JKAA - Use of Physical Restraint and Seclusion

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The MSAD #35 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 to the student or others, and less intrusive interventions have failed or been deemed inappropriate.

State law and MDOE Rule Chapter 33 do 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 they deem appropriate.

1. Definitions

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

Physical restraint: 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:

a. Physical escort: A temporary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.

b. Physical prompt: A teaching technique that involves voluntary 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.

c. Protective physical interventions: Brief physical contact with a student in response to potentially harmful student action that serves to deflect, block, or redirect the student’s actions or disengage from a student’s inappropriate grip, but from which the student could freely move away.

d. 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.

e. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Seclusion is: The involuntary isolation or confinement of a student alone in a room or clearly defined area from which the student does not feel free to go or is physically denied exit.

Seclusion is not: A timeout, meaning 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

MSAD #35 shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent/designee. For parents/legal guardians, the notice will be provided in the student handbooks.

4. Training Requirements

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

b. MSAD #35 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 Comprehensive Health and Safety and 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 Director of Special Services as soon as possible.

The Director of Special Services shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days of receiving the complaint, 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. §§ 4014, 4502(5)(M); 4009

Me. DOE Reg., ch. 33

Cross References:

JKAA-R – Procedures on Physical Restraint and Seclusion

JK – Student Discipline

KLG/KLG-R – Relations with Law Enforcement

KLGA/KLGA-R – Relations with School Resource Officers

EBCA – Comprehensive Emergency Management Plan

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