

Policy Outline

- I. Policy Value Statement
- II. Purpose
- III. Standards
- IV. Responsibilities
- V. Delegation of Authority
- VI. Definitions
- VII. References
- VIII. History

I. Policy Value Statement

The Board of Education of Howard County (Board) 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 a tiered system of 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 demonstrated 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, strategies, and supports and adheres to a tiered system of proactive, positive behavior interventions in schools to ensure that in the use of exclusion as a form of student behavior intervention and physical restraint as a responsive crisis procedure is limited to necessary/critical situations as outlined in Section III.D.1 and Section III.E.1.

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 HCPSS employees working directly with students 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 Section 504 Plan, Individualized Education Program (IEP), or Behavior Intervention Plan (BIP).
- C. All HCPSS certificated employees will complete training on Policy 9400 annually. HCPSS school-based non-certificated employees will be identified by the principal/designee to complete training on Policy 9400 annually.
- D. Exclusion
1. Only trained HCPSS 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 HCPSS employees will only use exclusion:
 - a. After less restrictive or alternative approaches have been considered, and;
 - i. Attempted; or
 - ii. Determined to be inappropriate.
 - b. In a humane, safe, and effective manner; and
 - c. Without intent to harm or create undue discomfort; and
 - d. Consistent with known medical or psychological limitations and the student's BIP; and
 - e. Consistent with an evidence-based, trauma-informed crisis prevention/intervention program.
 3. Trained HCPSS 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.
 5. The setting used for student monitoring during exclusion will be consistent with the provisions of Maryland law and COMAR.

6. Each time a student is excluded, HCPSS school-based employees will document the incident on the HCPSS Incident Reporting form or Office Disciplinary Report.

E. Physical Restraint

1. 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.
2. Only trained HCPSS employees may implement and monitor 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.
3. In applying physical restraint, trained HCPSS employees will only use reasonable force as is necessary to protect a student or other person from imminent, serious physical harm.
4. Physical restraint:
 - a. Will be removed as soon as the student no longer poses a threat of imminent, serious physical harm;
 - b. May not exceed 30 minutes.
5. In applying physical restraint, HCPSS employees may not:
 - a. Place a student in a face down position;
 - b. Place a student in any other position that will obstruct a student's airway or otherwise impair a student's ability to breathe, obstruct employees 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
 - c. Straddle a student's torso.
6. If physical restraint needs to be used consistent with Section III.D.1. of this policy, physical restraint may be included in a student's Section 504 Plan, IEP, or BIP to address the student's behavior in an emergency situation, provided that HCPSS 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 Section 504 Plan, IEP, or BIP the less intrusive, nonphysical 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 §8-405, Education Article, Annotated Code of Maryland.
7. If physical restraint is used for a student with a disability, and the student's Section 504 Plan, IEP, or BIP does not include the use of physical restraint, the Section 504 or IEP Team will meet, within ten (10) business days of the incident to discuss factors that may have contributed to the use of physical restraint (environmental factors, current skills, unmet needs) and consider:
 - a. The need for a FBA;
 - b. Developing appropriate behavioral interventions;
 - c. Implementing a BIP;
 - d. Training for HCPSS employees; and
 - e. Revisions to the Section 504 Plan or IEP.

8. If the behavior of a student with a Section 504 Plan or IEP is adversely affected after the use of restraint or seclusion, the student's Section 504 Plan or IEP Team will convene a meeting on an expedited basis or at the earliest opportunity to discuss alternative behavioral health treatments.

If a student enrolled in the HCPSS is physically restrained ten (10) times or more in a school year, HCPSS will provide notification to the Maryland State Department of Education (MSDE) by submitting the Restraint and/or Seclusion Excessive Use: Part One Form. Notification will take place as soon as possible, but no longer than four (4) business days after the student's 10th incident of physical restraint. This process repeats at every 10th incident thereafter.

9. If a student placed in a nonpublic school by HCPSS is physically restrained or placed in seclusion ten (10) times or more in a school year, the nonpublic school will provide notification to MSDE and HCPSS at the earliest opportunity, but no later than four (4) business days after the student's 10th incident of physical restraint or seclusion and every 10th incident thereafter.
10. ~~On receipt~~ Within ten (10) business days from receipt of notice from a 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 health interventions to evaluate whether the HCPSS school or nonpublic school could use less restrictive behavioral health interventions; and

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- c. Complete and submit the MSDE Restraint and/or Seclusion Excessive Use: Part Two Form to document recommendations; and
 - d. Share the HCPSS' recommendations with the HCPSS school or nonpublic or State school.

 - F. 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), Section 504 Team, or an IEP Team.

 - G. The use of corporal punishment or mechanical restraint are prohibited in HCPSS.

 - H. Seclusion
 - 1. Seclusion is 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.
 - 2. HCPSS prohibits the use of seclusion in any and all circumstances within the public school setting.

 - I. HCPSS will provide professional development to designated HCPSS employees on the appropriate implementation of this policy and Maryland required positive behavioral intervention training annually.

 - J. Designated HCPSS employees will be trained and certified on how to administer physical restraint. Only those HCPSS certified employees may implement physical restraints.

 - K. Each school will establish and maintain a team trained to implement physical restraints in emergency situations.

 - L. Each time a student is physically restrained, HCPSS school-based employees will document the incident using a Restraint and/or Seclusion Single Incident of Restraint Form.

 - M. Monitoring and Compliance
 - 1. HCPSS 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. On or before December 1 each year, HCPSS will submit to MSDE a report for the prior school year on:

- a. The number of physical restraint and seclusion incidents, disaggregated by the student's jurisdiction, disability, race, gender, age, and type of placement; and
 - b. Professional development provided to designed school personnel related to positive behavioral interventions, strategies, and supports and trauma-informed interventions.
3. Additionally, HCPSS will collect the following data to aid in analysis:
- 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.
4. The Board will also be provided with summaries of action plans for any schools that fail to comply with any provision of §7-1102 through §7-1105 of the Education Article of the Annotated Code of Maryland or report to MSDE that a student has been physically restrained ten(10) times or more in a school year.
5. HCPSS will, upon request, submit any information regarding any matter related to physical restraint to MSDE.
6. On or before December 1 each year, HCPSS will submit to MSDE a report on steps taken to encourage positive behavioral interventions, including:
- a. The professional development provided to designated HCPSS employees 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.
7. HCPSS will submit a systemic, evidence-based corrective action plan to MSDE if an HCPSS school or nonpublic school where HCPSS is funding the placement of their students:
- a. Fails to comply with any provision of §7-1102 through §7-1105 of the Education Article of the Annotated Code of Maryland; or

- b. Reports to MSDE that a student has been physically restrained ten (10) times or more in a school year.
- N. This policy does not prohibit HCPSS employees from initiating appropriate student disciplinary actions; nor does it prohibit law enforcement/school resource officers or judicial authorities 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 HCPSS 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 HCPSS school-based employees that only trained and identified HCPSS employees may administer physical restraint.
- F. The principal will inform all HCPSS school-based 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 the day of the instance of physical restraint.
- I. 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, they should notify the principal and the Community Superintendent for the school.
- J. The principal/designee and Community Superintendent will receive, investigate, and document complaints regarding exclusion and physical restraint practices.

V. Delegation of Authority

The Superintendent is authorized to develop appropriate procedures for the implementation of this policy within the limits set forth in this policy.

VI. Definitions

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

- A. Behavior Intervention Plan (BIP) – A proactive plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.
 - 1. Clear and specifically defined targeted behaviors;
 - 2. Data on the targeted behaviors, as collected through a functional behavior assessment;
 - 3. Specific methods of data collection for progress monitoring; and
 - 4. A hierarchy of responses to address student behavior.
- B. Communicate – To convey information verbally or nonverbally that includes but is not limited to speech, gestures, symbols, and American Sign Language.
- C. Corporal Punishment – Physical penalty or undue physical discomfort inflicted on the body of a student.
- D. Debrief – An intentional process wherein a restraint incident is reviewed by HCPSS school-based employees in order to prevent future incidents and improve responses to the student’s challenging behavior. Debrief includes:
 - 1. Review of the events leading up to the restraint incident;
 - 2. Analysis of HCPSS employee compliance with an existing Section 504 Plan, IEP, or BIP; and
 - 3. Consideration of new or additional behavioral strategies to address the behavior that led to the use of restraint.
- E. Emergency – The presence of imminent serious physical harm to self or others, consistent with Section VI.J. It may not include verbal threats alone.
- F. 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.
- G. 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.

H. Health Care Practitioner:

1. A physician licensed to practice under Title 14 of the Health Occupations Article;
2. A psychologist licensed to practice under Title 18 of the Health Occupations Article;
3. A clinical social worker licensed to practice under Title 19 of the Health Occupations Article;
4. A registered nurse licensed to practice under Title 8 of the Health Occupations Article; or
5. A clinical professional counselor licensed under Title 17 of the Health Occupations Article.

I. HCPSS Employee – Any individual who is a permanent or temporary employee of the HCPSS whose compensation is paid in whole or part by the Board, including but not limited to, school-based administrators, teachers, substitute teachers, paraeducators, and other school-based and Central Office support staff.

J. 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.

K. Individualized Education Program (IEP) Team – A group of individuals, including 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.

L. 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.

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- M. 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.
- N. 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.
- O. 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 in order 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 when other methods such as counseling have been unsuccessful; or
 4. Breaking up a fight in the school building or on school grounds in accordance with §7-307, Education Article, Annotated Code of Maryland.
- P. 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.

- Q. Protective or Stabilizing Device – Any device or material attached to or adjacent to the student’s body that restricts freedom of movement or normal access to any portion of the student’s body for the purpose of enhancing functional skills, preventing self-injurious behavior, or ensuring safe position of a person. Protective or stabilizing devices include:
1. Adaptive equipment prescribed by a health professional, if used for the purpose for which the device is intended by the manufacturer.
 2. Seat belts or other safety equipment to secure students during transportation in accordance with HCPSS school transportation plans.
- R. 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 within the public school setting.
- Seclusion does not include a BIP of separating a student by placing the student:
1. Into a nonlocked 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.
- S. Serious Physical Harm/Serious Bodily Injury –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.
- T. Section 504 Plan – A written document developed for an eligible student that allows the student to receive a free and appropriate public education in the least restrictive environment.
- U. Section 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.
- V. Student Support Team (SST) – A diverse group of HCPSS 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.

- W. Trauma-Informed Intervention – An approach to behavior 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, §7-306 and §7-307
Md. Ann. Code, Education Article, §7-1101-§7-1107
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
Restraint and/or Seclusion Excessive Use: Part One Form
Restraint and/or Seclusion Excessive Use: Part Two Form
Restraint and/or Seclusion Single Incident Restraint Form

VIII. History¹

ADOPTED: June 8, 2017
REVIEWED: January 27, 2023
MODIFIED: September 5, 2019
March 10, 2022
August 1, 2022
August 16, 2022
May 9, 2024
REVISED:
EFFECTIVE: May 9, 2024

¹ 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.

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 and classroom based Positive Behavior Intervention Supports (PBIS) program.
- C. Additional interventions, as appropriate based on 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.
- G. Trauma-informed interventions.

II. Functional Behavior Assessment (FBA)

A systematic process of gathering information to guide the development of an effective and efficient BIP for the problem behavior.

- A. Identifies the functions of the problem behavior for the student;
- B. Defines and describes the problem behavior exhibited in the educational setting; and
- 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, behavioral support, or related services.
- 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 individual from imminent, physical harm after other less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.
- Less intrusive interventions may include:
- a. Review of de-escalation strategies and/or calming/coping strategies,
 - b. Consultation and/or collaboration with HCPSS employees as appropriate.
- C. A setting for exclusion will:
1. Provide HCPSS 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 utilizing exclusion and provide that student with:
1. Communication (speech, gestures, symbols, and American Sign Language) of the behavior that resulted in the removal; and
 2. A clear explanation of the behavior required to return to the learning environment.
 3. An opportunity for the student to communicate 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;
 2. Provides supports to increase the student's self-regulation in order to return to the instructional setting; and

3. Does not exceed 30 minutes.

Prior to an exclusion reaching 30 minutes in duration:

- a. School administration and/or HCPSS student support employees 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), Section 504 Team, or Individualized Education Program (IEP) Team to determine if the student has a disability that may require the provision of accommodations, modifications, or special education and related services.

G. If a student with a disability has repeated experiences of exclusion, HCPSS employees will follow HCPSS procedures, in collaboration with the Department of Special Education, to determine if a change of placement is appropriate.

H. Beginning in school year 2023-2024, HCPSS employees will annually present the Board with a report on incidents of exclusion which will include:

1. Total number of exclusion incidents tracked per Sections III.B.3. and III.B.4. Use of Exclusion above;
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 excluded who were referred to the school's SST.

IV. Use of Physical Restraint

A. The use of physical restraint is prohibited in HCPSS unless physical restraint is necessary to protect the student or another individual from imminent, serious, physical harm and less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate for the student.

1. Physical restraint will only be implemented and monitored by HCPSS employees who are trained in the appropriate use of physical restraint:
 - a. Physical restraint is implemented in a humane, safe, and effective manner, without intent to harm or create undue discomfort, consistent with State regulations; and,

3. Moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or
 4. Breaking up a fight in the school building or on school grounds, in accordance with §7-307 of the Education Article, Annotated Code of Maryland.
- F. In applying physical restraint, HCPSS 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 HCPSS 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 Single Incident Restraint Form 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 HCPSS employees use restraint on a student, the HCPSS employees will debrief and document the incident using a form developed for this specific purpose that includes:
1. Other less intrusive, nonphysical 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 HCPSS 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 required documentation will be maintained in the student's educational record and available for inspection by the student's parent.
- K. Debrief and documentation must occur as soon as possible after the event. Unless otherwise provided for in the student's IEP or BIP, each time a physical restraint is used, the principal/designee will make every effort to notify parents immediately, of the physical restraint and the behavior that warranted the intervention. Oral notification of an instance of restraint must be made no later than the day of the instance of restraint and written notification must be made ~~but~~ no more than 24 hours after the incident of restraint.
- L. Beginning in school year 2023-2024, HCPSS employees will annually provide the Board with a report on incidents of physical restraint.

V. Referral to a School's SST, Section 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, Section 504 Team, or an IEP Team.
- B. If physical restraint is used for a student with a disability, and the student's Section 504 Team, IEP, or BIP does not include the use of physical restraint, the Section 504 Team or IEP Team will meet, within ten (10) business days of the incident to consider:
 - 1. The need for an FBA;
 - 2. Developing appropriate behavioral interventions;
 - 3. Implementing a BIP;
 - 4. Training for HCPSS employees; and
 - 5. Revisions to the Section 504 Plan or IEP.
- C. If physical restraint is used for a student with a disability and the Section 504 Plan, IEP, or BIP includes the use of physical restraint, the student's IEP or BIP will specify how often the Section 504 Team or IEP Team will meet to review or revise, as appropriate, the student's Section 504 Plan, IEP, or BIP.
- D. When a Section 504 or IEP Team meets to review or revise a student's Section 504 Plan, IEP, or BIP, the Section 504 or 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 incidents and behavior events that occurred since the IEP Team last met.

- E. The school will provide the parent of the student with written notice when a Section 504 or IEP Team proposes or refuses to initiate or change the student's Section 504 Plan, IEP, or BIP that includes the use of physical restraint.
1. The SST, Section 504, or IEP Team will obtain the written consent of the parent if the team proposes to include restraint in the Section 504 Plan, IEP, or BIP 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 five (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 of a student with an IEP 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.
 4. If the parent of a student with a Section 504 Plan or BIP from a SST provides written refusal, there is no right to the dispute resolution options listed in §8-413, Education Article, Annotated Code of Maryland to resolve the matter.
- F. A parent of a student with an IEP 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.
- G. A parent of a student with a Section 504 Plan may request a review of the decision by submitting a written request to the HCPSS Section 504 Coordinator or request a hearing before an impartial hearing officer. The Superintendent/designee will appoint the impartial hearing officer. This applies to a parent who is in disagreement with the Section 504 Team decision to propose or refuse to initiate or change:
1. The student's Section 504 Plan; 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, they should notify the principal and the Community Superintendent for the school.

- A. Students, HCPSS employees, and parents of a student 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 HCPSS grievance or appeal for having their parent act on their behalf in requesting an appeal in a timely and appropriate manner, not to exceed 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. History¹

ADOPTED: June 8, 2017
REVIEWED: January 27, 2023
MODIFIED: September 5, 2019
 March 10, 2022
 August 1, 2022
 August 16, 2022
 May 9, 2024
REVISED:
EFFECTIVE: May 9, 2024

¹ 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.