



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



The Maine Coalition Against Restraint and Seclusion (MeCARS)

SCHOOL REOPENING STATEMENT

COVID-19 Increases Urgency to Prioritize Supportive Services and to Reduce the Use of Exclusionary and Dangerous Interventions of Time Out Rooms, Seclusion and Restraint.

Most every public school student in Maine left their school buildings in March due to the COVID-19 pandemic. As a result, the 2019-2020 school year may turn out to be the first time in seven years that Maine's record-high use of restraint and seclusion did not increase. Maine schools use restraint and seclusion at a rate four times the national average with over 22,000 during the 2018-2019 school year alone. Students, faculty, and staff in Maine have not had to endure these dangerous interventions for the past five months and we believe they deserve to begin the new school year safely. **We urge school districts to take this opportunity to commit to supporting students without the use of time out rooms, seclusion, or restraint.**

The law regarding the use of restraint and seclusion in Maine schools has not changed. The Maine Department of Education (MDOE) Chapter 33 Rule recognizes that restraint and seclusion do not have any therapeutic or educational benefit and they can only be used as emergency interventions when there is a risk of injury or harm and only after less intrusive interventions have failed. Chapter 33 prioritizes the use of behavior assessment, intervention, and strategies to address problem behaviors through skill building and environmental modifications in order to avoid situations where an emergency might be created. Chapter 33 also requires detailed documentation and reporting to ensure that parents and the MDOE are notified. And, it includes debriefing requirements for not only the student and staff involved, but also for the school to assess aggregate data to identify areas where they could reduce the use of future emergency interventions.

As schools reopen, there will be a great need to address the social emotional and behavioral needs of all students, through school wide approaches and systems. In addition, schools must continue the individualized planning process for students that are served under IDEA and Section 504. The MDOE highlights the need to focus on student supports in Parts II-IV of their 'Framework for Reopening Schools and Returning to In-Person Instruction', available at: <https://www.maine.gov/doe/framework>. **We urge school districts to begin the year working collaboratively with parents and students to avoid incidents that may lead to the use of these exclusionary and dangerous interventions.**

MeCARS is also concerned that schools might use seclusion related to COVID-19. In MDOE's Framework, they require schools to designate a medical isolation room for students and staff who exhibit COVID-19 symptoms during the school day. If medical isolation isn't voluntary, at a minimum it must be recorded as seclusion and follow Chapter 33.

On 8/14/2020, MDOE issued guidance that included 'Physical Restraint/Seclusion and COVID-19.' MDOE appropriately highlights the heightened risk of transferring COVID-19 when a staff restrains or secludes a student. And, they state that "students involved in emergency physical restraint and seclusion should have a free and unobstructed airway and should not be wearing a face covering during a physical restraint or seclusion."

To proactively address these concerns, MDOE may want to consider reviewing schools' historical use of restraint and seclusion to focus on schools that may need additional support in preventing the use of these dangerous interventions that have been made even more unsafe due to COVID-19. That data is available at:

<https://www.maine.gov/doe/schools/safeschools/restraint>

CARS RECOMMENDED RESOURCES 2020

Maine Department of Education:

-MDOE's restraint and seclusion website includes information on data, training, and Chapter 33 requirements, available at:

<https://www.maine.gov/doe/schools/safeschools/restraint>

-Positive Behavior Intervention and Supports (PBIS), available at:

<https://www.mainepbs.org/>

-MDOE 8/14/2020 guidance, "Guidance on PPE, Toileting, Restraint & Seclusion", available at:

https://www.maine.gov/doe/sites/maine.gov.doefiles/inline-files/Guidance%20on%20PPE%20Toileting%20Restraint%20%20Seclusion%208.14.20_0.pdf

National Disability Rights Network:

-2020-21 School Reopening Principles, available at: <https://www.ndrn.org/wp-content/uploads/2020/08/NDRN-School-Reopening-FINAL-.pdf>

U.S. Department of Education:

-Restraint and Seclusion: Resource Document, available at:

<https://www2.ed.gov/policy/seclusion/restraint-and-seclusion-resource-document.html>

-Reports, Testimony and Letters Regarding Seclusions and Restraints, available at:

<https://www2.ed.gov/policy/seclusion/index.html>

-Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities, available at:
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>

-Fact Sheet: Restraint and Seclusion of Students with Disabilities, available at:
<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201612-504-restraint-seclusion-ps.pdf>

-Ideas that Work Three-part webinar series on Continuity of Learning and Return to School during COVID-19, available at:
<https://osepideasthatwork.org/evidencebasedclassroomstrategies>

-Supporting and Responding to Behavior: Evidence-Based Classroom Strategies for Teachers, available at:
https://osepideasthatwork.org/sites/default/files/ClassroomPBIS_508.pdf

The Center on Positive Behavior Interventions and Support:

<https://www.pbis.org/>

-Dr. George Sugai explores how to leverage multi-tiered systems to plan for navigating our current reality as a result of the pandemic, video available at:
<https://www.youtube.com/watch?v=ZwnyRvfzetw&feature=youtu.be>

Dr. Ross Greene, Lives in the Balance:

-New Website to Help End Restraint and Seclusion, available at:
<https://truecrisisprevention.org/>

-One Maine school district found that the use of Dr. Greene's approach reduced their use of restraint and seclusion, available at:
<https://www.chicagotribune.com/investigations/ct-seclusion-restraint-alternatives-grafton-20200413-bfw7u2srpbao3pffhcdnhr2qq-story.html>

Disability Rights Maine:-*Restraint And Seclusion In Maine Schools, Reviewing the First Six Years of Data Required by MDOE Rule Chapter 33*, available at:
<https://drme.org/assets/brochures/CH33.Report.FINAL.2019.pdf>

Parental Notification of Chapter 33, The Rule Governing Physical Restraint and Seclusion. Available from the **Autism Society of Maine** at:
<https://www.asmonline.org/Pdf/Resources/WEB%20Parental%20Notification%20of%20Ch%2033%20D1%20-%20correction.pdf>