

**I. Policy 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. In accordance with Maryland State Department of Education (MSDE) directive, the Board acknowledges the need for staff members to use an array of research-based positive behavior interventions, strategies, and supports to improve student behaviors and exclusion from the classroom environment, physical restraint, or seclusion may be used only when lesser interventions are ineffective.

**II. Purpose**

The purpose of this policy is to define the process by which the Howard County Public School System (HCPSS) promotes positive behavior interventions to ensure the consistent use of exclusion, physical restraint, and seclusion as forms of student behavior interventions in schools and to ensure that the use is limited to necessary/critical situations.

**III. Definitions**

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

- A. Behavior Intervention Plan (BIP) – A course of action developed as a result of a Functional Behavioral Assessment (FBA) for a specific student using positive behavioral interventions, strategies, and supports, to address problem behaviors exhibited by the student in the education setting.
- B. Corporal Punishment – Physical penalty or undue physical discomfort inflicted on the body of a student.
- C. Emergency – An imminent threat of serious bodily injury to self or others. It may not include verbal threats alone.
- D. 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.
- E. Functional Behavior Assessment (FBA) – A systematic process of gathering information to guide the development of an effective and efficient BIP.

- F. Individual 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.
- G. Individual Education Program Team – A school/parent based team established to consider the identification, evaluation, program, or placement for all students suspected of, or identified as, needing special education and related services.
- H. Mechanical Restraint – Any device or material attached or adjacent to the student’s body which restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove.
- I. 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).
  - 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.
- J. Physical Restraint – Use of physical force that restricts the free movement of all or a portion of the student’s body without the use of any device or material.
- K. Positive Behavior Support – A continuum of positive interventions, strategies, and supports that teach appropriate behaviors and replace inappropriate behaviors.
- L. Restraint – The act of limiting an individual’s movement or action.

- M. Seclusion – Confinement of a student to a supervised area alone for a limited period of time during which the student is physically prevented from leaving so that the student has an opportunity to regain self-control.
- N. Serious Bodily Injury – Physical 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.
- O. Student Support Team (SST) – A diverse group of school-based educators, that may include school counselors, psychologists, administrators, health assistants, 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.

#### **IV. Standards**

- A. Staff members 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. Parents and school staff members may at any time request a meeting in order to, among other things:
  - 1. Conduct an FBA
  - 2. Develop, review, or revise a student's BIP.
- C. Trained school staff members will only use exclusion, physical restraint, or seclusion 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. The use of exclusion, physical restraint, or seclusion may be used only without intent to do harm or create undue discomfort and consistent with known medical or psychological limitations and the student's behavior intervention plan.
- D. Trained school staff members 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 and/or 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; is requested by the student; or is supported by the student's BIP.

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- E. The use of physical restraint or seclusion is prohibited in HCPSS unless:
1. There is an emergency situation and physical restraint or seclusion 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
  2. The student's BIP describes the specific behaviors and circumstances under which physical restraint or seclusion may be used; or
  3. The parents of a nondisabled student have otherwise provided written consent for the use of physical restraint or seclusion while a BIP is being developed.
- F. If excessive exclusion, physical restraint, or seclusion 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) or an IEP team.
- G. If physical restraint or seclusion is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of physical restraint or seclusion, the IEP team will meet, within 10 business days of the incident to consider: the need for a functional behavioral assessment; developing appropriate behavioral interventions; and implementing a behavioral intervention plan.
- H. The use of corporal punishment and mechanical restraint are prohibited in HCPSS.
- I. Annually, HCPSS will provide professional development to designated school staff members on the appropriate implementation of this policy.
- J. Designated staff members will be trained on how to administer physical restraint. Only those trained staff will 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 in a physical restraint or seclusion, school staff members will document the incident using Student Behavior Intervention Data Collection Form for Restraint or Seclusion.
- M. Monitoring and Compliance
1. Schoolwide resource personnel will review and collect data quarterly pertaining to physical restraint and seclusion and forward it to the Department of Special Education.

2. Data will be collected by:
    - a. Total number of physical restraint and seclusion incidents;
    - b. Total number of students;
    - c. Type of physical restraint utilized;
    - d. Length of time of physical restraint or seclusion;
    - e. Student's gender, race, disability, and grade;
    - f. Behavior that precipitated the use of physical restraint or seclusion; and
    - g. Number of students referred to the school's SST.
  3. In cases whereby a student, staff member or parent of a student feels there has been a violation or a misinterpretation of this policy or procedure, 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.
  4. The HCPSS Board of Education will, upon request, submit any information regarding any matter related to physical restraint or seclusion practices to the MSDE.
- N. This policy does not prohibit school personnel from initiating appropriate student disciplinary actions; nor does it prohibit law enforcement, judicial authorities, or school security personnel from exercising their responsibilities.

#### **V. Responsibilities**

- A. The Superintendent/Designee will implement this policy and will ensure that students and parents are provided annual notice of this policy.
- B. The Department of Special Education will monitor the use of physical restraint and seclusion.
- C. School administrators and HCPSS supervisors will ensure that professional learning occurs annually for all staff members outlining the key components of this policy.
- D. At the beginning of each school year, the principal/designee will identify a team made up of staff members who receive professional development and serve as a schoolwide resource to assist in ensuring proper administration of this policy.
- E. The principal will inform all school staff members that only trained and identified staff members may administer physical restraint and/or seclusion.
- F. The principal will inform the school staff members that corporal punishment and mechanical restraint are prohibited and that the administering of such punishment is grounds for disciplinary action.

- G. 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/or seclusion and the behavior that warranted the intervention.
- H. The principal/designee will implement this policy at his/her school and ensure that students, staff members, and parents are provided annual notice of this policy.
- I. The principal/designee will receive, investigate, and document complaints regarding exclusion, physical restraint, and seclusion practices.

## **VI. Delegation of Authority**

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

## **VII. References**

- A. Legal
  - The Annotated Code of Maryland, Education Article, §7-307, Principals, teachers, and school security guards intervening in fights
  - The Annotated Code of Maryland, Education Article, §7-101 (c) (Informal Kinship Care)
  - The Annotated Code of Maryland, Family Law Article, §5-507
  - COMAR 13A.08.04, Student Behavior Interventions
- B. Other 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/Seclusion Quarterly Reporting Form
  - Student Behavior Intervention Data Collection Form for Restraint or Seclusion

## **VIII. History**

ADOPTED: June 8, 2017  
REVIEWED:  
MODIFIED:  
REVISED:  
EFFECTIVE: July 1, 2017

**STUDENT BEHAVIOR INTERVENTION**

Effective: July 1, 2017

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**I. General**

- A. To ensure a positive, safe, and orderly educational environment the following continuum of positive behavior interventions, strategies, and supports is encouraged:
  - 1. Schoolwide Positive Behavior Intervention Supports (PBIS) program.
  - 2. Good classroom management practices.
  - 3. Positive behavior interventions, strategies, and supports developed by teams and specialists.
  - 4. Additional interventions as developed after a Functional Behavior Assessment (FBA) and implementation of a Behavior Intervention Plan (BIP).
  - 5. Use of de-escalation techniques as described in crisis intervention standards.
  - 6. Restorative Practices.
- B. School staff members will only use physical restraint or seclusion:
  - 1. If they have been certified through the HCPSS approved training;
  - 2. In a humane, safe, and effective manner, consistent with state regulations without intent to harm or create undue discomfort, consistent with state regulations; and,
  - 3. Consistent with known medical or psychological constraints and limitations and the student's BIP or IEP.

**II. Functional Behavior Assessment (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. Exclusion will only be used by trained staff members if:
  - 1. Exclusion is requested by the student; or
  - 2. It is supported by the student's BIP; and
  - 3. The student's behavior unreasonably interferes with the student's learning or the learning of others; 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.
- B. A setting for exclusion will:
  - 1. Provide school staff members 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.
- C. Trained staff members will monitor a student placed in exclusion and provide a student in exclusion with:
  - 1. An 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 voice his/her perspective regarding their thoughts of the incident and their actions.



- D. Trained staff members 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.
  - 3. 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.
- E. If a nondisabled student has experienced excessive exclusion, staff members may initiate a referral to a school's SST, 504 team, or IEP team.
- F. If a student with a disability has experienced an excessive period of exclusion, staff members will follow HCPSS procedures to determine if a change of placement is appropriate.

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

- A. The use of physical restraint is prohibited in schools unless:
  - 1. The student's IEP or BIP describes the specific behaviors and circumstances for which physical restraint may be used; or
  - 2. The parents of a nondisabled student have otherwise provided written consent for the use of physical restraints while a BIP is being developed; or
  - 3. There is an emergency situation and physical restraint is necessary to protect a student or another person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined to be inappropriate.
- B. Since mechanical restraint is prohibited in HCPSS, a protective or stabilizing device may 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. Physical restraint will only be applied by trained staff members. In applying physical restraint, reasonable force will only be used as is necessary to protect a student or another person from imminent, serious, physical harm.

- D. In applying physical restraint, school personnel will only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm.
- E. 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.
    - c. Once an alternative support or intervention has been initiated, the physical restraint is terminated, and then this event is no longer a restraint.
- F. "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 section 7-307 of the Education Article.
- G. In applying physical restraint, school staff members 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 a staff member'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.
- H. Following a physical restraint, the student will be examined by health room staff 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 Seclusion and parents will be notified immediately.
- I. 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 staff members to contact the private health professional to discuss the contradictions and possible alternatives. Alternatives to physical restraint should be used in these cases.
- J. Documentation of each use of physical restraint will include:
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 staff members who observed the behavior that prompted the use of physical restraint;
  5. The names and signatures of the staff members 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.
- K. This documentation described will be maintained in the student's educational record.
- L. 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.

**V. Use of Seclusion**

- A. Seclusion will only be used by trained staff members if:
1. The student's IEP or BIP describes the behaviors and circumstances for seclusion; or
  2. The parents of a nondisabled student have provided written consent for the use of seclusion while a BIP is being developed; or
  3. There is an emergency situation and seclusion is necessary to protect the student or another person after other less intrusive interventions have failed or been determined inappropriate.
- B. A setting used for seclusion will, at a minimum:
1. Be free of objects and fixtures with which a student could self-inflict bodily harm;
  2. Provide staff members an adequate view of the student from an adjacent area; and,
  3. Be equipped with locking that automatically disengages for emergencies.
  4. Provide adequate lighting and ventilation.
- C. Trained staff members will:
1. View a student in seclusion at all times; and
  2. Provide a student placed in seclusion with:
    - a. An explanation of the behavior that resulted in the removal; and
    - b. Instructions on the behavior required to return to the learning environment.
- D. A seclusion event:
1. Will be terminated as soon as the student no longer presents the behavior requiring seclusion.

2. Will be appropriate to the student's developmental level and severity of the behavior; and
  3. May not restrict the student's ability to communicate distress; and
  4. May not exceed 30 minutes in duration.
    - a. If a seclusion event exceeds 20 minutes in duration, school administration and/or student support personnel should be notified to determine appropriate next steps.
    - b. If a seclusion event reaches 30 minutes in duration, the seclusion will be terminated and alternative support or intervention will be initiated.
    - c. Once an alternative support or intervention has been initiated, the seclusion is terminated, and then this event is no longer a seclusion.
- E. Documentation of use of seclusion will include:
1. Other less intrusive interventions that have failed and/or been determined inappropriate;
  2. The event immediately preceding the behavior that prompted the use of seclusion;
  3. The behavior that prompted the use of seclusion;
  4. Names and signatures of the staff members implementing and monitoring the seclusion;
  5. Justification for initiating the use of seclusion;
  6. The length of time in seclusion;
  7. The student's behavior and reaction during the seclusion; and
  8. The name and signature of the administrator informed of the use of seclusion.
- F. This documentation will be maintained in the student's educational record.
- G. Unless otherwise provided for in the student's BIP or IEP, each time seclusion 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 seclusion and the behavior that warranted the intervention.

## **VI. Referral to a School's Student Support Team or IEP Team**

- A. If physical restraint or seclusion 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 or an IEP team.

- B. If physical restraint or seclusion is used for a student with a disability, and the student's IEP or BIP does not include the use of physical restraint or seclusion, the IEP 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 or seclusion is used for a student with a disability, and the IEP or behavior intervention plan includes the use of physical restraint or seclusion, the student's IEP or behavior intervention plan will specify how often the IEP team will meet to review or revise, as appropriate, the student's IEP or BIP.
- D. 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 or seclusion.
- E. 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 seclusion; or
  - 3. The student's placement.

## **VII. Professional Development**

- A. Identified staff members 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. Seclusion; and
  - 6. Symptoms of physical distress and positional asphyxia.

- B. The professional development described will include a written examination and physical demonstration of proficiency in the described skills and competencies.

### **VIII. History**

ADOPTED: June 8, 2017

REVIEWED:

MODIFIED:

REVISED:

EFFECTIVE: July 1, 2017