
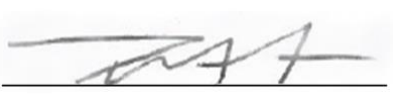


<b>POLICY TITLE: USE OF PHYSICAL RESTRAINT AND SECLUSION BY EDUCATION STAFF IN THE A.R. GOULD SCHOOL</b>		<b>PAGE 1 OF 12</b>
<b>POLICY NUMBER: 19.2.2 (JF)</b>		
<b>CHAPTER 19: PROGRAMS AND SERVICES</b>		
	<b>STATE of MAINE</b> <b>DEPARTMENT of CORRECTIONS</b> <b>Approved by Commissioner:</b> 	<b>PROFESSIONAL STANDARDS:</b>  <b>See Section VIII</b>
<b>EFFECTIVE DATE:</b> March 1, 2021	<b>LATEST REVISION:</b> January 30, 2025	<b>CHECK ONLY IF</b> APA [ ]

**I. AUTHORITY**

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403 and Department of Education Rule, Chapter 33.

**II. APPLICABILITY**

A.R. Gould School at Long Creek Youth Development Center

**III. POLICY**

It is the policy of the Department of Corrections that the A.R. Gould School implement the standards and procedures for the use of physical restraint and seclusion with respect to juvenile residents who are students in the A.R. Gould School as required by Department of Education rule in order to support a safe school environment.

**IV. DEFINITIONS**

For the purposes of this policy, the following definitions apply in the context of the use of physical restraint and seclusion by education staff in the A.R. Gould School.

1. Aversive procedure - 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.
2. Behavior Intervention Plan (BIP) - a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain it, and by strengthening replacement skills.
3. Chemical restraints - 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.

4. Functional Behavioral Assessment (FBA) - a school-based process that includes the parent and, as appropriate, the student, to determine why a student engages in challenging behaviors and how the behavior relates to the student's environment.
5. Mechanical restraints - 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.
6. Physical restraint - a personal restriction (i.e., a restriction by one person on another person) 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, 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. 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.
7. Seclusion - the involuntary confinement of a student alone in a room or clearly defined area from which the student is physically prevented from leaving.  
Seclusion does not include: a timeout in a school setting or an intervention where a student requests or complies with an adult request for a break.
  8. Section 504 Plan - refers to a written plan of modifications and accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
  9. Serious bodily injury is any bodily injury that involves:
    - a. a substantial risk of death;
    - b. extreme physical pain;
    - c. protracted and obvious disfigurement; or
    - d. protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
  10. 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 were to occur, would require a medical practitioner to evaluate and/or treat the victim.

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11. Student - a juvenile resident who is participating in an educational program offered by the A.R. Gould School at the Long Creek Youth Development Center and is physically present in the school area for educational program purposes.
12. Superintendent - the Superintendent of the Long Creek Youth Development Center (the A.R. Gould School is not under the auspices of a superintendent of schools).

## V. CONTENTS

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## VI. ATTACHMENTS

None

## VII. PROCEDURES

### Procedure A: General

1. The A.R. Gould School is an accredited diploma-granting high school and alternative academic program for juvenile residents housed at the Long Creek Youth Development Center.
2. This policy meets the requirements set out in Maine Department of Education (MDOE) Rule, [Ch. 33, Rule Governing Physical Restraint and Seclusion](#).
3. The Superintendent has overall responsibility for implementing this policy but may delegate specific responsibilities.
4. For purposes of this policy, a guardian does not include a guardian ad litem, the Superintendent, or any other Department employee.
5. This policy and MDOE Rule Chapter 33 only apply to the use of physical restraint or seclusion by the A.R. Gould School education staff during the conduct of the educational program.
6. Security or other non-education staff responsible for the custody, care, or treatment of juvenile residents are not subject to this policy or MDOE Rule Chapter 33, including, but not limited to, when mechanical restraints or force is being used as set out in other Department policies applicable to the juvenile facilities or risk behavior modification

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policies in Ch. 10 or behavior management system policies in Ch. 15 are being followed.

7. The use of time out by any staff as set out in Department Policy (JF) 15.5, Use of Time Out for Behavior Control is not subject to this policy or MDOE Rule Chapter 33.
8. Education staff and other facility staff shall not seek permission, written or verbal, from a parent/guardian to use physical restraint and/or seclusion with respect to any student.
9. In the event of an injury to a student, staff, or others leading to or resulting from the use of physical restraint or seclusion, applicable Department policies shall be followed to ensure that facility health care staff respond immediately.

**Procedure B: Use of Seclusion by Education Staff in the A.R. Gould School**

1. Seclusion:
  - a. may be used only as an emergency intervention 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 seclusion must end immediately upon the cessation of the imminent risk of serious physical injury to the student or another person;
  - b. shall be implemented by education staff certified in a state-approved training program to the extent possible. If due to the nature of the emergency, untrained education staff have intervened and initiated seclusion, trained education staff shall be summoned to the scene and assume control of the situation as rapidly as possible; and
  - c. may occur in any part of a school building with adequate light, heat, ventilation and normal room height.
2. Seclusion may not take place in a locked room.
3. 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 material and objects which the student could use to self-inflict bodily injury.
4. The following are prohibited uses of seclusion:
  - a. seclusion used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior;
  - b. seclusion used solely to prevent property destruction or disruption of the environment in the absence of an imminent risk of serious physical injury;
  - c. seclusion that is life threatening; and
  - d. seclusion that is contraindicated based on the student's disability, health care needs, or medical or psychiatric condition if appropriately documented in:
    - 1) health care directive or medical management plan;
    - 2) school-approved behavior plan;

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- 3) an Individualized Education Plan (IEP) or Individual Family Service Plan (IFSP); or
  - 4) a school-approved Section 504 or ADA plan.
5. When education staff determines to put a student in seclusion based on an approved reason for use of seclusion, the education staff shall:
    - a. activate their personal alarm system (PAS);
    - b. clear the area of any persons who are not involved in the seclusion;
    - c. ensure that at least one education staff is physically present to continuously monitor the student, who shall be visible at all times, until security staff respond (the monitoring shall include a continual assessment for signs that the student is no longer presenting a risk of injury or harm to self or others);
    - d. notify the principal, or designee, as set out below; and
    - e. complete an incident report as set out below.
  6. The Central Control Officer shall immediately ensure that sufficient and appropriate security staff respond to the scene as soon as possible and shall also notify the Juvenile Facility Operations Supervisor (JFOS) of the situation.
  7. If security staff is delayed in responding, or if for any other reason the seclusion continues for more than ten (10) minutes, the principal, or designee, shall determine whether continued seclusion by education staff is necessary and shall make an additional determination every ten (10) minutes until the seclusion is ended.
  8. Once security staff respond, the resident shall be removed from the school area, at which time the seclusion by education staff shall be deemed to have ended and this policy no longer applies.
  9. The JFOS shall determine what additional action(s) to take consistent with applicable Department policies.

**Procedure C: Use of Physical Restraint by Education Staff in the A.R. Gould School**

1. Education staff shall not use or be involved in the use of aversive procedures, mechanical restraints, or chemical restraints under any circumstances.
2. Prescribed assistive devices are not considered mechanical restraints when used as prescribed under supervision by qualified and trained individuals in accordance with professional standards and when so used are not prohibited by this policy.
3. Prescribed protective equipment or devices are not considered mechanical restraints when used as part of a treatment plan as prescribed by a licensed health care provider and when so used are not prohibited by this policy.
4. Prescribed medications are not considered chemical restraints when administered by a licensed health care provider consistent with a health care plan and when so administered are not prohibited by this policy.

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5. The following are prohibited forms and uses of physical restraint:
  - a. physical restraint used for punitive purposes; as a therapeutic or educational intervention; for staff convenience; or to control challenging behavior;
  - b. physical restraint used solely to prevent property destruction or disruption of the environment in the absence of a risk of serious physical injury;
  - c. physical restraint that is life threatening, restricts breathing or restricts blood flow to the brain, including prone restraint (in other words, while the resident is lying chest down);
  - d. 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;
  - e. physical restraint that is contraindicated based on the child's disability, health care needs, or medical or psychiatric condition if appropriately documented in:
    - 1) a health care directive or medical management plan;
    - 2) a school-approved behavior plan;
    - 3) an IEP or an individual family service plan (IFSP); or
    - 4) a school-approved Section 504 or ADA plan; and
  - f. aversive procedures, and mechanical and chemical restraints.
  
6. Physical restraint:
  - a. shall be implemented by education staff certified in a state-approved training program to the extent possible. If due to the nature of the emergency, untrained education staff have intervened and initiated a physical restraint and if the need for physical restraint continues, trained education staff shall be summoned to the scene and assume control of the situation as rapidly as possible; and
  - b. may be used to move a student only if the need for movement outweighs the risks involved in such movement.
  
7. The following are permitted uses of physical restraint:
  - a. 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; and
  - b. prescribed medications, harnesses, seat belts and other assistive or protective devices may be used as permitted by law.
  
8. When education staff determines to put a student in physical restraint based on an approved reason while in the A.R. Gould School, the education staff shall:
  - a. activate their personal alarm system (PAS);
  - b. clear the area of any persons who are not involved in the restraint;

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- c. ensure at least two education staff are present to continuously monitor the student, who shall be visible at all times, until security staff respond (the monitoring shall include a continual assessment for signs that the student is no longer presenting a risk of injury or harm to self or others), except when, for safety reasons, waiting for a second education staff is precluded;
  - d. notify the principal, or designee, as set out below; and
  - e. complete an incident report as set out below.
9. The Central Control Officer shall immediately ensure that sufficient and appropriate security staff respond to the scene as soon as possible and shall also notify the Juvenile Facility Operations Supervisor (JFOS) of the situation.
  10. If security staff is delayed in responding, or if for any other reason the physical restraint continues for more than ten (10) minutes, the principal, or designee, shall determine whether continued restraint by education staff is necessary and shall make an additional determination every ten (10) minutes until the restraint is ended.
  11. Once security staff respond, the resident shall be removed from the school area, at which time the physical restraint by education staff shall be deemed to have ended and this policy no longer applies.
  12. The JFOS shall determine what additional action(s) to take consistent with applicable Department policies.

**Procedure D: Notification of Incident**

1. 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 and the time the student ceases to pose that imminent risk and returns to their regular programming.
2. After each use of seclusion or physical restraint of a student, the education staff using the seclusion or physical restraint shall verbally report the use to the principal, or designee, as soon as possible, and not later than the end of the school day of its occurrence, unless the staff suffers an injury preventing the report, in which case other appropriate facility staff shall report the incident.
2. The principal, or designee, shall notify the Superintendent, or designee, as soon as possible, and not later than the end of the school day of its occurrence.
3. The principal, or designee, shall notify the parent/guardian that physical restraint or seclusion and any related health care treatment occurred as soon as practical but within the school day in which the incident occurred, utilizing all available phone numbers and other appropriate means. If the parent/guardian is unavailable, a phone message shall be left for the parent/guardian to contact the facility as soon as possible. If a parent/guardian does not have access to a phone, the principal, or designee, shall use whatever contact information is available for emergencies. The parent/guardian shall be informed that written documentation will be provided to them within seven (7) calendar days.

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4. If serious bodily injury to or death of a student occurs during the implementation of restraint or seclusion, the principal, or designee, shall follow applicable Department policies and also notify the Maine Department of Education (MDOE) within twenty-four (24) hours or the next business day.

**Procedure E: Documentation of Use of Seclusion or Physical Restraint by Education Staff**

1. The education staff using the seclusion or physical restraint shall document the use of seclusion or physical restraint in a seclusion or restraint incident report. The incident report shall be completed and provided to the principal, or designee, as soon as practicable after the incident, and not later than within two (2) school days, unless the staff suffers an injury preventing the report. At a minimum, the incident report shall include:
  - a. student name;
  - b. age, gender, grade;
  - c. location of the incident;
  - d. date of incident;
  - e. date of report;
  - f. person completing the report;
  - g. beginning and ending time of the physical restraint and seclusion;
  - h. total time of the incident (from the time the student began to create a risk of harm to the time the security staff removed the resident from the school area);
  - i. total number of uses of seclusion within the incident period;
    - 1) beginning and ending time of each use of seclusion within the incident period;
    - 2) a detailed description of each use of seclusion within the incident period;
  - j. total number of uses of physical restraint within the incident period;
    - 1) beginning and ending time of each use of seclusion within the incident period;
    - 2) a detailed description of each use of seclusion within the incident period;
  - k. description of prior events and circumstances;
  - l. less restrictive interventions tried prior to the use of physical restraint or seclusion. If none used, explain why;
  - m. the student behavior that justified the use of physical restraint or seclusion;
  - n. a detailed description of the physical restraint or seclusion used;
  - o. the education staff involved, their role in the use of physical restraint or seclusion and their certification, if any, in an approved training program;
  - p. description of the incident, including the resolution and process of return to the program, if appropriate;
  - q. whether the student has an: 1) Individualized Education Plan (IEP); 2) Section 504 plan; 3) behavior plan; 4) Individual Health Plan (IHP); or 5) another plan;

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- r. if a student or education staff sustained bodily injury, the date and time of facility health care staff notification;
  - s. date and time and method of parent notification; and
  - t. date and time of staff debriefing.
2. If force was used by any staff, the education staff involved in or witnessing the use of force shall also complete an MDOC Incident Report pursuant to Department policy by the end of the workday.
  3. If facility health care staff was notified, that staff shall document the treatment administered as required by the applicable Department policy.
  4. The principal, or designee, shall document the date, time, and method of parent/guardian notification and the date and time of education staff and student debriefing.
  5. A copy of the seclusion and physical restraint incident report, any facility health care staff documentation, and the above documentation by the principal, or designee, with confidential information (e.g., name of any other student who a threat of harm was directed to, injury suffered by or treatment provided to staff, etc.) redacted, shall be provided within seven (7) calendar days of the incident to the parent/guardian.

**Procedure F: Education Staff and Student Debriefing**

1. Following each incident of physical restraint or seclusion by education staff, the principal, or designee, shall ensure that, within two (2) school days, the principal, or designee, conducts a debriefing and reviews the incident:
  - a. with all education staff who implemented the use of physical restraint or seclusion to discuss:
    - 1) whether the use of restraint or seclusion was implemented in compliance with the Maine Department of Education (MDOE) rule and this policy; and
    - 2) how to prevent or reduce the future need for physical restraint and/or seclusion; and
  - b. with the student who was restrained or secluded to discuss:
    - 1) what triggered the student’s escalation; and
    - 2) what the student and education staff can do to reduce the future need for restraint or seclusion.
3. When physical restraint or seclusion has resulted in serious bodily injury to a student or staff member requiring emergency medical treatment, the debriefing shall take place as soon as possible but no later than the next school day.
4. Following the debriefing, education staff shall develop and implement a written plan for response and de-escalation for the student, or, if a plan already exists, education staff shall review and, if appropriate, revise it.

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**Procedure G: Multiple Incidents of Use of Physical Restraint and/or Seclusion by Education Staff with respect to the Same Student**

1. After every third incident (i.e., the 3<sup>rd</sup>, the 6<sup>th</sup>, the 9<sup>th</sup>, etc.) of physical restraint and/or seclusion in a school year of a student who has been found eligible for special education or has a Section 504 plan, the student’s IEP or Section 504 team shall meet within ten (10) school days of the third incident to discuss the incident and consider the need to conduct a functional behavioral assessment (FBA) and/or develop a behavior intervention plan (BIP) or amend an existing one.

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. For other students, the principal, or designee, shall arrange for a team to meet within ten (10) school days of every third incident in a school year to discuss the incidents.

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.

- a. the team shall consist of the parent/guardian; the principal, or designee; a teacher for the student; an education staff member involved in the third incident; and other appropriate facility staff;
- b. the principal, or designee shall make reasonable, documented efforts to encourage parent/guardian participation in the meeting and to schedule it at times convenient for the parent/guardian to attend; and
- c. the team shall consider the appropriateness of a referral to special education and, regardless of whether a referral to special education is to be made, the need to conduct a functional behavioral assessment (FBA), and/or develop a behavior intervention plan (BIP);

3. Nothing in this procedure prevents the completion of an FBA or BIP for any student who might benefit from these measures but who has had fewer than three (3) incidents of physical restraint and/or seclusion.

**Procedure H: Parents and Guardians Annual Notification and Complaint Procedure**

1. The principal, or designee, shall annually inform the parents and guardians of residents enrolled at the A.R. Gould School of this policy and how a complaint may be filed.
2. Parents and guardians shall be informed that a parent/guardian who has a complaint regarding the use of physical restraint or seclusion on their child by education staff shall submit it in writing to the principal, or designee.
3. The principal, or designee, shall investigate any complaint and provide written findings to the parent/guardian within thirty (30) calendar days, if possible, and, where appropriate, shall determine to take corrective action.

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4. Parents and guardians shall be informed that a parent/guardian who is dissatisfied with the result of the facility complaint process may file a complaint with the Maine Department of Education (MDOE).
5. The MDOE will review the results of the facility complaint process and may initiate its own investigation of the complaint. The MDOE will issue a written report with specific findings to the parent/guardian and the principal, or designee, within sixty (60) calendar days of receiving the complaint. If a violation is found, the MDOE will develop a corrective action by which the A.R. Gould School will achieve compliance.

**Procedure I: Training Requirements**

1. The principal, or designee, in conjunction with the facility Staff Development Coordinator, or designee, shall ensure that:
  - a. all education staff and Juvenile Facility Operations Supervisors receive an annual overview of the MDOE Rule, Ch: 33, Rule Governing Physical Restraint and Seclusion and this policy;
  - b. as many education staff, to include both administrators and teachers, and both general and special education staff, maintain certification in the Maine Department of Education (MDOE) approved restraint and seclusion training program as is possible; and
  - c. a list of certified staff is updated annually and maintained in the Training Office, the principal's office, and the school's Emergency Management Plan.

**Procedure J: Cumulative Data Reporting**

1. The principal, or designee, shall report in writing to the Superintendent, or designee, on a quarterly and annual basis:
  - a. total number of incidents that include the use of seclusion;
  - b. total number of incidents that include the use of restraint;
  - c. 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 federal Rehabilitation Act of 1973, placed in seclusion;
  - e. aggregate number of students placed in seclusion;
  - f. aggregate number of serious bodily injuries to students related to the use of physical restraint and/or seclusion; and
  - g. aggregate number of serious bodily injuries to staff related to physical restraint and/or seclusion.
2. The Superintendent, or designee, shall review the cumulative reports received 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 Maine Department of Education (MDOE) at any time.
3. The Superintendent, or designee, shall submit to the MDOE an annual report on incidents of physical restraint and seclusion of students that includes:

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- a. Seclusion:
  - 1) total number of incidents that include the use of seclusion;
  - 2) the aggregate number of uses of seclusion;
  - 3) the aggregate number of students placed in seclusion;
  - 4) 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;
  - 5) the aggregate number of serious physical injuries to students related to seclusion; and
  - 6) the aggregate number of serious physical injuries to staff related to seclusion.
- b. Physical restraint:
  - 1) total number of incidents that include the use of physical restraints;
  - 2) the aggregate number of uses of physical restraint;
  - 3) the aggregate number of students placed in physical restraint;
  - 4) 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;
  - 5) the aggregate number of serious physical injuries to students related to physical restraint; and
  - 6) the aggregate number of serious physical injuries to staff related to physical restraint.

**VIII. PROFESSIONAL STANDARDS**

None

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