent with these procedures, that intervention shall be protected to the full extent permitted by state law on the use of reasonable force (20-A M.R.S.A. Section 4009).~~

### *~~VI. Documenting Use of Therapeutic Restraint~~*

~~1. Each time a child is subject to therapeutic restraint as covered by these procedures, a school official involved in that decision shall document the action. The documentation must include the following: the name of the student; the date and time of the restraint; the time that the restraint ended; the antecedent events leading up to the behavior requiring the restraint; the behavior itself requiring the restraint; other types of intervention that may have been used; the names of staff members involved in the incident; and the names of staff members who participated in the restraint. If a call is placed to the family or to emergency personnel, that should be noted in the documentation as well.~~

~~2. This written documentation shall be provided to the building principal or designee within two school days of the incident itself. If possible, the parents shall be notified of the incident on the same day that therapeutic restraint is used on the child, or as soon as possible thereafter.~~

### *~~VII. Prohibition of Aversive Therapy~~*

~~1. School officials shall not use aversive therapy on a student to modify or change that student's behavior. "Aversive therapy" is the application of unusual, noxious or potentially hazardous substances, stimuli or procedures to a student. Aversive therapies include the use of water spray, hitting, pinching, slapping, noxious fumes, extreme physical exercise, or embarrassing costumes or signs.~~

~~2. The use of mechanical or chemical restraints by school officials is prohibited by these procedures. These procedures do not prohibit protective equipment or devices that are part of a treatment plan prescribed by a physician or psychologist for treatment of a chronic condition.~~

References: ~~20-A M.R.S.A. Section 4502(5)(M)~~

~~3. Parents may be requested to provide assistance at any time.~~

## **B. Prohibited Uses of Seclusion**

1. Seclusion used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior.

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2. Seclusion used solely to prevent property destruction or disruption of the environment in the absence of imminent risk of injury.

**C. Monitoring Students in Seclusion**

1. At least one adult must be physically present at all times to continuously monitor a student in seclusion. The adult, while not present in the room or defined area, must be situated so that the student is visible at all times.
2. The student must be continuously monitored until he/she no longer presents an imminent risk of injury or harm to him/herself or others.
3. If an injury occurs, applicable school policies and procedures should be followed.

**D. Termination of Seclusion**

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting an imminent risk of injury or harm to him/herself or others, and the emergency intervention must be discontinued as soon as possible.
  - a. The time a student is in seclusion must be monitored and recorded.
  - b. If seclusion continues for more than ten (10) minutes, an administrator/designee shall determine whether continued seclusion is warranted, and shall continue to monitor the status of the seclusion every ten (10) minutes until the restraint is terminated.
  - c. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create an imminent risk of injury or harm to him/herself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

**4. Notification and Reports of Physical Restraint and Seclusion Incidents**

For the purposes of this procedure, an “incident” consists of all actions between the time a student begins to create a risk of harm and the time the student ceases to pose a risk of harm and returns to his/her regular programming.

**A. Notice Requirements**

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After each incident of physical restraint or seclusion:

1. A staff member involved in the incident shall make an oral notification to the administrator/designee as soon as possible, but no later than the end of the school day.

**[NOTE: For students in out-of-district placements, the entity must make this report to the sending school within 24 hours or by the next business day.]**

2. An administrator/designee shall notify the parent/legal guardian about the physical restraint or seclusion (and any related first aid provided) as soon as practical, but within the school day in which the incident occurred. The administrator/designee must utilize all available phone numbers or other available contact information to reach the parent/legal guardian. If the parent/legal guardian is unavailable, the administrator/designee must leave a message (if the parent/legal guardian has a phone and message capability) to contact the school as soon as possible. The parent/legal guardian must be informed that written documentation will be provided within seven (7) calendar days.
3. If the physical restraint or seclusion incident occurred outside the school day, the notifications must be made as soon as possible and in accordance with **[name of school unit's]** usual emergency notification procedures. **[NOTE: Emergency procedures should be consistent with this requirement.]**
4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the **[name of school unit's]** emergency notification procedures shall be followed and an administrator/designee shall notify the Maine Department of Education within twenty-four (24) hours or the next business day.

**B. Incident Reports**

**[NOTE: Chapter 33 does not specify who is responsible for completing the incident report. It makes sense for staff to receive training in how to complete these reports.]**

Each use of physical restraint or seclusion must be documented in an incident report. The incident report must be completed and provided to an administrator/designee as soon as practical, and in all cases within two (2) school days of the incident. The parent/legal guardian must be provided a copy of the incident report within seven (7) calendar days of the incident.

**[NOTE: For students in out-of-district placements, the entity must make the incident report to the sending school.]**

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The incident report must include the following elements:

1. Student name;
2. Age, gender and grade;
3. Location of the incident;
4. Date of the incident;
5. Date of report;
6. Person completing the report;
7. Beginning and ending time of each physical restraint and/or seclusion;
8. Total time of incident;
9. Description of prior events and circumstances;
10. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;
11. The student behavior justifying the use of physical restraint or seclusion;
12. A detailed description of the physical restraint or seclusion used;
13. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the student to his/her program, if appropriate;
15. Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan.
16. If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification and any treatment administered;
17. The date, time and method of parent/legal guardian notification;
18. The date and time of administrator/designee notification.

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19. Date and time of staff debriefing.

Copies of the incident reports shall be maintained in the student's file and in the school office.

**5. School Unit Response Following the Use of Physical Restraint or Seclusion**

- A. Following each incident of physical restraint or seclusion, an administrator/designee shall take these steps within two (2) school days (unless serious bodily injury requiring emergency medical treatment occurred, in which case these steps must take place as soon as possible, but no later than the next school day):
1. Review the incident with all staff persons involved to discuss: (a) whether the use of physical restraint or seclusion complied with state and school board requirements and (b) how to prevent or reduce the need for physical restraint and/or seclusion in the future.
  2. Meet with the student who was physically restrained or secluded to discuss: (a) what triggered the student's escalation and (b) what the student and staff can do to reduce the need for physical restraint and/or seclusion in the future.
- B. Following the meetings, staff must develop and implement a written plan for response and de-escalation for the student. If a plan already exists, staff must review it and make revisions, if appropriate. For the purposes of this procedure, "de-escalation" is the use of behavior management techniques intended to cause a situation involving problem behavior of a student to become more controlled, calm and less dangerous, thus reducing the risk of injury or harm.

**6. Procedure for Students with Three Incidents in a School Year**

The school unit will make reasonable, documented efforts to encourage parent/legal guardian participation in the meetings required in this section, and to schedule meetings at times convenient for parents/legal guardians to attend.

**A. Special Education/504 Students**

1. After the third incident of physical restraint and/or seclusion in one school year, the student's IEP or 504 Team shall meet within ten (10) school days of the third incident to discuss the incident and consider the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan), or amend an existing one.



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**B. All Other Students**

1. A team consisting of the parent/legal guardian, administrator/designee, a teacher for the student, a staff member involved in the incident (if not the administrator/designee or teacher already invited), and other appropriate staff shall meet within ten (10) school days to discuss the incidents.
2. The team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is made, the need to conduct an FBA (functional behavioral assessment) and/or develop a BIP (behavior intervention plan).

**7. Cumulative Reporting Requirements**

**A. Reports within the School Unit**

1. Each building administrator must report the following data on a quarterly and annual basis:
  - a. Aggregate number of uses of physical restraint;
  - b. Aggregate number of students placed in physical restraint;
  - c. Aggregate number of uses of seclusion;
  - d. Aggregate number of students placed in seclusion;
  - e. Aggregate number of serious bodily injuries to students related to the use of physical restraints and seclusions; and
  - f. Aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.
2. The Superintendent shall review the cumulative reports and identify any areas that could be addressed to reduce the future use of physical restraint and seclusion.

**B. Reports to Maine Department of Education**

**PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION**

1. The Superintendent shall submit an annual report to the Maine Department of Education on an annual basis that includes the information in Section 7.A.1 above.

Legal Reference: Me. DOE Reg., ch. 33

Cross Reference: ~~JKAA: Time Out Rooms and Therapeutic~~ - Use of Physical Restraint and Seclusion

Formerly Policy JKGA-R, adopted April 8, 2008

ADOPTED: April 12, 2011