PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

These procedures are established for the purpose of meeting the obligations of Cape Elizabeth Schools 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.

I. DEFINITIONS

For purposes of these procedures, the terms "physical restraint" and "seclusion" shall have the meanings defined in Policy JKAA. Definitions for other important terms in this procedure include:

A. Emergency: A sudden, urgent occurrence, usually unexpected, but sometimes anticipated, that requires immediate action.

B. Risk of injury or harm: A situation in which a student has the means to cause physical harm or injury to themself or others and such injury or harm is likely to occur, such that a reasonable and prudent person would take steps to protect the student and others against the risk of such injury or harm.

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

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.

II. 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 a 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 risk 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 to prevent property destruction or disruption of the environment in the absence of a risk of injury or harm.

3. Physical restraint that restricts the free movement of a student's diaphragm or chest, or that restricts the airway so as to interrupt normal breathing or speech (restraint-related asphyxia).

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 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 the student no longer presents a risk of injury or harm to themself 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 a risk of injury or harm to themself 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 a risk of injury or harm to themself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

III. 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.

1. Seclusion may be used only as an emergency intervention when the behavior of a student presents a 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; 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 materials and objects which the student could use to self-inflict bodily injury.

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.

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

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 the student no longer presents a risk of injury or harm to themself or others.

D. Termination of Seclusion

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting a risk of injury or harm to themself 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 themself or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

IV. 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

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.

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 Cape Elizabeth Schools' usual emergency notification procedures.

4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the Cape Elizabeth Schools' 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.

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 their 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; and

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.

V. 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.

VI. 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.

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 behavior assessment) and/or develop a BIP (behavior intervention plan).

VII. 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

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

Legal Reference: Me. DOE Rule Ch. 33

Cross Reference: JKAA - Use of Physical Restraint and Seclusion

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