

**EASTPORT SCHOOL DEPARTMENT
MEETING OF THE SCHOOL COMMITTEE
WEDNESDAY, JUNE 20, 2018
6:00 P.M.
Shead High School**

Members Present: William Bradbury, Jon Calame, Meg McGarvey, Richard Clark, and Elizabeth Hastings-Renner

Members Absent: None

Staff Present: Superintendent Kenneth Johnson, Principal Paul Theriault, Catherine Lee, Roberta Mitchell, and Erin Mahar

Others Present: Michele Thompson, Mary Repole, Alberta Matthews, Jon McNerney, and Lora Whelan, *Quoddy Tides*

A. Call the Meeting to Order

The meeting was called to order at 6:00 p.m.

B. Adjustments to the Agenda:

Agenda items 3.a., 3.c., and 3.d will be tabled.

C. To Approve the Minutes of the Following School Committee Meetings, as Written or with Corrections, as Recommended by the Superintendent of Schools:

1. May 16, 2018

It was moved by Elizabeth Hastings-Renner, seconded by Richard Clark, and voted 4 – 1 (Jon Calame) to approve the minutes of the May 16, 2018 school committee meeting, as written.

2. May 22, 2018, Emergency Meeting

It was moved by Elizabeth Hastings-Renner, seconded by Richard Clark, and voted 4 – 1 (Jon Calame) to approve the minutes of the May 22, 2018 emergency school committee meeting, as written.

It was noted that Jon Calame stated his desire to see more detail in the minutes.

D. Administrative Reports:

- 1. Principal – Eastport Elementary School and Shead High School –**
Principal Paul Theriault distributed his report.
- 2. School Committee –** Jon Calame reviewed a five-year (draft) report.
- 3. Superintendent –** Superintendent Johnson reported on the resignation of Damon Weston, Shead High School teacher; stated that a copy of the vocational calendar has been approved by the State; has spoken with J. T. Cyr; and polled the school committee on holding the next meeting in August which was approved.

E. Old Business

There was no old business.

F. New Business

1. To Consider Adoption of the Following Policies:

a. JKAA, Use of Restraint and Seclusion, and JKAA-R, Procedures on Restraint and Seclusion

It was moved by Elizabeth Hastings-Renner, seconded by Meg McGarvey, and voted unanimously to adopt policy JKAA, Use of Restraint and Seclusion, and policy JKAA-R, Procedures on Restraint and Seclusion.

b. IHBAA, Referral and General Education Interventions, and IHBAA-R, Referral Procedures and General Education Interventions

It was moved by Elizabeth Hastings-Renner, seconded by Meg McGarvey, and voted unanimously to adopt policy IHBAA, Referral and General Education Interventions, and policy IHBAA-R, Referral Procedures and General Education Interventions.

2. To Consider Revising the 2018 – 2019 Eastport School Calendar

It was moved by Richard Clark, seconded by Elizabeth Hastings-Renner, and voted unanimously to adopt the revised 2018 – 2019 Eastport School Calendar.

3. To Consider the Nomination of the Following Shead High School Teachers for 2018 – 2019:

a. Social Studies

This item was tabled.

b. English Teacher

It was moved by Elizabeth Hastings-Renner, seconded by Richard Clark, and voted unanimously to approve the nomination of Vivian Corynne Zinni as Shead High School English teacher for 2018 – 2019.

c. Health/Physical Education Teacher

This item was tabled.

d. Special Education Teacher

This item was tabled.

G. Adjournment

The meeting adjourned at 6:45 p.m.

Respectfully submitted,

**Kenneth Johnson, Superintendent
Secretary, ex-officio**

**AOS 77
EASTPORT
Calendar
2018-2019**

Information >>>

- Teacher Workshop Days - 08/27, 28
- First Day of School -08/29
- Labor Day Holiday - 09/03
- Early Release - 09/19
- Fall Holiday -10/08
- Teacher Workshop Day - 10/9
- Parent Conferences - 11/08
- Early Release - 11/09
- Veterans Day Holiday- 11/12
- Early Release - 11/21
- Thanksgiving Break - 11/22, 23
- Early Release - 12/05
- Early Release - 12/21
- Christmas Break - 12/24 - 01/01
- Martin Luther King, Jr. Day - 01/21
- Early Release - 01/25
- President's Day Holiday - 02/18
- February Break - 02/18 - 22
- Early Release - 03/08
- Teacher Workshop Day - 03/22
- Parent Conferences - 04/11
- Early Release - 04/12
- Patriot's Day - 04/15
- April Break - 04/15 - 19
- Early Release - 05/01
- Memorial Day- 05/27
- Early Release - 06/05
- Teacher Workshop Day - 06/06
- Storm Days -5 Days 06/07, 10, 11, 12, 13

**ADOPTED 04/25/18
REVISED 06/20/18**

AUGUST

S	M	T	W	TH	F	S
26	T	T	29	30	31	

2 Teacher/3 Student

SEPTEMBER

S	M	T	W	TH	F	S
						1
2	H	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	ER	20	21	22
23	24	25	26	27	28	29
30						

19 Student

NOVEMBER

S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	PC	ER	10
11	H	13	14	15	16	17
18	19	20	ER	H	V	24
25	26	27	28	29	30	

19 Student

JANUARY

S	M	T	W	TH	F	S
		H	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	H	22	23	24	ER	26
27	28	29	30	31		

21 Student

APRIL

S	M	T	W	TH	F	S
1	2	3	4	5	6	
7	8	9	10	PC	ER	13
14	H	V	V	V	V	20
21	22	23	24	25	26	27
28	29	30				

17 Student

OCTOBER

S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

21 Student/1 Teacher

DECEMBER

S	M	T	W	TH	F	S
						1
2	3	4	ER	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	ER	22
23	V	H	V	V	V	29
30	V					

15 Student

FEBRUARY

S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	H	V	V	V	V	23
24	25	26	27	28		

15 Student

MAY

S	M	T	W	TH	F	S
			ER	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	H	28	29	30	31	

22 Student

MARCH

S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	ER	9
10	11	12	13	14	15	16
17	18	19	20	21	T	23
24	25	26	27	28	29	30
31						

20 Student/1 Teacher

JUNE

S	M	T	W	TH	F	S
						1
2	3	4	ER	T	S	8
9	S	S	S	S	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

3 Student/1 Teacher

CODING
H - Holiday
ER - Early Release
V - Vacation
PC - Parent Conferences
T - Teacher Workshop
S - Storm Day

REFERRAL AND GENERAL EDUCATION INTERVENTIONS

It shall be the policy of the Eastport School Department to refer all school-age students suspected of having a disability that requires special education to the IEP Team for an evaluation in all suspected areas of disability.

Referrals of students to the IEP team may be made by parents at any time, and by professional school staff *regardless of the results of the initial child find activities, but after completion of the general education intervention process. Other individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may also make referrals.* Any such referral should be made in accordance with procedures that may be approved by the Superintendent of Schools.

Regardless of the source of the referral, a referral will be considered received by the school unit on the date that the written referral is received by the office of the Director of Special Education. It shall be signed and dated by Special Education Director or designee], thereby indicating the date of the receipt of that referral.

The Superintendent, in consultation with the Director of Special Education, may develop procedures for referral and the use of general education interventions within the local school unit, and may from time to time amend those procedures as necessary.

Legal Reference: Me. Dep't of Educ. Reg. Ch. 101, §§ II(16), III, IV(2)(D), (E), V(4)(A) (July 2015).

Cross Reference: IHBAC – Child Find
IHBAA – Referral Procedures and General Education Interventions

Eastport School Department

Adopted 10/05/04

Revised 11/16/11

Revised 06/20/18

REFERRAL PROCEDURES AND GENERAL EDUCATION INTERVENTIONS

The Eastport School Department shall refer to the IEP Team all school-age students suspected of having a disability that requires special education and related services. Referrals to the IEP Team may be made by a child's parent, by professional school staff, or by others with knowledge of the child. Referrals should be made and processed consistent with these procedures.

REFERRALS BY PARENTS

A parent may refer his or her child to the IEP Team at any time. That referral shall be made in writing directly to the office of the Director of Special Education. Should the parent seek to make a referral through other professional staff (such as teachers, guidance counselors, or administrators), that professional staff member shall directly assist the parent in making the referral in writing to the office of the Director of Special Education. Should a parent attempt to make a referral orally, professional staff shall assist the parent in reducing that referral to writing and submitting it to the office of the Director of Special Education.

A parent referral shall be processed consistent with these procedures and governing timelines even if the child is receiving interventions pursuant to the school unit's general education interventions. Those general education interventions shall continue during the referral process, however.

REFERRALS BY STAFF

Any professional employee of the school unit may refer a child to the IEP Team regardless of the results of initial child find activities, but only after completion of any general education intervention process used by the school unit. The school unit may move directly forward with the referral process in those circumstances where the school unit and parent agree to do so. Even in that situation, however, general education interventions will continue during the referral process.

Professional school staff shall prepare a referral in writing and shall submit that referral directly to the office of the Director of Special Education.

REFERRALS BY OTHERS

Individuals or agency representatives (including representatives of the Department of Health and Human Services) with knowledge of the child may refer that child to the IEP Team regardless of the results of initial child find activities, but only after completion of any general education intervention process used by the school unit. The school unit may move directly forward with the referral process in those circumstances when the school unit and parent agree to do so. Even in that situation, however, general education interventions will continue during the referral process.

Should such a person attempt to make a referral orally, professional staff shall assist that person in reducing that referral to writing and submitting it to the office of the Director of Special Education.

RECEIPT OF REFERRAL

Regardless of the source of the referral, a referral is received by the school unit on the date that the written referral is received by the office of the Director of Special Education. It shall be signed and dated by the Special Education Director or designee, thereby indicating the date of the receipt of that referral.

TIME LINE FOR PROCESSING REFERRAL

Once the referral has been received in the office of the Director of Special Education, the IEP Team shall review existing evaluation data and determine the need for additional evaluations. The IEP Team may conduct its review without a meeting. If additional evaluations are needed, the local unit must send a "consent to evaluate" form to the parent within 15 school days of receipt of the referral. Also upon receipt of the referral (from any source), the local unit shall send the parent its Written Notice form documenting that referral.

Once the office of the Director of Special Education receives the signed consent for evaluation back from the parent, the local unit shall have 45 school days to complete the evaluation and to hold an IEP Team meeting to determine whether the student qualifies for special education services. If the student is identified as a child with a disability in need of special education, the Team should develop an IEP for that child either at that same meeting, or within 30 calendar days of determining that the student is eligible.

The local unit shall implement the IEP as soon as possible following the IEP Team meeting when the child is found eligible, but no later than 30 calendar days after that meeting.

TRANSFER STUDENTS

Students who have already been identified as in need of special education services and who transfer into the school unit from another school unit *within Maine* (and who had an IEP that was in effect in a previous school unit in Maine) shall on enrollment and in consultation with the parent be provided with FAPE (including services comparable to those described in the child's IEP from the previous school unit) until the local unit either adopts the child's IEP from the previous unit or develops, adopts and implements a new IEP.

Students who have already been identified as in need of special services and who transfer into the school unit from another school unit *from outside of Maine* (and who had an IEP that was in effect in a previous school unit in another state) shall on enrollment and in consultation with the parent be provided with FAPE (including services comparable to those described in the child's IEP from the previous school unit) until the local unit

conducts an evaluation (if determined to be necessary by this school unit) to determine whether the student is eligible for special education, and if so, develops, adopts and implements a new IEP.

If the transfer student's current IEP from his or her prior school unit is not available, or is believed to be inappropriate by either the parent or the school, the local unit should develop a new IEP through appropriate procedures within a short time after the student enrolls at the school.

If a child transfers into the school unit after the referral time line has begun in the previous school unit but before an eligibility determination has been made, the time line referenced above for completing that process shall not apply if the local unit is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and school unit agree to a specific time when the evaluation will be completed and the eligibility decision made.

GENERAL EDUCATION INTERVENTIONS

General education interventions are general education procedures involving regular benchmark assessment of all children, using curriculum based measurements, to monitor child progress and identify those children who are at risk of failing. Children who are at risk receive responsive interventions in the general education program that attempt to resolve the presenting problems of concern. General educators are encouraged to confer with specialists and teaching professionals, but general education personnel are responsible for the implementation of the intervention.

The Eastport School Department shall implement general education interventions. These interventions shall include:

- a. Documentation that every child, prior to entering the general education intervention process, was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965 (ESEA), appropriate mastery based instruction in math, appropriate instruction in the writing process, and positive behavioral supports;
- b. A team-based decision-making process;
- c. Screening at reasonable intervals to determine whether all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements;
- d. Data Analysis of screening results focusing on determining to what extent all children are progressing toward meeting the content standards of the parameters for essential instruction and graduation requirements and identifying which children are not making adequate progress towards these goals and are in need of targeted general education interventions;

- e. A determination as to whether a child’s assessed difficulties are likely the result of linguistic or cultural differences;
- f. Provision of research-based general education interventions targeted at the child’s presenting academic and/or behavioral concerns as determined by screening results;
- g. Repeated formative assessments of student response to targeted interventions, conducted at reasonable intervals, that generate rate based measurable data for both specifying academic and behavioral concerns and monitoring child progress during general education interventions;
- h. Documentation that parents were notified about the process, given the opportunity to participate in instructional decision-making, and kept informed of their child’s progress during targeted general education interventions;
- i. A team shall review the child’s progress no later than 60 school days after the start of formal general education interventions and approximately every 30 school days thereafter. At each meeting the team shall review data on the child’s progress to determine if modifications to the general education interventions are needed and/or if a referral to special education is indicated: and
- j. Provisions for targeted general education interventions to continue during any subsequent special education referral.

The parent of a child receiving general education interventions may request that the agency conduct a full and individual evaluation for possible special education eligibility determination at any time during Eastport School Department’s established general education intervention process.

The general education interventions developed through this pre-referral process shall continue in the event of a referral while the referral is being handled by the IEP Team, and the resulting data shall become part of the child’s special education file.

Legal Reference: Me. Dep’t of Educ. Reg. Ch. 101, §§ II(16), III, IV(2)(D), (E), V(4)(A) (July 2015).

Cross Reference: IHBAC – Child Find
IHBAA – Referral and General Education Interventions

Eastport School Department

Adopted 10/05/04

Revised 11/16/11

Revised 06/20/18

USE OF PHYSICAL RESTRAINT AND SECLUSION

The Eastport 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 a risk of injury or harm to the student or others.

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 procedure:

- A. **Physical restraint:** 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 touching or holding of the hand, wrist, arm, shoulder, hip or back for the purpose of moving a student voluntarily.
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. Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.
5. 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 in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.
8. 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.

B. **Seclusion:** 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:** 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 procedure, JKAA-R.

III. ANNUAL NOTICE OF POLICY/PROCEDURE.

Eastport Elementary School and Shead High School 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. Eastport Elementary School and Shead High School 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 school principal 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, 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

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

Eastport School Committee

Adopted 03/26/13

Revised 06/20/18

PROCEDURES ON PHYSICAL RESTRAINT AND SECLUSION

These procedures are established for the purpose of meeting the obligations of Eastport Elementary School and Shead High School 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 at any moment, such that a reasonable and prudent person would take steps instantly 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. 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 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. 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 Rule Chapter 33.
4. Parents may be requested to provide assistance 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 solely to prevent property destruction or disruption of the environment in the absence of risk of injury.
3. 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. 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 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 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 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 a risk of injury or harm to him/herself or others, and the 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 a risk of injury 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.

III. 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 risk of injury or harm to the student or others, and only after other less intrusive interventions have failed or been deemed inappropriate.
2. Seclusion may 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 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 risk of injury.

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 he/she no longer presents a risk of injury or harm to him/herself or others.
3. If any 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 a risk of injury or harm to him/herself or others, and the 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 restraint is terminated.
 - c. If attempts to release a student from seclusion have been unsuccessful and the student continues to present behaviors that create a risk of injury 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. 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 a risk of harm and the time the student ceases to pose a risk of harm and returns to 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 number 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 the Eastport Elementary School and Shead High School usual emergency notification procedures.
4. If serious bodily injury or death of a student occurs during the implementation of physical restraint or seclusion, the Eastport Elementary School and Shead High School 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. Location of the incident;
4. Date of the incident;
5. Date of report;
6. Person completing the report;
7. Beginning and ending time of each physical restraint and/or seclusion;
8. Total time of incident;
9. Description of prior events and circumstances;
10. Less restrictive interventions tried prior to the use of physical restraint and/or seclusion and, if none were used, the reasons why;
11. The student behavior justifying the use of physical restraint or seclusion;

12. A detailed description of the physical restraint or seclusion used;
13. The staff person(s) involved, their role in the physical restraint or seclusion, and whether each person is certified in an approved training program;
14. Description of the incident, including the resolution and process of returning the student to his/her program, if appropriate;
15. Whether the student has an IEP, 504 Plan, behavior plan, IHP (individual health plan) or any other plan;
16. If a student and/or staff sustained bodily injury, the date and time of nurse or other response personnel notification and any treatment administered;
17. The date, time and method of parent/legal guardian notification;
18. The date and time of administrator/designee notification; and
19. Date and time of staff debriefing.

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

V. 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 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.

B. All Other Students

1. 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. 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

1. Each building administrator must report the following data on a quarterly and annual basis:
 - a. Aggregate number of uses of physical restraint;
 - b. Aggregate number of students placed in physical restraint;
 - c. Aggregate number of uses of seclusion;
 - d. Aggregate number of students placed in seclusion;
 - 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.
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.

B. 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 in Section 7.A.1 above.

Legal Reference: Me. DOE Rule, ch. 33

Cross Reference: JKAA – Use of Physical Restraint and Seclusion

Eastport School Committee

Adopted 03/26/13

Revised 06/20/18

USE OF PHYSICAL RESTRAINT AND SECLUSION

The Eastport 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 a risk of injury or harm to the student or others.

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 procedure:

- A. **Physical restraint:** 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 touching or holding of the hand, wrist, arm, shoulder, hip or back for the purpose of moving a student voluntarily.
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. Momentarily deflecting the movement of a student when the student's movements would be destructive, harmful or dangerous to the student or others.
5. 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 in the course of their professional duties are not subject to this policy/procedure or MDOE Rule Chapter 33.
8. 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.

B. **Seclusion:** 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: 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 procedure, JKAA-R.

III. ANNUAL NOTICE OF POLICY/PROCEDURE.

Eastport Elementary School and Shead High School 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. Eastport Elementary School and Shead High School 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 school principal 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, 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

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

Eastport School Committee

Adopted 03/26/13

Revised 06/20/18