

# MECARS

Maine Coalition Against  
Restraint and Seclusion

*MeCARS is a group of advocates, parents, and organizations, who have been working together since 2013 focusing on reducing and preventing the use of the exclusionary, traumatizing, and dangerous practices of time out rooms, restraint, and seclusion in our schools through advocacy, policy, and outreach.*



Maine Developmental  
Disabilities Council

[maineddc.org](http://maineddc.org)



[drme.org](http://drme.org)



[asmonline.org](http://asmonline.org)



[mpf.org](http://mpf.org)



Center for Community Inclusion  
and Disability Studies

[ccids.umaine.edu](http://ccids.umaine.edu)



Deb Davis Advocacy

[debdavisadvocacy.com](http://debdavisadvocacy.com)

## Students in Maine Provided Greater Protections From Unnecessary Restraint and Seclusion Under New Law A Parent Guide to LD 1373/Section 4014

### Clearer and Stronger Definitions:

Term	Definition (Bolded/Underlined Definitions are new)	Law Action
Physical Restraint	<b><u>a personal restriction that immobilizes or reduces the ability of a student to move the arms, legs or head freely.</u></b>	Law defines when this is unlawful
Seclusion	the involuntary isolation or confinement of a student alone in a room or clearly defined area <b><u>from which the student does not feel free to go or is physically denied exit.</u></b> "Seclusion" does not include a timeout.	Law defines when this is unlawful
Physical escort	Temporary, <b><u>voluntary</u></b> touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.	Allowed
Physical Prompt	a teaching technique that involves <b><u>voluntary</u></b> physical contact with a student that enables the student to learn or model the physical movement necessary for the development of a desired competency.	Allowed
Chemical Restraint	<b><u>A drug or medication that is used on a student to control behavior or restrict freedom of movement</u></b> "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."	Prohibited
Covered Entity	LD 1373/Section 4014 applies to all kids in all Maine schools – public and private schools receiving funding from MDOE.	Clarifies that data needs to be collected and shared to the State annually
Mechanical Restraint	<b><u>The use of a device to restrict a student's freedom of movement.</u></b> (Note seatbelts, adaptive devices, and mechanical supports are NOT considered a mechanical restraint.)	Prohibited

### When Physical Restraint is not allowed (unlawful):

- When physical restraint or physical escort would be:
  - a) **Life-threatening;**
  - b) **Restricts breathing or restricts blood flow to the brain;**
  - c) **In a prone position (holding a person face down on their stomach);**
  - d) **Against children's rights of recipients.** (Title 34-B, section 3003 or section 15002: Children Rights of recipients [\(click for rules\)](#))
  - e) **Not advisable for the student's disability, health care needs, medical, or psychiatric condition as documented in:**
    - **A doctor's note or medical management plan;**
    - **A behavior intervention plan;**
    - **An Individual Education Plan (IEP) or Individual Family Service Plan (IFSP);**
    - **A 504 Plan or ADA accommodations plan.**

## Physical Restraint and Seclusion is allowed Only When:

(Note: *Imminent* means “about to happen”)

- A. The student's behavior poses an imminent danger of serious physical injury to the student or another person;
- B. Less restrictive interventions would be ineffective in stopping imminent danger of serious physical injury to the student or another person;
- C. The physical restraint or seclusion ends immediately upon the cessation *[process of ending]* of imminent danger of serious physical injury to the student or another person; and
- D. The least amount of force necessary is used to protect the student or another person from imminent danger of serious physical injury.

## Blocks and Deflections Are Still Not Physical Restraints:

By our reading of LD 1373/Section 4014, physical restraint would not include blocks, deflections, or redirections of a student's actions. If necessary, amendments to rule Chapter 33 could clarify this.

## Property Destruction:

It is already true that Chapter 33 does not allow schools to use restraint or seclusion to prevent property destruction unless it presents a certain level of risk for the student or others. Likewise, LD 1373/Section 4014 only allows for the use of restraint or seclusion in certain situations – see above.

## Requires an Annual Report to DOE:

Similar to before this new law, covered entities are required to submit an annual report on data regarding the use of restraint and seclusion. This new law adds certain criteria to make sure information is collected based on disability.

## Requires that DOE provide Technical Assistance:

Within existing resources, the DOE will develop and implement technical assistance to reduce the likelihood of physical restraint or seclusion, and support students in reducing behavior that can result in physical restraint or seclusion, such as developmentally appropriate, positive behavior interventions, functional behavioral interventions, mental health supports, restorative justice programs, trauma-informed care and crisis and de-escalation interventions.

## Authorizes DOE to develop rules to carry out the purposes of the law:

This law provides statutory authority to MDOE and requires MDOE to adopt or amend rules (Chapter 33, for example) to come in line with this law.

## What happened to Chapter 33?

It is being amended. The parts of Chapter 33 that conflict with the new law are superseded by LD 1373/Section 4014. However, protections such as required meetings, reporting, debriefing, and complaints should still be valid. Keep an eye out for the new Chapter 33 proposed rules so you can comment. The rule is expected to be posted on Oct. 27, 2021, a public hearing will be Nov. 15, 2021 and written comments will be accepted until Dec. 3, 2021. More information from the MDOE here: <https://www.maine.gov/doe/schools/safeschools/restraint>

In addition to being aware of these changes, consider checking your school's local policies to make sure it aligns with the LD 1373/Section 4014.

## What should you do if your child is being restrained or secluded at school?

The use of restraint and seclusion is a red flag that something is not working for a child – it may be keeping your child from accessing a free appropriate public education in the least restrictive environment. If the student has an IEP or 504 Plan, call a meeting to discuss what is going on. If the student is not identified for special education services, consider requesting an evaluation from the school. If you have questions, please reach out to any of our organizations. And if you have unresolved issues, consider accessing your dispute resolution options. More information from the MDOE here: <https://www.maine.gov/doe/learning/specialed/dueprocess>