Regional School Unit 5

Durham · Freeport · Pownal

"To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions."

Jean Skorapa, Superintendent of Schools
Kelly Wentworth, Director of Finance & Human Resources
Cynthia Alexander, Assistant Superintendent of Schools
June Sellers, Ed.D., Director of Instructional Support

TO: Colin Cheney, Candy deCsipkes, Kara Kaikini

CC: Erin Dow, June Sellers, Jennifer Winkler

FROM: Cynthia Alexander

DATE: November 6, 2023

RE: Policy Meeting – December 1, 2023

The Policy Committee is scheduled to meet on December 1, 2023 at 8:45 a.m. via Zoom at the following link: https://networkmaine.zoom.us/j/88179232220 Meeting ID: 881 7923 2220 or join by telephone at 1-646-876-9923

Agenda:

1. Policy Review Cycle:
   EFBA-Menu Development/Options-Offer VS. Serve Lunch Concept
   EFE-Competitive Food Sales-Sales of Foods in Competition with the School Food Service Program

2. At Board/Superintendent Request:
   IMG- Animals in Schools- DRAFT

3. Required Changes Based on Law:
   JKAA - Use of Physical Restraint and Seclusion
   JKAA-R Procedures on Physical Restraint and Seclusion

MENU DEVELOPMENT/OPTIONS OFFER VS. SERVE LUNCH CONCEPT

The "Offer vs. Serve Option" is designed to be more economical for the school unit and result in less waste. All lunches offered must contain five food components. Students have the freedom of choice in selecting a minimum of three components, one of which has to be a fruit or vegetable. All breakfasts offered must contain four food components. Students have the freedom of choice in selecting a minimum of three components, one of which must be a fruit.

The Offer vs. Serve concept shall be implemented in RSU No. 5 schools. The Superintendent/designee shall be responsible for implementing appropriate administrative procedures and communications to carry out this policy in conformance with state and federal regulations and applicable Board policies.

Adopted: April 28, 2010
Reviewed: January 25, 2012
Revised: April 26, 2017

COMPETITIVE FOOD SALES–SALES OF FOODS IN COMPETITION WITH THE SCHOOL FOOD SERVICE PROGRAM

~~The~~ RSU No. 5 ~~School Department~~ supports good nutrition as part of a school environment that contributes to student health and encourages positive food choices and eating habits. The Board of Directors believes that nutrition influences a student's ability to take full advantage of the school system's educational program and is, therefore, related to student achievement.

The Board also recognizes that proceeds from the sale of foods and beverages outside of the School Breakfast and Lunch Programs ("Competitive Foods") are a significant source of funds for student activities that RSU No. 5 ~~School Department~~ might not otherwise be able to provide may be made available for sale to students on the school campus during the school day.

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The Board has adopted this policy to govern the sale of these foods and beverages on school property.

RESTRICTION ON SALE OF COMPETITIVE FOODS

~~Maine Department of Education Rule Chapter 51 mandates that~~ Any food or beverage sold at any time on school property of a school participating in the National School Lunch or School Breakfast Programs shall be a planned part of the total food service program[+] of the school and shall include only those items which contribute both to the nutritional needs of children and the development of desirable food habits, and shall not include foods of minimal nutritional value as defined in applicable federal regulations[2], except as provided for by Board policy in certain circumstances.

~~As allowed by Rule Chapter 51, the Board permits the sale of food and beverages outside the total food program:~~

~~A. To school staff;~~

~~B. To attendees at school-sponsored community events held on school property; (i.e., school-sponsored events that are open to the public)~~

~~[+] According to DOE Rule Chapter 51 (1)(b), the "Total Food Service Program" includes the federal Milk Program as defined in 7 C.F.R. § 215; the federal Breakfast Program, which means the federal program under which a breakfast that meets the nutritional requirements set forth in 7 C.F.R. § 220 is offered; the National School Lunch Program (including the After School Snack), which means the federal program under which the school operates a nonprofit lunch program that meets the requirements of 7 C.F.R. § 210; or any combination of these programs.~~

~~[2] "Foods of minimal nutritional value" as defined in 7 C.F.R. § 210.11(a)(2) means: (a) in the case of artificially sweetened foods, a food which provides less than five percent of the Reference Daily Intake (RDI) for each of the eight specified nutrients per serving; (b) in the case of all other foods, a food which provides less than five percent of the RDI for each of eight specified nutrients per 100 calories and less than five percent of the RDI for each of eight specified nutrients per serving. The eight nutrients to be assessed for this purpose are: protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron. This definition is applicable to foods that are part of the total food service program of the school and to foods and beverages sold at food sales, school stores, and in vending machines. A listing of "Categories of Foods of Minimal Nutritional Value" is in Appendix B to 7 C.F.R. Part 210 (National School Lunch Program).~~

~~C. To the public at community events held on school property in accordance with the Board's facilities use~~ policy;

~~D. In State-approved instructional Career and Technical Education (CTE) Programs; and/or~~

~~E. By a school, approved student organization or program if consistent with the requirement that such sales not include foods of minimal nutritional value as defined in 7 C.F.R. § 210.11(a)(2).~~

~~The policy applies to~~ During the school day, non-Food Service Program sales and nutrition requirements of foods and beverages ~~at any time~~ on school property by any person, group or organization~~, as~~ must comply with ~~defined in~~ 7 CFR § 210.11.

~~When foods and beverages are sold to attendees at community events sponsored by the school or held on school property, students, staff, parents, or school-sponsored organizations involved in such sales are encouraged to include at least some healthy food choices.~~

FUNDS FROM SALES OF COMPETITIVE FOODS

Funds from all food and beverage sales made at any time on school property shall accrue to the benefit of the school's non-profit school food service program, except that funds raised through authorized sales outside the total food service program shall accrue to the sponsoring school or approved student organization in accordance with applicable policies, cash-management procedures and administrative directives, or to the sponsor of a community event that is held on school property in accordance with the Board's facilities use policy.

DELEGATION OF RESPONSIBILITY

The Superintendent/designee shall be responsible for enforcement of this policy. A school unit employee who observes conduct he/she believes to be a violation of this policy or is informed of such conduct by a parent, student or community member should contact the building administrator or Superintendent/designee.

Legal Reference: ~~Ch. 51 (Dept. of Ed. Rule) (Child Nutrition Programs in Public Schools and Institutions)~~
20-A MRSA §§. 7 CFR § 210.11

Cross References: ~~DFF - Income From School Sales and Services~~
JJE - Student Fundraising Activities
JJF - Student Activities Funds
JL- Wellness
KF - Community Use of School Facilities
KJA - Relations With Booster Organizations

Adopted: June 24, 2009

Reviewed: January 25, 2012
Reviewed: April 12, 2017

ANIMALS IN SCHOOLS

The Board recognizes that having animals in the classroom can offer valuable student learning experiences but is also concerned with the health and safety of students, staff and visitors and the humane treatment of animals when they are brought to school.

For the purpose of this policy "animals" includes mammals, reptiles, amphibians, birds, insects, and fish.

The presence of live animals in the classroom must be directly related to the objectives of the instructional program. Permission must be obtained from the building principal before any animal is brought into the school by a teacher, student or any other person.

The following guidelines shall apply to the presence of animals in the RSU No.5's schools:

A. The presence of an animal in the classroom must be directly related to the instructional program. Staff who wish to have animals in the classroom must submit a written request to the principal; the request should include the instructional purpose and activity, the type of animal, the length of time the animal is expected to be present, and a plan for the care of the animal. The principal, at their discretion, may approve or deny the request.

B. Students or parents who wish to bring animals to school for educational purposes must consult with the teacher who, in turn, will request permission from the building principal. All other persons who wish to bring animals to school must obtain written permission, in advance, from the building principal.

C. The Superintendent will be responsible for developing procedures to inform parents that animals may be visiting or residing in classrooms during the school year. Parents are expected to notify the school if their child has an allergy or other health condition that will be affected by the presence of animals in the classroom.

The building principal and staff will respond appropriately when health considerations are brought to their attention. An animal will not be housed in a classroom if a student in that classroom has a documented allergy to the animal.

D. Animals may not be transported in school vehicles.

E. No domestic mammals/pets (including dogs, cats, ferrets, and primates) or livestock will be allowed in school unless current proof of rabies and/or other vaccination is provided. Dogs must be trained and certified as therapy dogs. A copy of the certification must be submitted to the principal. Smaller mammals such as mice, hamsters, gerbils, guinea pigs, and rabbits do not need to be vaccinated against rabies. Bats, as they may be carriers of rabies, are not allowed in the schools.

Parrots, parakeets and other psittacine birds (birds that may carry psittacosis, a severe infectious human respiratory disease) shall not be brought to school unless they have been tested and certified as psittacosis-free.

Red-eared turtles (also known as painted turtles) are carriers of salmonella and shall not be kept in the classroom without written documentation from the supplier that they are salmonella-free.

F. No wild, exotic, aggressive or poisonous animals will be allowed in school unless under the control of an individual trained in the care and management of the animal and properly licensed by state or federal agencies as appropriate (e.g., zookeepers, veterinarians, biologists, Maine Fish and Wildlife personnel). Students will not be permitted to handle such animals.

G. No animals will be allowed free range of the classroom or the school. All animals brought to school must be restrained by the owner/handler. The teacher is responsible for the proper supervision and control of students whenever there is an exhibit or activity involving animals in school.

H. Animals kept in classrooms must be housed in suitable cages or containers and fed and otherwise cared for appropriately. Only the teacher or students designated or supervised by the teacher may be allowed to handle these animals. Animal waste must be removed on an as-needed basis and in a sanitary manner. Only staff members or adult volunteers will be allowed to clean cages or containers or remove animal waste.

I. If a student is bitten/injured by an animal on school premises, the building principal, school nurse and parent/guardian must be notified as soon as possible. If a staff member or visitor is bitten/injured, the building principal must be notified. The building principal must notify appropriate public health authorities and the Maine Department of Health and Human Services Center for Disease Control of each incident. An accident/injury report must also be completed and forwarded to the Superintendent.

J. If a stray or wild animal appears on school grounds, students shall not be allowed in the area until the animal has left the premises or is removed by the local animal control officer, game warden or other appropriate official.

K. No animal may be used as part of a scientific experiment or for any other purpose in which the normal health of the animal is interfered with or which causes pain or distress. No person may practice vivisection or exhibit a vivisected animal in the schools. Dissection of dead animals shall be confined to the classroom and to the presence of students engaged in the study of dissection and shall not be for the purpose of exhibition.

L. The Board recognizes that service animals may be used to assist persons with disabilities. This policy does not apply to the presence of service animals that have been or are being specifically trained for the purpose of assisting a person with a disability.

Legal Reference: Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)
7 MRSA § 3971
22 MRSA §§ 801-825

Cross Reference: IMGA - Service Animals in the Schools
JLCE - First Aid and Emergency Medical Care

Adopted: _____

USE OF PHYSICAL RESTRAINT AND SECLUSION

The 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 an imminent risk of serious physical injury ~~or harm~~ 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 he/she deems appropriate.

I. DEFINITIONS.

The following definitions apply to this policy and accompanying procedure:

A. **Physical restraint:** A personal restriction that immobilizes or reduces the ability of a student to move their arms, legs, or head freely. ~~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 voluntary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location, ~~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. 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. ~~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 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 vehicle safety restraints when used as intended during the transport of a student in a moving vehicle. ~~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 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. ~~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 a police department 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 does not feel free to go or is physically denied exit. ~~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: A timeout, which is an intervention where a student requests, or complies with an adult request for, a break. ~~An intervention where a student requests, or complies with an adult request for, a break.~~

C.

1. **Serious physical injury:** Any impairment of the physical condition of a person, whether self-inflicted or inflicted on someone else, that is beyond the care of routine first aid, and if the injury had occurred, would require a medical practitioner to evaluate and/or treat the victim.

2. **Voluntary:** Voluntary means that a student cooperates with a request, independent of staff using physical force for the purpose of overcoming a student's resistance.

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.

RSU No. 5 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. RSU No. 5 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 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 as soon as possible. The Superintendent/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.

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 (April 2013)~~

Legal References: 20-A MRSA §§ 4014, 4502(5)(M); 4009
Chapter 33 (Maine Department of Education Rules)

Cross Reference: EBCA – Comprehensive Health and Emergency Management Plan

Adopted: June 24, 2009
Reviewed: March 24, 2010
Revised: January 26, 2011
Revised: November 28, 2012
Revised: June 12, 2013
Reviewed: January 24, 2018

PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

These procedures are established for the purpose of meeting the obligations of RSU No. 5 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 him/herself 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.~~ I. 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 when the behavior of a student presents an imminent risk of serious physical injury to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate. The physical restraint must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person, and should involve the least amount of force necessary to protect the student or other person. ~~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. Serious physical injury is any impairment of the physical condition of a person, whether self-inflicted or inflicted on someone else, that is beyond the care of routine first aid, and if the injury were to occur, would require a medical practitioner to evaluate and/or treat the victim. ~~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 law ~~Rule Chapter 33~~.and described in Policy JKAA.

4. Parents/legal guardians may be requested to provide assistance with their child 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 is life threatening, restricts breathing or restricts blood flow to the brain, including prone restraint. ~~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. Physical restraint that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if appropriately documented in:

   - A health care directive or medical management plan;
   - A school-approved behavior plan;
   - An IEP or an Individual Family Service Plan (IFSP); or
   - A school-approved 504 or ADA plan.

~~5~~6. 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 restraint that uses a device to restrict a student's freedom of movement. Such restraints do not include adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement, or the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle. ~~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 drug or medication that is not prescribed as the standard treatment of a student's medical or psychiatric condition by a licensed physician or other qualified health professional acting under the scope of the professional's authority under state law that is used on a student to control behavior or restrict freedom of movement. ~~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 he/she no longer presents a risk of injury or harm to the student ~~him/herself~~ 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 an imminent risk of serious injury or harm to themselves ~~him/herself~~ or others, and the physical restraint must be discontinued immediately after it is determined that the imminent risk of serious physical harm has ended. ~~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 an imminent risk of serious physical injury ~~or harm~~ to the student ~~him/herself~~ or to others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

~~III.~~ II. 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.

A "timeout" where a student requests, or complies with an adult request for, a break is not considered seclusion under this procedure. Seclusion also does not include any situation where others are present in the room or defined area with the student (including but not limited to classrooms, offices and other school locations).

A. Permitted Uses and Location of Seclusion

1. Seclusion may be used only as an emergency intervention when the behavior of a student presents an imminent risk of serious bodily injury ~~or harm~~ to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate. The seclusion must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person.

2.

Serious physical injury is any impairment of the physical condition of a person, whether self-inflicted or inflicted on someone else, that is beyond the care of routine first aid, and if the injury were to occur, would require a medical practitioner to evaluate and/or treat the victim.

~~2~~3. Seclusion may occur ~~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/legal guardians 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 solely to prevent property destruction or disruption of the environment in the absence of imminent risk ~~or harm~~ of serious physical injury.

3. Seclusion that is life threatening.

4. Seclusion that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if appropriately documented in:
   - A health care directive or medical management plan;
   - A school-approved behavior plan;
   - An IEP or IFSP; or
   - A school-approved 504 or ADA plan.

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 they ~~he/she~~ no longer presents a risk of injury or harm to ~~him/herself~~ or others.

3. If an injury occurs, applicable school policies and procedures should be followed.

D. Termination of Seclusion

1. The staff involved in the seclusion must continually assess for signs that the student is no longer presenting an imminent risk of serious physical injury to the student ~~or harm to him/herself~~ or others, and the seclusion must be discontinued as soon as the imminent risk ceases. ~~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 seclusion ~~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 to the student ~~or harm to him/herself~~ or others, then staff may request additional assistance from other school staff, parents, medical providers, or other appropriate persons or organizations.

~~IV.~~ III. 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 an imminent risk of serious physical injury ~~harm~~ and the time the student ceases to pose that imminent ~~a~~ risk ~~of harm~~ and returns to their ~~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 RSU No. 5 usual emergency notification procedures.

4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the RSU No.5 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. Does the student have and Individualized Education or 504 Plan
4. Location of the incident;
5. Date of the incident;
6. Date of report;
7. Person completing the report;
8. Beginning and ending time of each physical restraint and/or seclusion;
9. Incident start and end time;
10. Total time of incident;
11. Total number of uses of seclusion within the incident period;
    a. Beginning and ending time of each use of seclusion within the incident period;
    b. A detailed description of each use of seclusion within the incident period;
12. Total number of uses of physical restraint within the incident period;
    a. Beginning and ending time of each use of physical restraint within the incident period;
    b. A detailed description of each use of physical restraint within the incident period;
13. Description of prior events and circumstances;

14. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, explain ~~the reasons~~ why;
15. The student behavior justifying the use of physical restraint or seclusion;
16. A detailed description of the physical restraint or seclusion used;
17. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
18. Description of the incident, including the resolution and process of returning the student to his/her program, if appropriate;
19. Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan;
20. If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification and any treatment administered;
21. The date, time and method of parent/legal guardian notification;
22. The date and time of administrator/designee notification; and
23. Date and time of staff debriefing.

Copies of the incident reports shall be maintained in the student's file and in the school office.

IV. 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 AFTER EVERY THIRD INCIDENT ~~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.
2. Schools are not required to hold more than one meeting within any 30-school-day period to address restraints or seclusion, notwithstanding the "after every third incident" standard noted above.

B. All Other Students

1. After every third incident of physical restraint and/or seclusion in one school year, a~~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. Schools are not required to hold more than one meeting within any 30-school-day period to address restraints or seclusion, notwithstanding the "after every third incident" standard noted above.

~~2~~.3 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

Each building administrator must report the following data on a quarterly and annual basis:

1. Seclusion:

a. total number of incidents that include the use of seclusion;

b. the aggregate number of uses of seclusion;

c. the aggregate number of students placed in seclusion;

d. the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 federal Rehabilitation Act of 1973, placed in seclusion;

e. the aggregate number of serious physical injuries to students related to seclusion;

f. the aggregate number of serious physical injuries to staff related to seclusion;

2. Physical Restraint

a. total number of incidents that include the use of physical restraints;

b. the aggregate number of uses of physical restraint;

c. the aggregate number of students placed in physical restraint;

d. the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, placed in physical restraints;

e. the aggregate number of serious physical injuries to students related to physical restraint;

f. the aggregate number of serious physical injuries to staff related to physical restraint;

g. aggregate number of uses of physical restraint;

h. aggregate number of students placed in physical restraint;

i. aggregate number of uses of seclusion;

j. aggregate number of students placed in seclusion;

k. aggregate number of serious bodily injuries to students related to the use of restraint and seclusions; and

l. aggregate number of serious bodily injuries to staff related to physical restraint and seclusion.

B. Superintendent Review of Reports.

1. The superintendent/designee shall review cumulative reports received as set forth in this section and identify those areas that can be addressed to reduce the future use of physical restraint and seclusion. These cumulative reports may be requested by the Department of Education at any time.

~~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.~~

BC. 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.1 above.~~

Each covered entity shall submit to the department an annual report on incidents of physical restraint and seclusion of students of that covered entity that includes:

1. Seclusion:

a. total number of incidents that include the use of seclusion;

b. the aggregate number of uses of seclusion;

c. the aggregate number of students placed in seclusion;

d. the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, placed in seclusion;

e.the aggregate number of serious physical injuries to students related to seclusion;

f. the aggregate number of serious physical injuries to staff related to seclusion;

2. Physical Restraint:

a. total number of incidents that include the use of physical restraints;

b. the aggregate number of uses of physical restraint;

c. the aggregate number of students placed in physical restraint;

d. the aggregate number of students with disabilities and an individualized education program under state and federal special education laws or a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973, placed in physical restraints;

e. the aggregate number of serious physical injuries to students related to physical restraint;

f. the aggregate number of serious physical injuries to staff related to physical restraint;

~~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.~~

Legal Reference: 20-A MRSA §§ 4014, 4502(5)(M); 4009
Chapter 33 (Maine Department of Education Rules)
~~Me. DOE Rule Ch. 33~~

Cross Reference: EBCA – Comprehensive Health and Emergency Management Plan
JKAA – Use of Physical Restraint and Seclusion
JK – Student Discipline
KLG/KLG-R – Relations with Law Enforcement

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