

USE OF PHYSICAL RESTRAINT AND SECLUSION

The FSAS 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 a risk of injury or harm to the student or others.

The Executive Director has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as he/she deems appropriate.

1. Definitions

The following definitions apply to this policy and procedure:

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 inducing a student to walk to another location, including assisting the student to the student's feet in order to be escorted.

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 is to comfort a student and the student voluntarily accepts the contact.

4. A brief period of physical contact necessary to break up the fight.

5. Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.

6. The use of seat belts, safety belts or similar passenger restraints, when used as intended during the transportation of a child in a motor vehicle.

7. 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.

8. Restraints used by law enforcement officers or school resource officers employed by the police department in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.

9. MDOE Rule Chapter 33 does not restrict or limit the protections available to school officials under 20-A M.R.S.A. § 4009, but those protections do not relieve school officials 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 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

FSAS shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Executive Director/designee.

4. Training Requirements

A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.

B. FSAS will ensure that there are 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 Executive Director's Office, in each school office and in the school unit's Emergency Management Plan.

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 Executive Director as soon as possible. The Executive Director/designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days, if practicable.

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 – Procedures on Physical Restraint and Seclusion

JK – Student Discipline

KLGA/KLGA-R – Relations with School Resource Officers and Law
Enforcement Authorities

EBC – Comprehensive Emergency Management Plan

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