
USE OF PHYSICAL RESTRAINT AND SECLUSION

The Bangor School Committee 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.

The Superintendent of Schools is responsible for developing procedures for the use of physical restraint and seclusion. This policy and any accompanying procedures shall be reviewed at least annually by the Superintendent or designee, and the Superintendent shall recommend to the School Committee any needed changes in this policy.

I. Definitions

The following definitions apply to this policy and procedure:

- A. 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:

1. Physical escort: A temporary touching or holding for the purpose of 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. Physical contact: When the purpose of the intervention is to comfort a student and the student voluntarily accepts the contact.
4. 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.
6. 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.
7. Restraints used by law enforcement officers of the Bangor Police Department or school resource officers employed by the police department in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.
9. 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.
10. 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.



- B. Seclusion: The involuntary 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 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 Regulation JGF.

III. Annual Notice of Policy/Procedure

Bangor School Department shall provide annual notice to parents/legal guardians of this policy/procedure by means determined by the Superintendent or designee.

IV. Training Requirements

- A. All school staff and contracted providers shall receive an annual overview of this policy/procedure.
- B. Bangor School Department 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 Director of Pupil Services 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, 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.

Legal References: 20-A M.R.S.A. §§ 4014, 4502(5)(M); 4009 -- Me. DOE Reg., ch. 33

Cross References: Regulation JGF – Procedures on Physical Restraint and Seclusion

Policy JG – Student Discipline

Policy KLGA – Relations w/School Resource Officers/Law Enforcement Authorities

Regulation KLGA – School Resource Officer/Law Enforcement Administrative Procedure

Comprehensive Emergency Management Plan

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