

**Policy Outline**

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**I. Policy Value Statement**

The Board of Education is committed to providing a safe, engaging, and supportive school environment that fosters the social and emotional safety, dignity, and well-being of all students. The Board acknowledges the need for Howard County Public School System (HCPSS) employees to use an array of research-based positive behavior interventions, strategies, and supports to address student behaviors and keep students safe. The Board further acknowledges the need for HCPSS employees to minimize the practice of exclusion from the classroom environment and minimize the practice of physical restraint which may only be used after other less intrusive, nonphysical interventions have failed or been determined inappropriate and when necessary to protect a student or other person from imminent, serious, physical harm. It is the expectation of the Board that HCPSS employees will be aware of and responsive to all incidents of exclusion or physical restraint and appropriately case manage impacted students to minimize unsafe behaviors and maximize instructional engagement.

**II. Purpose**

The purpose of this policy is to define the process by which the HCPSS promotes positive behavior interventions to ensure consistency in the use of exclusion and physical restraint as forms of student behavior interventions in schools and to ensure that the use is limited to necessary/critical situations.

**III. Standards**

- A. HCPSS employees will use effective classroom management strategies followed by a continuum of positive behavior interventions, strategies, and supports to increase or decrease targeted student behavior.

- B. Students, parents, and school employees may at any time request a meeting to consider the need to:
1. Conduct a Functional Behavior Assessment (FBA).
  2. Develop, review, or revise a student's Behavior Intervention Plan (BIP).
- C. Exclusion
1. Only trained school employees may use exclusion after a continuum of positive, less restrictive or alternative approaches have been considered, and either attempted or determined to be ineffective or inappropriate for the maintenance of a safe, positive learning environment.
  2. Trained employees will only use exclusion in a humane, safe, and effective manner; without intent to harm or create undue discomfort; and consistent with known medical or psychological limitations and the student's BIP.
  3. Trained school employees may use exclusion to address a student's behavior if the student's behavior unreasonably interferes with the student's learning or the learning of others.
  4. Exclusion may also be used if a student's behavior constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate; or if exclusion is requested by the student; or if it is supported by the student's BIP. A setting used for exclusion will be consistent with the provisions of Maryland law and COMAR.
- D. Physical Restraint
1. Only trained school employees may use physical restraint after a continuum of positive, less restrictive or alternative approaches have been considered, and either attempted or determined to be ineffective or inappropriate for the maintenance of a safe, positive learning environment.
  2. Trained employees will only use physical restraint in a humane, safe, and effective manner; without intent to harm or create undue discomfort; and consistent with known medical or psychological limitations and the student's BIP.
  3. The use of physical restraint on a student as a behavioral health intervention is prohibited in HCPSS unless:
    - a. Physical restraint is necessary to protect the student or another individual from imminent serious physical harm; and
    - b. Other, less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.

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4. If an emergency situation results in the use of physical restraint or school employees have made a student-specific determination that it may need to be used consistent with Section III.D.3. of this policy, physical restraint may be included in a student's BIP or Individualized Education Program (IEP) to address the student's behavior in an emergency situation, provided that school employees:
    - a. Review available data, including consultation with medical health professionals as appropriate, to identify whether the use of physical restraint may be unsafe based on medical history or past trauma,
    - b. Identify in the student's IEP or BIP the less intrusive, non-physical interventions that will be used to respond to the student's behavior until the physical restraint is used in an emergency situation, and
    - c. Obtain written consent from the parent, consistent with Section 8-405, Education Article, Annotated Code of Maryland.
  5. If physical restraint is used for a student with a disability, and the student's IEP or BIP does not include the use of physical restraint, the IEP team or 504 team will meet, within 10 business days of the incident to consider: the need for a functional behavior assessment; developing appropriate behavioral interventions; and implementing a BIP.
  6. If a student enrolled in the HCPSS is physically restrained 10 times or more in a school year, the school will provide notification to the Maryland State Department of Education (MSDE) and the HCPSS at the earliest opportunity, but no longer than four (4) business days after the student's 10<sup>th</sup> incident of physical restraint.
  7. On receipt of notice from an HCPSS school or Howard County nonpublic school, HCPSS employees will:
    - a. Review the student's case, including the circumstances of each incident of physical restraint;
    - b. Assess the HCPSS school or nonpublic school's pattern of behavioral interventions to evaluate whether the HCPSS school or nonpublic school could use less restrictive behavioral health interventions; and
    - c. Share the HCPSS' recommendations with the MSDE and the HCPSS school or nonpublic or State school.
  - E. If excessive exclusion or physical restraint is used for a student who has not been identified as a student with a disability, the student will immediately be referred to the school's Student Support Team (SST), 504 team, or an IEP team.
  - F. The use of corporal punishment or mechanical restraint are prohibited in HCPSS.

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- G. Annually, HCPSS will provide professional development to designated school employees on the appropriate implementation of this policy and Maryland required positive behavioral intervention training.
  - H. Designated employees will be trained and certified on how to administer physical restraint. Only those certified employees may implement physical restraints.
  - I. Each school will establish and maintain a team trained to implement physical restraints in emergency situations.
  - J. Each time a student is physically restrained, school employees will document the incident using a Student Behavior Intervention Data Collection Form for Restraint.
  - K. Monitoring and Compliance
    - 1. Schoolwide resource personnel will review and collect data pertaining to physical restraint and forward it to the Department of Special Education and Department of Program Innovation and Student Well-Being. Data collected will be used by HCPSS employees to analyze the effectiveness of this policy and its procedures and to work with the Board to revise Policy 9400 as needed.
    - 2. Data will be collected by:
      - a. Total number of physical restraint incidents,
      - b. Total number of students;
      - c. Total number of students by school;
      - d. The number of physical restraint incidents of each student who had at least one physical restraint incident;
      - e. Type of physical restraint utilized;
      - f. Length of time of physical restraint;
      - g. Student's gender, race, disability, age, grade, and type of placement;
      - h. Total number of student and staff injuries related to implementation of physical restraint;
      - i. Behaviors that precipitated the use of physical restraint; and
      - j. Number of students referred to the school's SST.

The Board will also be provided with summaries of action plans for any schools that fail to comply with any provision of Section 7-1102 through Section 7-1105 of the Education Article of the Annotated Code of Maryland or report to the MSDE that a student has been physically restrained 10 times or more in a school year.

- 3. The HCPSS will, upon request, submit any information regarding any matter related to physical restraint to the MSDE.
- 4. On or before December 1 each year, the HCPSS will submit to the MSDE a report on steps taken to encourage positive behavioral interventions, including:

- a. The professional development provided to designated school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions for the prior school year; and
  - b. The policy changes or new professional development opportunities designed to further increase positive behavioral interventions and reduce physical restraint incidents in the upcoming school year.
5. The HCPSS will submit a systemic, evidence-based corrective action plan to the MSDE if an HCPSS school or nonpublic school:
  - a. Fails to comply with any provision of Section 7-1102 through Section 7-1105 of the Education Article of the Annotated Code of Maryland; or
  - b. Reports to the MSDE that a student has been physically restrained 10 times or more in a school year.
- L. This policy does not prohibit school employees from initiating appropriate student disciplinary actions; nor does it prohibit law enforcement, judicial authorities, or school security personnel from exercising their responsibilities.

#### **IV. Responsibilities**

- A. The Superintendent/designee will implement this policy and will ensure that students, parents, and HCPSS employees are provided annual notice of the provisions of this policy.
- B. The Departments of Special Education and Program Innovation and Student Well-Being will monitor the use of physical restraint.
- C. School administrators and HCPSS supervisors will ensure that professional learning occurs annually for all employees outlining the key components of this policy.
- D. At the beginning of each school year, the principal/designee will identify a team of HCPSS employees who will receive professional development on student behavior interventions and serve as a schoolwide resource to assist in ensuring proper administration of this policy.
- E. The principal will inform all school employees that only trained and identified HCPSS employees may administer physical restraint.
- F. The principal will inform all school employees that use of prohibited methods is grounds for disciplinary action, up to and including termination.
- G. The principal/designee will notify a parent both verbally and in writing, of an instance of physical restraint and the behavior that warranted the intervention.

- H. The principal/designee will make every effort to notify a parent immediately, but no later than 24 hours after the instance of physical restraint.
- I. In cases whereby a student, employee, or parent of a student feels there has been a violation or a misinterpretation of this policy or procedures, they should notify the principal and the Community Superintendent for the school.
- J. The principal/designee will receive, investigate, and document complaints regarding exclusion and physical restraint practices.

**V. Delegation of Authority**

The Superintendent is authorized to develop procedures for the implementation of this policy.

**VI. Definitions**

Within the context of this policy, the following definitions apply:

- A. 504 Team – A group of individuals possessing knowledge of a student, the student’s evaluation data, placement options, Section 504, and this policy. The team may consist of the student’s parent, the student him/herself, the student’s teacher, the school counselor, the case manager, the principal/designee, and the school-based professional qualified to interpret the implications of evaluations.
- B. Behavior Intervention Plan (BIP) – A proactive, data-based, structured plan that is developed as a result of a functional behavioral assessment which is consistently applied by trained staff to reduce or eliminate a student’s challenging behaviors and to support the development of appropriate behaviors and responses.
- C. Corporal Punishment – Physical penalty or undue physical discomfort inflicted on the body of a student.
- D. Emergency – An imminent threat of serious physical harm to self or others. It may not include verbal threats alone.
- E. Exclusion – The removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support and is not physically prevented from leaving or returning to the classroom.
- F. Functional Behavior Assessment (FBA) – A systematic process of gathering information to guide the development of an effective and efficient BIP for the problem behavior.

“Functional behavior assessment” includes the:

1. Identification of the functions of the problem behavior for the student;

2. Description of the problem behavior exhibited in the educational setting; and
  3. Identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.
- G. Individualized Education Program (IEP) – Written description of the special education and related services for a student with a disability that is developed, reviewed, and revised by the student’s IEP team.
- H. Individualized Education Program (IEP) Team – A group of individuals to include parents responsible for identifying and evaluating students with disabilities. The IEP team develops, reviews, and/or revises an IEP for a student with a disability and determines placement in the least restrictive environment.
- I. Mechanical Restraint – The use of any device or equipment to restrict a student’s freedom of movement.

“Mechanical restraint” does not include devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, including:

1. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  2. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  3. Restraints for medical immobilization; or
  4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- J. Nonpublic School – A school that receives funds from the Maryland State Department of Education for the purpose of providing special education and related services to students with disabilities.
- K. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
1. Biological Parent – A natural parent whose parental rights have not been terminated.
  2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
  3. Custodian – A person or agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.

4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
  5. Caregiver – An adult resident of Howard County who exercises care, custody, or control over the student but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care) or has been issued a U.S. Department of Health and Human Services’ Office of Refugee Resettlement (ORR) Verification of Release form entering into a custodial arrangement with the federal government.
  6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- L. Physical Restraint – A personal restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely that occurs during school hours.

“Physical restraint” does not include:

1. Briefly holding a student to calm or comfort the student;
  2. A physical escort, which is the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purposes of inducing a student who is acting out to walk to a safe location;
  3. Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
  4. Intervening in a fight in accordance with §7-307, Education Article, Annotated Code of Maryland.
- M. Positive Behavior Interventions, Strategies, and Support – The school-wide and individual application of data-driven, trauma-informed actions, instruction, and assistance to promote positive social and emotional growth while preventing or reducing challenging behaviors in an effort to encourage educational and social emotional success.
- N. Seclusion – The confinement of a student alone in a room, an enclosure, or any other space from which the student is physically prevented from leaving during school hours. The HCPSS prohibits the use of seclusion in any and all circumstances.

“Seclusion” does not include a behavior intervention of separating a student by placing the student:

1. Into an unlocked room from which the student is allowed to leave; or
  2. Within a separate location in a classroom from which the student is not physically prevented from leaving.
- O. Serious Physical Harm –Bodily injury which involves:



1. A substantial risk of death
  2. Extreme physical pain
  3. Protracted and obvious disfigurement
  4. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
- P. Student Support Team (SST) – A diverse group of school-based educators, that may include school counselors, psychologists, administrators, nurses, and teachers, that meets regularly to discuss the educational and behavioral needs of students. When necessary, this group also collaboratively develops interventions to support the specific needs of students.
- Q. Trauma-Informed Intervention – An approach to behavioral intervention that is informed by the recognition that the experience of trauma, including the experience of violence, abuse, neglect, disaster, terrorism, and war, may have a significant impact on an individual’s physical and emotional health and ability to function.

## VII. References

- A. Legal  
Md. Ann. Code, Education Article, §7-307  
Md. Ann. Code, §7-101 (c)  
Md. Ann. Code, Education Article, §8-405  
Md. Ann. Code, Family Law Article, §5-507  
COMAR 13A.08.04, Student Behavior Interventions
- B. Board Policies  
Policy 7030 Employee Conduct and Discipline  
Policy 9020 Students’ Rights and Responsibilities  
Policy 9050 Student Records  
Policy 9060 Rehabilitation Act of 1973 Compliance: Section 504  
Policy 9200 Student Discipline
- C. Relevant Data Sources
- D. Other  
HCPSS Student and Parent Handbook  
HCPSS Student Code of Conduct  
Restraint Quarterly Reporting Form  
Student Behavior Intervention Data Collection Form for Restraint

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**VIII. History<sup>1</sup>**

ADOPTED: June 8, 2017  
REVIEWED:  
MODIFIED: September 5, 2019  
                  March 10, 2022  
                  August 1, 2022  
                  August 16, 2022  
REVISED:  
EFFECTIVE: August 16, 2022

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<sup>1</sup> Key: ***Adopted***-Original date the Board took action to approve a policy; ***Reviewed***-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; ***Modified***-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; ***Revised***-The date the Board took action on a policy that based on the recommendation of the Superintendent/designee needed a comprehensive examination; ***Effective***-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.

**STUDENT BEHAVIOR INTERVENTION**Effective: August 16, 2022

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**I. General**

To ensure a positive, safe, and orderly educational environment, the following continuum of positive behavior interventions, strategies, and supports is encouraged:

- A. Effective classroom management practices.
- B. Schoolwide Positive Behavior Intervention Supports (PBIS) program.
- C. Additional interventions as developed after a Functional Behavior Assessment (FBA) and implementation of a Behavior Intervention Plan (BIP).
- D. Positive behavior interventions, strategies, and supports developed by teams and specialists.
- E. Use of de-escalation techniques.
- F. Restorative Justice Practices.

**II. Functional Behavior Assessment (FBA)**

A pattern of behavior will show the need for a more comprehensive data collection and analysis to determine the need for an FBA.

- A. Identifies the problem behavior for the student.
- B. Describes the problem behavior exhibited in the educational setting.
- C. Identifies environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.

**III. Use of Exclusion**

- A. For Howard County Public School System (HCPSS), exclusion is a short-term non-disciplinary, adult-directed separation of the student from the general classroom setting and/or instruction from their peers to a separate setting to:
  - 1. Self-regulate
  - 2. Reinforce self-regulation strategies
  - 3. Problem-solve and/or

4. Regain self-control
5. During the separation, the student is supervised and/or monitored while in the separate setting but not receiving instruction, which includes general education, special education, or related arts.

B. Exclusion will only be used by trained HCPSS employees if:

1. Exclusion is requested by the student; and/or
2. It is supported by the student's BIP; and/or
3. The student's behavior unreasonably interferes with the student's learning or the learning of others; and/or
4. The student's behavior constitutes an emergency and exclusion is necessary to protect the student or another person from imminent, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.

Less intrusive interventions may include:

- a. Review of de-escalation strategies and/or calming/coping strategies,
- b. Involvement of student services personnel as appropriate.

C. A setting for exclusion will:

1. Provide school employees with the ability to see the student at all times;
2. Provide adequate lighting, ventilation, and furnishings; and
3. Be unlocked and free of barriers that prevent the student from leaving.

D. Trained HCPSS employees will monitor a student placed in exclusion and provide that student with:

1. A verbal explanation of the behavior that resulted in the removal; and
2. Instructions on the behavior required to return to the learning environment.
3. An opportunity for the student to share a perspective regarding their thoughts of the incident and their actions.

E. Trained HCPSS employees will ensure that each period of exclusion:

1. Is appropriate to the developmental level of the student and the severity of the behavior; and
2. Does not exceed 30 minutes.

Prior to an exclusion reaching 30 minutes in duration:

- a. School administration and/or student support personnel will be notified to determine appropriate next steps.
- b. Support or intervention will be initiated. Once support or intervention has been initiated, this event is no longer considered an exclusion.

- F. If a nondisabled student has repeated experiences of exclusion, HCPSS employees will initiate a referral to a school's Student Support Team (SST), 504 team, or Individualized Education Program (IEP) team.
- G. If a student with a disability has repeated experiences of exclusion, HCPSS employees will follow HCPSS procedures to determine if a change of placement is appropriate.
- H. Beginning in school year 2023-2024, HCPSS employees will biannually present the Board with a report on incidents of exclusion which will include:
  - 1. Total number of exclusion incidents tracked;
  - 2. Total number of students by school;
  - 3. The number of exclusion incidents of each child who had at least one physical restraint incident;
  - 4. Length of time of exclusion;
  - 5. Student's gender, race, disability, age, grade and type of placement;
  - 6. Types of behavior that precipitated the use of exclusion; and
  - 7. Number of students referred to the school's SST.

#### **IV. Use of Physical Restraint**

- A. The use of physical restraint is prohibited in schools unless there is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate.
  - 1. HCPSS employees will only use physical restraint:
    - a. If they have been certified through the HCPSS approved training;
    - b. In a humane, safe, and effective manner, without intent to harm or create undue discomfort, consistent with State regulations; and,
    - c. Consistent with known medical or psychological constraints and limitations and the student's BIP or IEP.
  - 2. If an emergency situation results in the use of physical restraint or school personnel have made a student-specific determination that it is required, physical restraint may be included in a student's BIP or IEP to address the student's behavior in an emergency situation, provided that school personnel:
    - a. Review available data, including consultation with medical health professionals as appropriate, to identify any situations where the use of physical restraint based on medical history or past trauma may be deemed unsafe; and
    - b. Identifies in the student's IEP or BIP the less intrusive, non-physical interventions that will be used to respond to the student's behavior until the physical restraint is used in an emergency situation, and describes the

- specific behaviors and circumstances under which physical restraint may be used; and
- c. Obtains written consent from the parent, consistent with Section 8-405, Education Article, Annotated Code of Maryland.
- B. A protective or stabilizing device will only be used when prescribed by a health professional or in accordance with the student’s IEP or BIP for students with a disability.
- C. In applying physical restraint, school employees will only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm.
- D. Physical restraint:
1. Will be removed as soon as the student no longer presents imminent, serious, physical harm; and
  2. Will be appropriate to the student’s developmental level and severity of the behavior; and
  3. May not exceed 30 minutes in duration.
    - a. If a physical restraint event exceeds 20 minutes in duration, school administration and/or student support personnel should be notified to determine appropriate next steps.
    - b. If a physical restraint reaches 30 minutes in duration, the restraint will be terminated and alternative support or intervention will be initiated.
- E. “Physical restraint” does not include:
1. Briefly holding a student to calm or comfort the student;
  2. Holding a student’s hand or arm to escort the student safely from one area to another;
  3. Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
  4. Intervening in a fight, in accordance with §7-307 of the Education Article, Annotated Code of Maryland.
- F. In applying physical restraint, school employees will not:
1. Place a student in a face down position;
  2. Place a student in any other position that will obstruct a student’s airway or otherwise impair a student’s ability to breathe, obstruct an employee’s view of a student’s face, restrict a student’s ability to communicate distress, or place pressure on a student’s head, neck, or torso; or
  3. Straddle a student’s torso.

- G. Following a physical restraint, the student will be examined by health room employees to determine whether there were physical injuries or distress as a result of the restraint. Any concerns will be documented on the corresponding Student Behavior Intervention Data Collection Form for Restraint and parents will be notified immediately.
  - H. If parents assert that there are medical reasons why physical restraint should not be used with a student, they must submit medical documentation to verify medical contradictions to the use of physical restraint. Where there is such documentation, parents will be requested to sign a release for HCPSS employees to contact the private health professional to discuss the contradictions and possible alternatives. Alternatives to physical restraint should be used in these cases.
  - I. Each time a student is in a restraint, school employees involved in the restraint will debrief and document the following:
    - 1. Other less intrusive interventions that have failed or been determined inappropriate;
    - 2. The event immediately preceding the behavior that prompted the use of physical restraint;
    - 3. The behavior that prompted the use of physical restraint;
    - 4. The names of the school employees who observed the behavior that prompted the use of physical restraint;
    - 5. The names and signatures of the HCPSS employees implementing and monitoring the use of physical restraint;
    - 6. The type of physical restraint;
    - 7. The length of time in physical restraint;
    - 8. The student's behavior and reaction during the physical restraint; and
    - 9. The name and signature of the administrator informed of the use of physical restraint.
  - J. This documentation described will be maintained in the student's educational record.
  - K. Unless otherwise provided for in the student's BIP or IEP, each time a physical restraint is used, the principal/designee will make every effort to notify parents immediately, but no more than 24 hours after, both verbally and in writing, of an instance of physical restraint and the behavior that warranted the intervention.
  - L. Beginning in school year 2023-2024, HCPSS employees will biannually provide the Board with a report on incidents of physical restraint.
- V. Referral to a School's SST, 504 Team, or IEP Team**
- A. If physical restraint is used for a student who has not been identified as a student with a disability, the student will immediately be referred to the school's SST, 504 team, or an IEP team.

- B. If physical restraint is used for a student with a disability, and the student's IEP or BIP does not include the use of physical restraint, the IEP team or 504 team will meet, within 10 business days of the incident to consider:
1. The need for an FBA;
  2. Developing appropriate behavioral interventions; and
  3. Implementing a BIP.
- C. If physical restraint is used for a student with a disability and the IEP or behavior intervention plan includes the use of physical restraint, the student's IEP or BIP will specify how often the IEP team will meet to review or revise, as appropriate, the student's IEP or BIP.
- D. When an IEP team meets to review or revise a student's IEP or BIP, the IEP team will consider:
1. Existing health, physical, psychological, and psychosocial information, including any contraindications to the use of restraint based on medical history or past trauma;
  2. Information provided by the parent;
  3. Observations by teachers and related service providers;
  4. The student's current placement; and
  5. The frequency and duration of restraints events that occurred since the IEP team last met.
- E. The school will provide the parent of the student with written notice when an IEP team proposes or refuses to initiate or change the student's IEP or BIP that includes the use of physical restraint.
1. The IEP team will obtain the written consent of the parent if the team proposes to include restraint in the behavior intervention plan or IEP to address the student's behavior.
  2. If the parent does not provide written consent, the IEP team will send the parent written notice within 5 business days of the IEP team meeting that states:
    - a. The parent has the right to either consent or refuse to consent to the use of restraint; and
    - b. If the parent does not provide written consent or a written refusal within 15 business days of the IEP team meeting, the IEP team may implement the proposed use of restraint.
  3. If the parent provides written refusal, the IEP team may use the dispute resolution options listed in §8-413, Education Article, Annotated Code of Maryland, to resolve the matter.



- F. A parent may request mediation or a due process hearing if the parent disagrees with the IEP team decision to propose or refuse to initiate or change:
  - 1. The student's IEP; and/or
  - 2. The student's BIP to use physical restraint; or
  - 3. The student's placement.

## **VI. Grievance Process**

In cases whereby a student, HCPSS employee, or parent of a student feels there has been a violation or a misinterpretation of this policy or procedures, the grievance process outlined in the HCPSS Student and Parent Handbook, Policy 9020 Students' Rights and Responsibilities, and Policy 9200 Student Discipline will be utilized.

- A. Students, HCPSS employees, and parents have the right to a response from the school-based administration regarding inquiries, concerns or complaints within two (2) school days from the date the administrator received the concern.
- B. Students are responsible for submitting a grievance or appeal for having their parent act on their behalf in requesting an appeal in a timely and appropriate manner, not to exceed thirty (30) calendar days from the date of the event, unless extraordinary circumstances require a longer period of time. Further appeals will be submitted pursuant to appropriate Maryland law. In the event the grievance or appeal arises under circumstances governed by a federal or state law or regulation, the process set forth therein must be followed.

## **VII. Professional Development**

- A. Identified HCPSS employees will receive training in current professionally acceptable practices and standards regarding:
  - 1. Positive behavior interventions strategies and supports, including methods for identifying and defusing potentially dangerous behavior;
  - 2. FBA and BIP planning;
  - 3. Exclusion;
  - 4. Physical restraint and alternatives to restraint;
  - 5. Symptoms of physical distress and positional asphyxia;
  - 6. Trauma-informed intervention;
  - 7. First aid and cardiopulmonary resuscitation, and
  - 8. Individualized behavior interventions based on student characteristics, including disability, medical history and past trauma.
- B. The professional development described will include a written examination and physical demonstration of proficiency in the described skills and competencies.
- C. The professional development described will meet Maryland required positive behavioral interventions training.

## VIII. Monitoring

Policy 9400 implementation procedures will be overseen by the Division of Academics.

## IX. History<sup>1</sup>

ADOPTED: June 8, 2017  
REVIEWED:  
MODIFIED: September 5, 2019  
              March 10, 2022  
              August 1, 2022  
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<sup>1</sup> Key: *Adopted*-Original date the Board took action to approve a policy; *Reviewed*-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; *Modified*-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; *Revised*-The date the Board took action on a that policy based on the recommendation of the Superintendent/designee needed a comprehensive examination; *Effective*-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.