

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-44
Subject: RESTRAINT, SECLUSION, AND EXCLUSION	Date of Issue: 11/10/04
Preparing Office: Office of the Superintendent	Amended: 5/1/11

I. Policies 403 and 508
(See also COMAR 13A.08.04)

II. Procedures

A. Purpose

1. All schools will have a safe, healthy, and inviting climate where desired learning and development can occur. It is the responsibility of everyone associated with the school to proactively promote student self-discipline and preserve the quality of the educational environment, in accordance with FCPS Regulation 400-8 – “Discipline.”

In the general setting, all schools are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors. For students with disabilities, Regulation 400-17- “Suspension and Expulsion-Students with Disabilities” requires that Functional Behavior Assessments (FBA) be completed and Behavior Interventions Plans (BIP) be developed and implemented, following six or more days of suspension, in order to appropriately address ongoing disciplinary issues.

In circumstances where previous interventions and supports are insufficient to address serious misbehavior and/or prevent injury to self or others, individual students (non-disabled and disabled) may be subject to exclusion, seclusion, and/or restraint. School personnel shall only use exclusion, seclusion, and/or restraint:

- a. After less restrictive or alternative approaches have been considered, attempted, or determined to be inappropriate.
 - b. In a humane, safe and effective manner.
 - c. Without intent to harm or create undue discomfort.
 - d. Consistent with known medical or psychological limitations and the student’s behavior intervention plan (BIP).
2. **Nothing in this regulation prohibits school personnel from initiating appropriate student disciplinary actions pursuant to Education Article 7-305, COMAR 13A.08.01.11 or COMAR 13A.08.03 or law enforcement, or school security personnel from exercising their responsibilities, including the physical detainment of a student alleged to have committed a crime or posing a security risk in accordance with relevant law, regulation, policy, procedure.**

B. Definitions

1. Behavior Intervention Plan (BIP) - proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.
2. Excessive Exclusion – is defined as a pattern of frequent and consistent exclusion.
3. 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.
4. Functional Behavior Assessment (FBA) - the systematic process of gathering information to guide the development of an effective and efficient BIP for the problem behavior. This includes the identification of the functions of the problem behavior, as well as the description of the behavior exhibited in the educational setting and the identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence and maintenance of behavior over time.
5. Mechanical Restraint (MR) - any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.
6. Physical Restraint – the use of physical force, without use of any device or material that restricts the free movement of all or a portion of a student's body.
7. Receiving Instruction – may be defined as any interaction between the student and a staff member for the purpose of guiding or directing the student.
8. Seclusion – the confinement of a student alone in a room from which the student is physically prevented from leaving.

C. Procedural Guidelines

1. **Exclusion** – 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.
 - a. Use of Exclusion- School personnel may use exclusion to address a student's behavior if:
 - (1) The student's behavior unreasonably interferes with the student's learning or the learning of others.
 - (2) The 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, non-physical interventions have been determined inappropriate.

- (3) The exclusion is requested by the student.
 - (4) The exclusion is supported by the student's behavior intervention plan.
 - b. Any setting used for exclusion shall:
 - (1) Provide school personnel with the ability to see the student at all times.
 - (2) Provide adequate lighting, ventilation, and furnishings.
 - (3) Be unlocked and free of barriers to prevent egress.
 - c. School personnel shall monitor a student placed in exclusion and provide the student with an explanation of the behavior that resulted in removal and instructions on the behavior required to return to the learning environment.
 - d. School personnel shall ensure that each period of exclusion shall not exceed 30 minutes and is appropriate to the developmental level of the student and the severity of the behavior. Parents and school personnel may at any time request a meeting with the school administrator to: address the use of exclusion, conduct a functional behavior assessment (FBA), and/or develop, review, or revise the student's behavior intervention plan (BIP).
 - e. If a non-disabled student has experienced a pattern of frequent and consistent excessive exclusion, school personnel shall consider the need to refer to a student services team (SST) to determine if the student needs a behavior intervention plan (BIP), or to an individualized education program (IEP) team to determine if the student has a disability that requires provision of special education and related services.
 - f. School personnel shall ensure the implementation of appropriate procedures in accordance with all state laws, rules, and regulations when a student with a disability has experienced excessive exclusions that may result in a change of placement. This shall include, but not be limited to, manifestation meetings, IEP team meetings, suspension or expulsion meetings as well as the "Stay Put" provision in any request for a due process hearing.
 - g. If restraint or seclusion is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's student services team or an IEP team.
- 2. **Seclusion** - the confinement of a student alone in a room from which the student is physically prevented from leaving.
 - a. Use of Seclusion- is prohibited in FCPS, unless:
 - (1) There is an emergency situation and seclusion is necessary to protect a student or another person after other less intrusive, non-physical intervention has failed or was determined inappropriate by school staff.

- (2) The student's behavior intervention plan (BIP) or individualized education program (IEP) describes the specific behaviors and circumstances in which seclusion may be used.
- (3) The parents of a non-disabled student have otherwise provided written consent for the use of seclusion while a behavior intervention plan (BIP) is being developed.
- b. Any setting used for seclusion shall, at a minimum:
 - (1) Be free of objects and fixtures with which a student could inflict bodily harm.
 - (2) Provide school personnel an adequate view of the student from an adjacent area.
 - (3) Provide adequate lighting and ventilation.
- c. During seclusion, school personnel shall:
 - (1) View the student at all times.
 - (2) Provide the student with an explanation of the behavior that resulted in removal and instructions on the behavior required to return to the learning environment.
 - (3) Ensure that the seclusion event does not exceed 30 minutes.
 - (4) Ensure that the seclusion event is appropriate to the student's developmental level and severity of behavior
 - (5) Ensure that the student's ability to communicate distress is not restricted
- d. Parents and school personnel may at any time request a meeting with the school administrator to:
 - (1) Address the use of seclusion.
 - (2) Conduct a functional behavior assessment (FBA).
 - (3) Develop, review, or revise a student's behavior intervention plan (BIP).
- e. Documentation of Seclusion (See Exhibit.)

Each time a student is placed in seclusion, school personnel shall maintain the following documentation in the student's educational record, and have it available for inspection by the student's parent or legal guardian:

- (1) The day, date, and time a student is placed in seclusion.
- (2) Other less intrusive interventions that have failed or been determined inappropriate.
- (3) The precipitating event immediately preceding the behavior that prompted the use of seclusion.
- (4) The behavior that prompted the use of seclusion.

(5) The names and signatures of the staff members implementing and monitoring the use of seclusion.

(5) A description of the seclusion event, including:

- justification for initiating the use of seclusion,
- the length of time in seclusion,
- the student's behavior and reaction during the event, and
- the name and signature of the administrator informed of the use of seclusion.

(7) Unless otherwise provided for in the students' behavior intervention plan (BIP) or individualized education program (IEP), school personnel shall provide the student's parent with verbal or written notification within 24 hours each time seclusion is used.

(8) If seclusion is used for a non-disabled student, the student shall immediately be referred to the school's problem solving team [student services team (SST), Master Team] or individualized education program (IEP) team.

(9) If seclusion is used for a student with a disability, and the individualized education program/behavior intervention plan (IEP/BIP) does not include this intervention, the individualized education program (IEP) team shall meet within 10 business days of the incident to consider:

- the need for a functional behavior assessment (FBA),
- developing appropriate behavior interventions, and
- implementing a behavior intervention plan (BIP).

If the IEP/BIP does include the use of exclusion/seclusion, the team must specify how often it will meet to review or revise, as appropriate, the student's IEP or BIP.

f. Exclusion/seclusion techniques shall only be applied by school personnel who have been trained in their appropriate use and in the use of positive behavior interventions, strategies, and supports; as well as the functional behavior assessment (FBA) and the behavior intervention plan (BIP).

g. If restraint or seclusion is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's student services team or an IEP team.

3. **Physical Restraint (PR)** - the use of physical force, without use of any device or material that restricts the free movement of all or a portion of a student's body.

a. The following are not considered physical restraint and are acceptable practices:

(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 if other methods (counseling, verbal interaction, etc.) have been unsuccessful.
 - (4) Intervening in a fight in accordance with Education Article §7-307 –“Principals, teachers, and school security guards intervening in fights.”
- b. The use of physical restraint is permitted under the following circumstances:
- (1) 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, non-physical intervention have failed or have been determined inappropriate.
 - (2) The student's behavior intervention plan (BIP) or individualized education program (IEP) describes the specific behaviors and circumstances in which physical restraint may be used.
 - (3) The parents of a non-disabled student have otherwise provided written consent to the use of physical restraint while a behavior intervention plan (BIP) is being developed.
- c. In applying physical restraint, school personnel shall ensure that:
- (1) The restraint is removed as soon as the student is calm.
 - (2) The restraint does not exceed 30 minutes.
 - (3) The restraint does not place the student in a face down position or any other position that will: obstruct the student's airway or impair the student's ability to breathe, obstruct a staff member's view of the student's face, restrict the student's ability to communicate distress, place pressure on the student's head, neck, or torso, or straddle a student's torso.
- d. Training in physical restraint - Unless otherwise exempt per section II. A. 2. of this regulation, physical restraint shall be applied only by school personnel who are trained in the appropriate use of physical restraint consistent with COMAR 13A.08.04.06C. The school personnel applying restraint shall receive training in current professionally accepted practices and standards regarding positive behavior intervention strategies and supports and in planning the functional behavior assessment (FBA) and the behavior intervention plan (BIP).
- e. A student who has been physically restrained shall be examined by school health personnel.
- f. In extenuating circumstances when school health personnel are unavailable, a school administrator or designee will assess if an injury has occurred that may require additional medical attention.

g. Documentation of Physical Restraint

- (1) Each time a student is in a physical restraint, school personnel shall document:
 - (a) The day, date, and time a student is in a restraint.
 - (b) Other less intrusive interventions that have failed or been determined inappropriate.
 - (c) The precipitating event immediately preceding the behavior that prompted the use of restraint.
 - (d) The behavior that prompted the use of a restraint.
 - (e) The names of the school personnel who observed the behavior that prompted the use of restraint.
 - (f) The names and signature of the staff members implementing and monitoring the use of restraint.
 - (g) The description of the restraint event, including the:
 - Type of restraint.
 - Length of time in restraint.
 - Student's behavior and reaction during the restraint.
 - Name and signature of the administrator informed of the use of restraint.
- (2) The documentation described shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian.
- (3) Each time physical restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan (BIP) or individualized education program (IEP).
- (4) If physical restraint is used for a student with a disability, and the student's individualized education program (IEP) or behavior intervention plan (BIP) does not include the use of restraint, the IEP team shall meet within 10 business days of the incident to consider: the need for a functional behavior assessment (FBA), the need to develop appropriate behavior interventions, and the need to implement a behavior intervention plan (BIP).
- (5) If physical restraint is used for a student with a disability, and the individualized education program (IEP) or behavior intervention plan (BIP) includes the use of restraint, the student's IEP or BIP shall specify how often the IEP team will meet to review or revise, as appropriate, the student's IEP or BIP.

4. **Mechanical Restraint (MR)**- any device or material attached or adjacent to the student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.

- a. The use of a mechanical restraint is prohibited in FCPS.
 - b. Mechanical restraint does not include a protective or stabilizing device. A protective or stabilizing device means any device or material attached or adjacent to the student's body that restrict 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 positioning of a person. It includes adaptive equipment prescribed by a health professional, seat belts, or other safety equipment to secure students during transportation in accordance with school transportation plan.
 - c. School personnel are not prohibited from using a protective or stabilizing device as prescribed by a health professional or for a student with a disability, in accordance with a student's individualized education program (IEP) or behavior intervention plan (BIP).
5. In the case of a non-disabled student, restraint is prohibited 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, non-physical intervention have failed or been determined inappropriate or the parents of a non-disabled student have otherwise provided written consent to the use of physical restraint while a behavior intervention plan (BIP) is being developed.
 6. If restraint or seclusion is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's student services team or an IEP team.

D. Professional Development

1. Professional development training will be provided on an annual basis to designated school staff regarding positive behavior intervention strategies and supports, including methods for identifying and defusing potentially dangerous behavior. Training will also include recognizing symptoms of physical distress and positional asphyxia and will provide alternatives to restraint.
2. The professional development activity will include a written examination and physical demonstration of proficiency in the skills and competencies.

E. Complaint Procedures

1. Parents may contact the appropriate instructional director for their child's school when filing a complaint about the use of restraint, seclusion, or exclusion.
2. The instructional director will investigate the complaint and respond to the parent in writing within 10 days of receiving the complaint.

Approved:

Original signed by

Linda D. Burgee
Superintendent

PHYSICAL RESTRAINT/SECLUSION INCIDENT REPORT (Reg.400-44) (each event shall not exceed 30 minutes)					
Student Name:		Student ID #		Date:	
School:		Have restraint/seclusion been used before?		YES <input type="checkbox"/>	NO <input type="checkbox"/>
Less intrusive interventions that failed or were deemed inappropriate:					
Seclusion/s					
Length of Time in Seclusion	Precipitating Event/Behavior	Location	Describe student's behavior/reaction during seclusion	Name & Signature of staff implementing intervention	Observer/s
Restraint/s (each event shall not exceed 30 minutes)					
Type of restraint*/ Length of time in Restraint	Precipitating Event/Behavior	Location	Describe student's behavior/reaction during seclusion	Name & Signature of staff implementing intervention	Observer/s
Follow Up: Check all that apply. Parent notification, oral or written, must occur within 24 hours.					
Notified Teacher <input type="checkbox"/>		Notified Administrator <input type="checkbox"/>		Notified Counselor <input type="checkbox"/>	
911 called <input type="checkbox"/>		Transported to hospital ER <input type="checkbox"/>		Notified Therapist <input type="checkbox"/>	
Accompanied by:					
Examination by Health Staff: Attach Health Room Report (explanation must be provided if examination was not completed)					
Parent Notified (date, time, method)		Administrator's Signature			
*RESTRAINT KEY:		Cc = Children's Control	TC = Team Control	ST = Solo Transport	TPT = Two-Person Transport