

## USE OF PHYSICAL RESTRAINT AND SECLUSION

The Scarborough 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.

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:

- A.
  1. **Physical restraint:** A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, or head freely.
  2. **Physical restraint does not include any of the following:**
    - a. Physical escort: A temporary, voluntary 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.. 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.
    - d.. The use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.
- B.
  1. **Seclusion:** 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.
  2. **Seclusion does not include:**

1. A 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**

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

## 4. **Training Requirements**

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. **Scarborough 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 Comprehensive Emergency Management Plan.

## 5. **Parent/Legal Guardian Complaint Procedure**

A parent/legal guardian who has a complaint concerning the use of physical restraint or seclusion must submit it in writing to the Superintendent or their designee as soon as possible. The Superintendent or designee shall investigate the complaint and provide written findings to the parent/legal guardian within twenty (20) business days of receiving the complaint, if practicable, but not to exceed 60 calendar days.

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. A complaint is not considered an appeal of that local process. For more information related to the appellate process, parents/guardians should contact the Maine Department of Education or go to the Maine DOE website.

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 Authorities  
 KLGA/KLGA-R – Relations with School Resource Officers & Law Enforcement Authorities  
 EBCA – Comprehensive Emergency Management Plan

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