

**TIME OUT ROOMS AND THERAPEUTIC RESTRAINT ADMINISTRATIVE
PROCEDURE**

These procedures are established for the purpose of meeting the obligations of The Maine Educational Center for the Deaf and Hard of Hearing/Governor Baxter School for the Deaf under state law and local school board policies governing the use of designated time out rooms and therapeutic restraint. These procedures shall be interpreted in a manner consistent with state law and regulations.

I. DEFINITIONS:

For purposes of these procedures, the terms “designated time out room” and “therapeutic restraint” shall have the following meanings:

- A. “Designated time out room” means a designated time out room used specifically to isolate a student for the purpose of bringing under control student behavior that is dangerous or presents a risk of significant property damage. Dangerous behavior is behavior that, in the judgment of those involved, presents a risk of injury or harm to that student or to others, and cannot be controlled through interventions short of isolation in the designated time out room.

This policy and any accompanying procedures do not apply to interventions such as sending a student to the Principal’s office, to any staff member’s room or office, or to any other such setting, but is instead limited to use of a room specifically designated by the Superintendent/Executive Director for the purpose of isolating students as described above. Use of this area to control student behavior must comply with these procedures.

- B. “Therapeutic Restraint” means physical restraint of a student for the purpose of preventing that student from injuring him or herself or others, when such restraint is undertaken in accordance with an individualized, written plan that specifically calls for therapeutic restraint. Therapeutic restraint as defined in these procedures should be administered by personnel trained in that restraint.

School personnel should not use as a type of therapeutic restraint any restraint that restricts the free movement of the diaphragm or

chest or that restricts the airway so as to interrupt normal breathing or speech of students.

Therapeutic restraint does not include any intervention by any school official that would otherwise be governed by state law on the use of reasonable force (20-A M.R.S.A. Section 4009), which includes the use of a reasonable degree of force by school officials against a person who is creating a disturbance, when the official believes that force is necessary to control the disturbing behavior or to remove the person from the scene of the disturbance.

II. DESIGNATION OF TIME OUT ROOMS

- A. If the Superintendent/Executive Director determines that there is a need for a designated time out room in a particular school building, he or she shall designate the room to be used for that purpose, and shall ensure that said room meets the requirements of these procedures. The building principal shall be familiar with these procedures on the use of the designated time out room, and shall ensure that staff understands the proper use of that room. Once a room has been designated specifically for this purpose, it shall not be used in any manner that would be inconsistent with its use as a designated time out room.
- B. Designated time out rooms must be a minimum of 60 square feet, with adequate light, heat, and ventilation and of normal room height. The door to the timeout room may not be locked, latched or secured in any way that would prevent the student from exiting the room. An unbreakable observation window shall be located in a wall or door to permit continuous observation of the student and any staff member in the timeout room.

III. USE OF DESIGNATED TIME OUT ROOMS

- A. The designated time out room shall be used specifically for the purpose of isolating a student to bring under control student behavior that is dangerous or presents a risk of significant property damage. Dangerous behavior is behavior that presents a risk of injury or harm to that student or to others, and cannot be controlled through interventions short of isolation in the designated time out room. The designated time out room shall not be used for punitive purposes, for staff convenience, or to control minor misbehavior.
- B. The designated time out room shall be used only after less intrusive interventions have failed to bring the student's behavior under control.

A student should remain in the designated time out room only for the time necessary for the student to compose him or herself sufficiently to return to the classroom with minimal risk that the behavior will quickly re-occur, in the opinion of school officials monitoring the intervention.

- C. School officials shall not keep a student in the designated time out room for more than one hour. If the student continues to present dangerous behaviors after this period of time, the placement in that room may be continued only with written authorization of the building principal or designee. In that event, the student's parent or guardian should also be called for the purpose of taking the student home for the remainder of that school day.
- D. Students in a designated time out room shall be directly observed at all times by a staff person.
- E. School officials monitoring a child in the designated time out room shall not secure the door to that room in any manner, including holding the door so as to keep the child shut in that room. In the event that a child who is actively demonstrating dangerous behaviors attempts to leave the room, the staff member may use restraint to ensure safety, and should attempt to arrange for emergency personnel and the parents to be contacted.
- F. If at any point during the child's stay in the designated time out room, the building principal or his/her designee believes that the child cannot be maintained safely even in that setting, the building principal or designee shall call the child's parent to come pick up the child, and may also call other emergency personnel for the purpose of taking custody of the child and ensuring the child's safety.

IV. DOCUMENTING USE OF THE DESIGNATED TIME OUT ROOM

- A. Each time a child is placed in a designated time out room, a school official involved in that decision shall document the action. The documentation must include the following: the name of the student; the date and time of placing the child in the room; the time that the placement ended; the antecedent events leading up to the behavior requiring the placement; the behavior itself leading to the placement; other types of intervention that may have been used; the names of staff members involved in the incident; and the names of staff members who monitored the child's placement in the designated time out room. If a call is placed to the family or to

emergency personnel, that should be noted in the documentation as well.

- B. This written documentation shall be provided to the building principal or designee within two school days of the incident itself. If possible, the parents should be notified of the incident on the same day of the child's placement in the designated time out room, or as soon as possible thereafter.

V. USE OF THERAPEUTIC RESTRAINT

- A. Therapeutic restraint as covered by these procedures shall be used only for the purpose of preventing a student from injuring him or herself or others, when such restraint is undertaken in accordance with an individualized, written plan that specifically calls for therapeutic restraint. Therapeutic restraint as covered by these procedures shall be used only after less intrusive interventions have failed to bring the student's behavior under control.
- B. Attempts shall be made to involve the parents in developing an individualized, written plan that specifically calls for therapeutic restraint. For students with disabilities, the student's IEP Team or 504 Team may develop such a plan if the Team determines it is appropriate to do so.
- C. Therapeutic restraint as covered by these procedures shall involve the least amount of physical contact that is required to bring the behavior under control, and should be implemented by persons who have successfully completed an appropriate training program in the identification and de-escalation of potentially harmful behaviors and the safe use of passive physical therapeutic restraints.
- D. School personnel should not use as a type of therapeutic restraint any restraint that restricts the free movement of the diaphragm or chest or that restricts the airway so as to interrupt normal breathing or speech of students.
- E. At least two adults should be involved in the use of therapeutic restraint as covered by these procedures, and if possible, both adults should have completed an appropriate training program. In the event that an emergency situation prevents the presence of two adults for the therapeutic restraint, one individual may undertake the intervention and his/her conduct shall be protected to the full extent allowed by state law on the use of reasonable force in emergencies (20-A M.R.S.A. Section 4009). If an untrained adult is

involved in the intervention, his/her conduct shall also be protected to the full extent allowed by state law on the use of reasonable force in emergencies.

- F. The school district shall maintain a list of all personnel with restraint training, and the list shall include the date and type of training and the name and qualifications of the trainer.
- G. The use of therapeutic restraint as covered by these procedures should not exceed one hour in length. If the student is still presenting dangerous behaviors after that time, the use of therapeutic restraint may be continued with written authorization of the building principal or designee. In that event, the student's parent or guardian should also be called for the purpose of taking the student home for the remainder of that school day.
- H. If at any point during the therapeutic restraint, the building principal or his/her designee believes that the child cannot be maintained safely even with that restraint, the building principal or designee shall call the child's parent to come pick up the child, and may also call other emergency personnel for the purpose of taking custody of the child and ensuring the child's safety.
- I. Should involved staff believe that a student has been injured during a therapeutic restraint, the staff member shall follow school procedures in reporting that injury to the school nurse or others, as soon as reasonably practicable. School officials should document any physical injury to a student arising from a therapeutic restraint in a manner consistent with documentation of other student injuries at school.
- J. In the event that school officials use restraint on a child in any manner inconsistent with these procedures, that intervention shall be protected to the full extent permitted by state law on the use of reasonable force (20-A M.R.S.A. Section 4009).

VI. DOCUMENTING USE OF THERAPEUTIC RESTRAINT

- A. Each time a child is subject to therapeutic restraint as covered by these procedures, a school official involved in that decision shall document the action. The documentation must include the following: the name of the student; the date and time of the restraint; the time that the restraint ended; the antecedent events leading up to the behavior requiring the restraint; the behavior itself requiring the restraint; other types of intervention that may have been used; the names of staff members involved in the

incident; and the names of staff members who participated in the restraint. If a call is placed to the family or to emergency personnel, that should be noted in the documentation as well.

- B. This written documentation shall be provided to the building principal or designee within two school days of the incident itself. If possible, the parents shall be notified of the incident on the same day that therapeutic restraint is used on the child, or as soon as possible thereafter.

VII. PROHIBITION OF AVERSIVE THERAPY

- A. School officials shall not use aversive therapy on a student to modify or change that student's behavior. "Aversive therapy" is the application of unusual, noxious or potentially hazardous substances, stimuli or procedures to a student. Aversive therapies include the use of water spray, hitting, pinching, slapping, noxious fumes, extreme physical exercise, or embarrassing costumes or signs.
- B. The use of mechanical or chemical restraints by school officials is prohibited by these procedures. These procedures do not prohibit protective equipment or devices that are part of a treatment plan prescribed by a physician or psychologist for treatment of a chronic condition.

Legal References: 20-A M.R.S.A. Section 4502(5) (M)
Ch. 33 (Me. Dept. of Ed. Rules)
20-A M.R.S.A. Section 4009
Maine DOE Commissioner's Administrative Letter,
September 10, 2010

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