

USE OF PHYSICAL RESTRAINT AND SECLUSION

The Cape Elizabeth 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 **serious physical** injury ~~or harm~~ to the student or others.

State law and 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.

The Superintendent has overall responsibility for implementing this policy and the accompanying procedure, but may delegate specific responsibilities as the Superintendent deems appropriate.

I. DEFINITIONS.

The following definitions apply to this policy and **accompanying** procedure:

- A. Physical restraint: ~~An intervention that restricts a student's freedom of movement or normal access to the student's body, and includes physically moving a student who has not moved voluntarily.~~ **A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs or head freely.**

Physical restraint does not include any of the following:
~~student and the student voluntarily accepts the contact.~~

1. Physical escort: A temporary **voluntary** touching or holding **of the hand, wrist, arm, shoulder or back to induce** ~~inducing~~ a student to walk to **safe** ~~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~~
- ~~4. A brief period of physical contact necessary to break up a 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, **vehicle** safety belts, or similar passenger restraints when used as intended during the transportation of a **student 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. The use of adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement than would be possible without the use of such devices or supports.~~
 - ~~8. Restraints used by law enforcement officers in the course of their professional duties are not subject to this policy/procedure or DOE Rule Chapter 33.~~
 - ~~9. DOE 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 **isolation or** 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.~~ **does not feel free to go or is physically denied exit.**

Seclusion does not include:

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

II. 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.

III. ANNUAL NOTICE OF POLICY/PROCEDURE.

Cape Elizabeth Schools shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee.

IV. TRAINING REQUIREMENTS.

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. Cape Elizabeth Schools 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.

V. 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 other appropriate school administrator as soon as possible. The Superintendent/designee shall investigate the complaint and provide written findings to the parent/legal guardian within **forty (40)** 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 Reference: 20-A M.R.S.A. §§ 4502(5) (M); 4009
Me. DOE Rule, Ch. 33

Cross Reference: EBCA - Comprehensive Emergency Management Plan

JKAA-R - Procedures on Physical Restraint and Seclusion
JK - Student Discipline
KLG - Relations with Law Enforcement Authorities

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