

Restraints Causing Restriction of the Airway

ADMINISTRATIVE LETTER NO: 3

POLICY CODE: JFK

TO: Superintendents, Principals, Directors of Special Education, Teachers
FROM: Susan A. Gendron, Commissioner
DATE: July 14, 2009
RE: Restraints Causing Restriction of the Airway

A bill was presented this session to the Joint Committee on Education and Cultural Affairs to prohibit physical restraint of a disabled student that results in the student lying face down on the floor while pressure is applied to the student's back. LD 1096 – An Act To Protect School Children from Dangerous or Abusive Restraint and Seclusion.

<http://janus.state.me.us/legis/LawMakerWeb/summary.asp?ID=280032005><http://janus.state.me.us/legis/LawMakerWeb/summary.asp?ID=280032005> The Department not only strongly supports the effort to prohibit this type of restraint, we would broaden the prohibition to include all children and any position which restricts the free movement of the diaphragm or chest so as to interrupt normal breathing and speech. Any body position that restricts the airway or that interferes with the muscular or mechanical means of getting air into and out of the body – the body's "bellows function" – will result in death unless the restriction ends in time.

Some students, such as those who are overweight or who have asthma, may be more prone to airway constraint than other students when placed in particular positions. A combination of conditions, mental and physical, including the use of certain medications, can place individuals at particular risk.

www.gao.gov/archive/1999/he99176.pdf, pp. 7 and 8.

The Child Welfare League of America reported in 2002 that 8 to 10 children in the United States die each year due to restraints, and that other children suffer a range of injuries including broken bones and damaged joints. These data were identified with a broader population survey than schools only. Neither the federal government nor the states comprehensively track the use of restraint or seclusion data, or related injuries, so the true extent of the harm from restraint is unclear. www.gao.gov/archive/2000/he00026t.pdf, p. 4.

Unsafe practices must be avoided. The regulations permit *therapeutic* restraints only "to prevent injury or harm to the student", Ch. 33 §§ 2.3 and 4.1. Local policy may be determined only for *therapeutic* restraints. Ch. 33 § 1.3. www.maine.gov/sos/cec/rules/05/chaps05.htm Dangerous restraints of the type addressed in this letter are generally discouraged by the training programs referenced in § 4.5 of Ch. 33 according to the Department's information and are considered non-therapeutic.

Accordingly, pending the results of a review and revision of Ch. 33, the use of 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 is prohibited. **All school personnel who may restrain or assist with a restraint shall be notified of this prohibition.** During the course of every restraint, a student's breathing and speech shall be monitored to protect against airway stress. Action causing unintended airway stress shall cease immediately. Any restraint shall immediately be reported to the school nurse who shall assess the student promptly.

If you have questions, or would like further information, please call or email Nancy Dube, Health Education Nurse Consultant, at 624-6688, nancy.dube@maine.gov.