NOTE: The policy and procedure are intended to be used together, because they both contain important components of 20-A MRSA § 4014, and Maine DOE Rule Chapter 33.

PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

These procedures are established for the purpose of meeting the obligations of Forest Hills Consolidated School under state law/regulations and Board Policy JKAA governing the use of physical restraint and seclusion. These procedures shall be interpreted in a manner consistent with state law and regulations.

1. 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 or other first responders from implementing physical restraints consistent with their professional responsibilities.

A. Permitted Uses of Physical Restraint

1. Physical restraint may be used only when the behavior of a student presents an imminent risk of serious physical injury to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate. The physical restraint must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person, and should involve the least amount of force necessary to protect the student or other person.
2. Serious physical injury is any impairment of the physical condition of a person, whether self-inflicted or inflicted on someone else, that requires a medical practitioner, including but not limited to, a school nurse, to evaluate and/or treat the person.
3. Prescribed medications, harnesses, seat belts and other assistive or protective devices may be used as permitted by law and described in Policy JKAA.
4. Parents/legal guardians may be requested to provide assistance with their child 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 a risk of serious physical injury.

3. Physical restraint that is life threatening, restricts breathing or restricts blood flow to the brain, including prone restraint.
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. Physical restraint that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if appropriately documented in:
    - A health care directive or medical management plan;
    - A school-approved behavior plan;
    - An IEP or an Individual Family Service Plan (IFSP); or
    - A school-approved 504 or ADA plan.
6. 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 restraint that uses a device to restrict a student's freedom of movement. Such restraints do not include adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement, or the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

    c. Chemical restraints are defined as the use of drug or medication that is not prescribed as the standard treatment of a student's medical or psychiatric condition by a licensed physician or other qualified health professional acting under the scope of the professional's authority under state law that is used on a student to control behavior or restrict freedom of movement.

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 they no longer present a risk of injury or harm to the student 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 in physical restraint is no longer presenting an imminent risk of serious physical injury to themselves or others, and the physical restraint must be discontinued immediately after it is determined that the imminent risk of serious physical harm has ended.

    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 the student from physical restraint have been unsuccessful and the student continues to present behaviors that create an imminent risk of serious physical injury to the student or to others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

2. Seclusion

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 clearly 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 an imminent risk of serious bodily injury to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate. The seclusion must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person.
2. Serious physical injury is any impairment of the physical condition of a person, whether self-inflicted or inflicted on someone else, that requires a medical practitioner, including but not limited to, a school nurse, to evaluate and/or treat the person.
3. Seclusion may occur 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; have adequate light, heat and ventilation; be of

normal room height; contain an unbreakable observation window in a wall or door; and must be free of hazardous material and objects which the student could use to self-inflict bodily injury.

4. Parents/legal guardians may be requested to provide assistance with their child 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.
2. Seclusion used solely to prevent property destruction or disruption of the environment in the absence of an imminent risk of serious physical injury.
3. Seclusion that is life threatening.
4. Seclusion that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if appropriately documented in:
    - A health care directive or medical management plan;
    - A school-approved behavior plan;
    - An IEP or IFSP; or
    - A school-approved 504 or ADA plan.

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 they no longer presents an imminent risk of serious physical injury to the student or to 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 serious physical injury to the student or others, and the seclusion must be discontinued as soon as the imminent risk ceases.

    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 seclusion 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 serious physical injury to the student or to others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

3. 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 an imminent risk of serious physical injury and the time the student ceases to pose that imminent risk and returns to their regular programming.

A. Notice Requirements

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 end of 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 the school unit's usual emergency notification procedures.
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

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.

The incident report must include the following elements:

1) Student name;

2) Age, gender, grade;

3) Does the student have an Individualized Education or 504 Plan

4) Location of the incident;

5) Date of incident;

6) Date of report;

7) Person completing the report;

8) Beginning and ending time of each physical restraint and seclusion;

9) Incident start and end time;

10) Total time of incident;

11) Total number of uses of seclusion within the incident period;

i. Beginning and ending time of each use of seclusion within the incident period;

ii. A detailed description of each use of seclusion within the incident period;

12) Total number of uses of physical restraint within the incident period;

i. Beginning and ending time of each use of physical restraint within the incident period;

ii. A detailed description of each use of physical restraint within the incident period;

13) Description of prior events and circumstances;

14) Less restrictive interventions tried prior to the use of physical restraint or seclusion. If none used, explain why;

15) The student behavior that justified the use of physical restraint or seclusion;

16) A detailed description of the physical restraint or seclusion used;

17) The staff person(s) involved, their role in the use of physical restraint and/or seclusion and their certification, if any, in an approved training program;

17) Description of the incident, including the resolution and process of return to program, if appropriate;

18) Whether the Student has an: a. IEP; b. 504 plan; c. behavior plan; d. IHP; or e. other plan;

19) If a student sustained bodily injury, the date and time of nurse or response personnel notification and the treatment administered, if any;

20) If a staff member sustained bodily injury, the date and time of nurse or response personnel notification and the treatment administered, if any;

21) Date, time, and method of parent notification; and

22) Date and time of staff debriefing.

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

4. 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.

5. Procedure for Students After Every Third Incident

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 every 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.
2. Schools are not required to hold more than one meeting within any 30-school-day period to address restraints or seclusion, notwithstanding the "after every third incident" standard noted above.

B. All Other Students

1. After every third incident of physical restraint and/or seclusion in one school year, 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. Schools are not required to hold more than one meeting within any 30-school-day period to address restraints or seclusion, notwithstanding the "after every third incident" standard noted above.
3. 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).

6. 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. Seclusion:

1) total number of incidents that include the use of seclusion;

2) the aggregate number of uses of seclusion;

3) the aggregate number of students placed in seclusion;

4) the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 federal Rehabilitation Act of 1973, placed in seclusion;

5) the aggregate number of serious physical injuries to students related to seclusion;

6) the aggregate number of serious physical injuries to staff related to seclusion;

b. Physical Restraint

1) total number of incidents that include the use of physical restraints;

2) the aggregate number of uses of physical restraint;

3) the aggregate number of students placed in physical restraint;

4) the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, placed in physical restraints;

5) the aggregate number of serious physical injuries to students related to physical restraint;

6) the aggregate number of serious physical injuries to staff related to physical restraint;

B. Superintendent Review of Reports.

1. The superintendent or chief administrator shall review cumulative reports received as set forth in this section and identify those areas that can be addressed to reduce the future use of physical restraint and seclusion. These cumulative reports may be requested by the Department of Education at any time.

C. Reports to Maine Department of Education

Each covered entity shall submit to the department an annual report on incidents of physical restraint and seclusion of students of that covered entity that includes:

1. Seclusion:

1) total number of incidents that include the use of seclusion;

2) the aggregate number of uses of seclusion;

3) the aggregate number of students placed in seclusion;

4) the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, placed in seclusion;

5) the aggregate number of serious physical injuries to students related to seclusion;

6) the aggregate number of serious physical injuries to staff related to seclusion;

2. Physical Restraint:

1) total number of incidents that include the use of physical restraints;

2) the aggregate number of uses of physical restraint;

3) the aggregate number of students placed in physical restraint;

4) the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, placed in physical restraints;

5) the aggregate number of serious physical injuries to students related to physical restraint;

6) the aggregate number of serious physical injuries to staff related to physical restraint;

Legal Reference: 20-A MRSA §§ 4014, 4502(5)(M); 4009
Chapter 33 (Maine Department of Education Rules)

Cross Reference: JKAA-R – Procedures on Physical Restraint and Seclusion
JK – Student Discipline
KLG/KLG-R – Relations with Law Enforcement [**OR**
KLGA/KLGA-R – Relations with School Resource Officers]
EBCA – Comprehensive Health and Safety Emergency Management Plan

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