

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-44
Subject: PHYSICAL RESTRAINT AND EXCLUSION PRACTICES	Issued: 11/10/04
Preparing Office: Office of the Superintendent	Amended: 9/7/22

I. Policies 403 and 508

(See also COMAR 13A.08.04.03 Student Behavior Interventions, 13A.08.04.04 Use of Exclusion, 13A.08.04.05 General Requirements for the Use of Restraint or Seclusion, or 13A.08.04.06 Administrative Procedures)

II. Procedures

A. Purpose and Expectations for Practices Associated with Physical Restraint and Exclusion

1. All schools will have a safe, healthy, and inviting climate where desired learning and development can occur. It is the responsibility of the school staff to proactively promote student learning and well-being with a high-quality educational environment, in accordance with Frederick County Public Schools (FCPS) Regulation 400-08 *Discipline*.

All schools are expected to use an array of positive behavior interventions, de-escalation strategies, restorative practices to prevent future harm, and supports to increase or decrease targeted student behaviors accordingly.

In rare circumstances where such interventions and supports are insufficient to address serious behavior, students may be subject to exclusion. The circumstances in which exclusion is permitted are outlined in II(A)(2) below.

Physical restraint is an option of last resort used only in emergency situations to protect a student or other person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate. Physical restraint should not be used for discipline or staff convenience. Physical restraint of a student must end when it is no longer necessary to protect a student or other person from imminent, serious physical harm.

2. Trained school personnel shall only use exclusion:
 - a. If the student's behavior unreasonably interferes with the student's learning or the learning of others; and
 - b. After less restrictive or alternative approaches have been considered, attempted, or determined to be ineffective.
3. Trained school personnel shall only use physical restraint:
 - a. After other less intrusive, nonphysical interventions have been considered, attempted, and determined to be inappropriate;

- b. In a humane, safe and effective manner;
 - c. Without intent to harm or create discomfort;
 - d. Consistent with known medical or psychological limitations, including contraindications to the use of physical restraint based on medical history or past trauma and the student's behavior intervention plan (BIP); and
 - e. As a last resort in an emergency situation when necessary to protect a student or other person from imminent, serious physical harm.
4. Nothing in this regulation prohibits school personnel from initiating appropriate student disciplinary actions pursuant to *Maryland Annotated Code* 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 Federal and State law, regulation, policy, or procedure.

B. Definitions

1. Behavior Intervention Plan (BIP) - a plan created by appropriately trained professionals for an individual student comprised of positive behavioral interventions, strategies, and supports, which may include reasonable modifications to the nature of instruction, curriculum, or school routine. Such plans are typically developed based on the outcome of a Functional Behavior Assessment and reflect feedback from parents or guardians regarding the emotional, mental, and physical health of the student, as well as other relevant data.
2. Board Certified Assistant Behavior Analyst (BCaBA) and/or Board Certified Behavior Analyst (BCBA) – an individual who has been certified by an accredited organization, like the Behavior Analyst Certification Board (BACB).
3. CPI – the Crisis Prevention Institute, Inc. or any entity that replaces CPI in providing training to FCPS staff on how to prevent crises, use crisis de-escalation strategies and apply Physical Restraint.
4. Debrief or Debriefing – a meeting, documented in writing, required to occur within two (2) school days after every incident of physical restraint. During the debrief meeting, participants will discuss the precipitating event(s) to the behavior that led to the use of physical restraint and steps that will be taken to avoid the use of physical restraint in the future, such as changing the environment or action that triggered the behavior.
5. De-escalation Techniques – a progression of non-verbal (e.g., body language, physical cues, and allowing personal space), verbal, and environmental (e.g., clearing a room of all other students to reduce risk to the individual or to other students) interventions used to reduce behavior of a student that might pose a danger.
6. Excessive Exclusion – a pattern of frequent and consistent exclusion, specifically at least three (3) exclusions in a four-week period.
7. Exclusion - the adult-directed removal of a student to a Supervised Exclusion Area for a limited period of time, not to exceed thirty (30) minutes.

8. Functional Behavior Assessment (FBA) - a systematic process used to define behavior, identify environmental factors that support the behavior, and determine the underlying function or purpose of behavior, so that an effective Behavior Intervention Plan can be developed.
9. Imminent serious, physical harm - bodily injury which involves: (i) a substantial risk of death; (ii) extreme physical pain; (iii) protracted and obvious disfigurement; or (iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
10. 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. The use of mechanical restraint is prohibited in public agencies and nonpublic schools unless a public agency or nonpublic school is certified by and meets the requirements of the Joint Commission for the Accreditation of Health Care Organizations (Refer to section C4 on pages 7 & 8 for MR procedural guidelines).
11. Physical Restraint – a personal restriction, imposed by a school staff member or other individual, that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely. The term Physical Restraint does not include a physical escort, which refers to a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of inducing a student to walk to a safe location, when the contact does not continue after arriving at the safe location.
12. School Resource Officer (SRO) or Law Enforcement - a sworn law enforcement officer responsible for safety and crime prevention in schools.
13. Student Services Team - a team comprised of, and not limited to: school administrator, general education teacher, special education teacher, speech language pathologist, therapist, school psychologist, Board Certified Behavior Analyst (BCBA), instructional specialist, pupil personnel worker, and other itinerant related service providers as necessary that reviews whole-child needs related to academic achievement, social-emotional outcomes, behavior, and/or communication, among other factors.
14. Seclusion - the involuntary confinement of a student in a room or area, with or without adult supervision, from which the student is not permitted to leave. The term does not include a behavior management technique that is part of an approved program, which involves the monitored separation of the student in a nonlocked setting, from which the student is allowed to leave. Seclusion does not include placing a student in a separate location within a classroom with others or with an instructor where that student continues to receive instruction, is free to leave the location, and believes they can leave the location. Seclusion is prohibited at FCPS.
15. Supervised Exclusion Area - an alternative location in the school building outside of the classroom in which a school staff member actively monitors the student. This alternative location must: (i) be visual to school personnel with the ability to see the student at all times; (ii) have adequate lighting, ventilation and furnishings; and (iii) be unlocked and free of barriers to prevent egress. This alternative location may include sensory items to de-escalate as well as visuals and other tools for coping strategies.

16. Timeout – a circumstance in which a student independently requests to go to an alternative work location to continue instruction, access a cool-off room, or take a break outside the classroom.

C. Procedural Guidelines

1. **Exclusion**

- 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; and
 - (2) The trained staff have determined other less intrusive, non-physical interventions are ineffective.
- b. Exclusion Procedures
 - (1) If exclusion needs to be utilized and the criteria above has been met, the classroom teacher shall contact the school administration to notify them of a student behavior concern.
 - (2) The administrator or designee will accompany the student to a supervised area/alternative location. This meets the criteria of removal and will be documented as exclusion. If in accompanying the student a school staff member or other individual, immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely, that constitutes a physical restraint incident and shall be documented as such in accordance with Section II(C)(3)(j) below.
 - (3) If a student independently asks to go to an alternative work location to continue instruction, access a cool-off room, or take a break outside the classroom, that is considered a Timeout which does **not** constitute a removal and should not be documented as exclusion.
- c. 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; and
 - (3) Be unlocked, with the door open in every circumstance, and free of barriers that prevent egress.
- d. School personnel shall monitor a student in the room with the 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.
 - (1) Students placed in exclusion shall be informed at the time of the exclusion that they may leave any time they wish.

- e. School personnel shall monitor the duration of the exclusion and ensure that each period of exclusion does not exceed thirty (30) minutes. The student shall be returned to the classroom as soon as the student has deescalated (e.g., student demonstrates calm demeanor or indicates they are ready to return to the classroom).
- f. Parents/guardians and school personnel may at any time request a meeting with the school administrator to: address the use of exclusion, conduct a FBA, and/or develop, review, or revise the student's BIP.
- g. If a student without a disability has experienced a pattern of frequent and consistent excessive exclusion (at least 3 exclusions in a four-week period), school personnel shall consider the need to refer the student to a student services team to determine if the student needs a BIP, or to an IEP team to determine if the student has a disability that requires provision of special education and related services.
- h. If a student with a disability has experienced a pattern of frequent and consistent excessive exclusion (at least 3 exclusions in a four-week period), school personnel shall convene the appropriate team meeting to determine if the student's IEP, 504 Plan, and/or BIP requires revision to reduce exclusion.
- i. 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 exclusion (at least 3 exclusions in a four-week period) that may result in a change of placement. This shall include, but not be limited to, manifestation meetings, IEP team meetings, suspension and/or expulsion meetings, as well as the "Stay Put" provision in any request for a due process hearing.
- j. Documentation of Exclusion
 - (1) Each incident of exclusion shall be logged using the attached **EXHIBIT 1 – Exclusion Incident Report**.
 - (2) School personnel shall fully and accurately complete the Exclusion Incident Report documenting:
 - i. The day, date, and time a student is in an exclusion;
 - ii. The location of the exclusion;
 - iii. The duration of the exclusion, including the time it began and ended;
 - iv. Other less intrusive interventions and de-escalation techniques that failed or were determined inappropriate prior to exclusion;
 - v. An objective description of the behavior that prompted the use of an exclusion;
 - vi. The names of the school personnel who observed the behavior that necessitated the use of exclusion; and
 - vii. The names of the staff members implementing and monitoring the use of exclusion.
 - (3) The Supervisor of Behavior Analysts will conduct bi-monthly audits of student exclusion incident reports and provide technical assistance and professional learning follow-up with any school that utilizes excessive exclusion (at least 3 exclusions in a four-week period).

k. **Parent Notification of Exclusion**

- (1) FCPS shall maintain a secure electronic system for storing all Exclusion Incident Reports.
- (2) The documentation described shall be maintained in the student's educational record and available for inspection at any time during school hours by the student's parent/guardian.
 - i. Each time exclusion is used, school personnel shall provide the parents/guardians oral or written notification by the end of the school day, or sooner if provided for in a student's BIP or IEP. The completed Exclusion incident Report must be provided to the parents/guardians within three (3) school days of the incident.

2. Seclusion

- a. Use of Seclusion is prohibited by FCPS policy and State law.

3. Physical Restraint (PR)

- a. The use of physical restraint is permitted under the following circumstances:
 - (1) There is an emergency situation that arises in which 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 have been determined inappropriate. See COMAR 13A.08.04.05.
 - (2) The parents/guardians of a student with a disability have provided written consent to the use of physical restraint while a behavior intervention plan (BIP) is being developed. Even if parents/guardians do consent to the use of restraint, the use of restraint must reach the threshold outlined in Section II(C)(3)(a)(1) above, and meet the requirements outlined in Section II(C)(3)(b)-(k) below to permit its use.
 - (3) A review of available information to identify any contraindications to the use of physical restraint based on medical history or past trauma has been conducted.
- b. Physical restraint shall be limited only to the time necessary to protect a student or other person from imminent, serious physical harm, and shall not exceed 30 minutes under any circumstances.
- c. Physical restraint of a student must end when it is no longer necessary to protect a student or other person from imminent, serious physical harm.
- d. Physical restraint may only be executed by certified teachers, administrators, BCaBAs, and BCBAs who have received training on the appropriate use of physical restraint, CPI training, and any other training required by State law. Physical restraint may only be implemented by individuals who use appropriate CPI techniques. These individuals must also receive training in current professionally accepted practices and standards regarding positive behavior intervention strategies and supports and in developing and implementing FBAs and BIPs.

- e. In applying physical restraint, school personnel shall ensure that:
 - (1) Staff implementing the restraint use appropriate CPI techniques;
 - (2) The restraint does not place a student in a face down position;
 - (3) The restraint does not 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; and,
 - (4) Staff implementing the restraint do not straddle a student's torso.
- f. A student who has been physically restrained shall be examined immediately after the incident by school health personnel after every incident of physical restraint.
- g. In extenuating circumstances when school health personnel are unavailable, a school administrator or designee will assess if any injury has occurred that may require additional medical attention.
- h. Every instance of physical restraint will be debriefed using the attached **EXHIBIT 3 – Physical Restraint Incident Reporting Debrief**.
 - (1) The debrief meeting must occur within two (2) days of the physical restraint.
 - i. Debrief participants shall include all staff who performed and observed the physical restraint. Participants shall include an administrator, classroom teacher, paraprofessional, and school counselor.
 - ii. At Rock Creek School and in all Pyramid and Expressions programs the debrief participants shall include the BCaBA or BCBA assigned to the school or classroom, the classroom teacher, the school therapist, and all staff who performed and observed the physical restraint.
 - i. Documentation of Physical Restraint (PR)
 - (1) FCPS shall maintain a secure electronic system for storing all Physical Restraint Incident Reports.
 - (2) Only one (1) physical restraint should be documented per Incident Report form¹. **(See EXHIBIT 2 – Physical Restraint Incident Report)**.
 - (3) Each time a student is in a physical restraint, school personnel shall fully and accurately complete the Physical Restraint Incident Report documenting:
 - i. The name and grade of the student;
 - ii. The day, location, date, and time a student is in a restraint;

¹ The Physical Restraint Incident Report shall include all the required information on the form itself rather than referring to attached behavior reports or other documents.

- iii. The duration of the event, including the time it began and ended;
- iv. Other less intrusive interventions and de-escalation techniques that have failed or been determined inappropriate;
- v. The precipitating event immediately preceding the behavior that prompted the use of restraint;
- vi. A description of the behavior that prompted the use of a restraint;
- vii. The names of the school personnel who observed the behavior that prompted the use of restraint;
- viii. The names and signatures of the staff members implementing and monitoring the use of restraint;
- ix. The name and signature of the school health professional who examined the student after the restraint;
- x. Whether or not injury occurred to students or staff members as a result of the restraint; and
- xi. The description of the restraint event, including the:
 - 1. Type of restraint technique used;
 - 2. Length of time in restraint, including the time the restraint began and ended;
 - 3. Student's behavior and reaction during the restraint;
 - 4. Role each staff person played in the incident; and
 - 5. Name and signature of the administrator informed of the use of restraint.

(4) The Restraint Incident Report shall be maintained in the student's educational record and available for inspection during school hours by the student's parent/guardian.

- j. Each time physical restraint is used, parents/guardians shall be provided oral or written notification by the end of the school day, or sooner if provided for in a student's BIP or IEP. The completed Physical Restraint Incident Report must be provided to the parents/guardians within three (3) school days of the incident.

4. Mechanical Restraint (MR)

- a. The use of a mechanical restraint is prohibited at 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 IEP or BIP.

D. Required Restraint Procedures for a Student with an Individualized Education Program (IEP)

1. If restraint 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. A screening IEP team shall be convened within 10 school days.
2. Any time a student is subjected to Physical Restraint, within 10 school days, the school, with support from the BCaBA assigned to the school or classroom, will convene an IEP meeting to determine the need for an FBA and obtain parental consent to conduct an FBA, if necessary. Within 20 school days from the date of parental consent, the BCaBA assigned to the school or classroom will coordinate with school staff to conduct an FBA and will oversee development and implementation of a BIP based on the results of the FBA, unless an FBA and BIP have been completed within the last month. The BCaBA(s) assigned to Lewistown Elementary and the Rock Creek School will consult with the BCaBA Supervisor to complete all FBAs and BIPs required under Section II(D)(2).
3. If restraint is used for a student with a disability, and the BIP and IEP does not include the use of restraint, the IEP team must meet, in accordance with COMAR 13A.08.03, within ten (10) business days of the incident to consider:
 - a. the need for a FBA;
 - b. developing appropriate behavior interventions;
 - c. implementing a BIP;
 - d. existing health, physical, psychological, and psychosocial information;
 - e. information provided by the parents/guardians;
 - f. observations by teachers and related service providers;
 - g. the student's current placement; and
 - h. the frequency and duration of restraint events that occurred since the IEP team last met. [COMAR 13A.08.04.05C (1)-(2)]
4. Once physical restraint has been used or school personnel have made a student specific determination through intentional conversation and discussion in the IEP process and development of the IEP that restraint may need to be used, physical restraint may be included on a student's BIP and IEP to address the student's behavior in an emergency situation in which 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, provided that school personnel:
 - a. Review available data to identify any contraindications to the use of physical restraint based on medical history or past trauma, including consultation with medical or mental health professional as appropriate;
 - b. Identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior prior to the use of physical restraint in an emergency situation; and
 - c. Obtain written consent from the parent/guardian, consistent with Education Article §8-405, Annotated Code of Maryland. [COMAR 13A.08.04.05A(1)(b); COMAR 13A.08.04.05B(2)]

5. If physical restraint is used for a student with a disability, and the IEP or BIP includes parental consent for 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.
6. For every student whose BIP and/or IEP includes Physical Restraint, the District will include in the IEP what the District considered in determining whether restraint could be used, including but not limited to considerations of existing health, physical, psychological, and psychosocial information, as well as any contraindications to the use of restraint based on medical history of past trauma.
7. Parental/Guardian Consent
 - a. The IEP team must obtain the written consent of the parent/guardian if the team proposes to include physical restraint in the BIP and/or IEP to address the student's behavior. If the parent/guardian does not provide written consent, the IEP team must send the parent/guardian written notice within 5 business days of the IEP team meeting that states: i) the parent/guardian has the right to either consent or refuse to consent to the use of physical restraint and ii) if the parent/guardian 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 physical restraint. If the parent/guardian provides a written refusal, the IEP team may use the dispute resolution options listed in Education Article §8-413, Annotated Code of Maryland, to resolve the matter. [COMAR 13A.08.04.05C (6)].
 - b. As explained above, physical restraint may only be used if 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. This is the case regardless of whether the parent/guardian has provided written consent to include physical restraint on a student's BIP and/or IEP. In any event, each time physical restraint is used, parents/guardians must be provided oral or written notification by the end of the school day, or sooner if provided for in a student's BIP or IEP. [COMAR 13A.08.04.05A(5); COMAR 13A.08.04.05B(9)]
 - c. Even if parents/guardians do consent to the use of restraint, the use of restraint must comply with all of the requirements set forth in this policy.

E. Law Enforcement Requested and Related Documentation

1. Each time staff requests that a School Resource Officer (SRO) or other law enforcement officer respond to student behavior, that staff person will complete a written report (**See EXHIBIT 4 - Law Enforcement Request Report**) that lists the date and location of the event and the name, race, grade, and disability status of the student and describes:
 - a. The precipitating event leading up to the behavior;
 - b. A description of the behavior that led the staff person to request the SRO;
 - c. All De-escalation Techniques and other efforts used to address the student behavior before contacting the SRO or other law enforcement officer;
 - d. The type of Physical Restraint performed, if applicable; and
 - e. The names and titles of all staff and SRO(s) involved.

2. All Law Enforcement Request Reports will be reviewed by the BCaBA Supervisor within two school days of their completion to evaluate compliance with the standards in Paragraph 1 above. The BCaBA Supervisor will immediately report to the Superintendent in writing any incident that does not comply with these standards or the requirements of this policy. For each such incident, the District will take immediate, effective remedial action.

F. Professional Learning

1. Each school shall provide professional learning to school personnel designated to use de-escalation techniques, exclusion, or physical restraint.
2. At the beginning of each school year, each school shall identify personnel authorized to serve as a school-wide resource to assist in ensuring proper administration of exclusion and restraint. At Rock Creek School and in all Pyramid and Expressions programs, the authorized personnel shall be the BCaBA(s) or BCBA(s) assigned to the school.
3. Professional learning shall be provided annually to designated school staff regarding positive behavior intervention strategies and supports, including methods for identifying and defusing potentially dangerous behavior. Training shall include:
 - a. Crisis prevention by CPI or other appropriate crisis intervention entity;
 - b. Appropriate use, documentation and notification of Exclusion;
 - c. First Aid and cardiopulmonary resuscitation;
 - d. Development and Implementation of Functional Behavior Assessment and Behavior Intervention Plans;
 - e. Individualized behavior interventions based on student characteristics, including disability, medical history, and past trauma;
 - f. Recognizing symptoms of physical distress and positional asphyxia;
 - g. Appropriate use, documentation and notification of Physical Restraint, including alternatives to Physical Restraint;
 - h. The prohibition of seclusion;
 - i. Trauma-informed intervention; and
 - j. Verbal and nonverbal de-escalation techniques.
4. The Supervisor of Behavior Analysts will provide annual professional development to include:
 - a. A course for all BCaBAs, BCBAs, and Administrators that addresses how to review all Physical Restraint Incident Reports, Physical Restraint Incident Debrief, and Exclusion Incident Reports.
 - b. A course for all instructional staff (including paraprofessionals and all aides who work with any Students with a Disability) that addresses:
 - i. Federal and State laws on how to serve students with disabilities, including the ADA and Section 504, which covers, among other topics, how to consider and respond appropriately to requests for reasonable modifications;
 - ii. Principles of behavior, analyzing behavior, proactive behavior management, de-escalation, and simple non-intrusive strategies for replacing inappropriate behavior with appropriate behavior;

- iii. Proper use of Physical Restraint, including supervised practice of Physical Restraint techniques for all CPI-trained staff until they can perform all of the CPI holds with fidelity;
 - iv. How to provide individualized supports and interventions to students and how to evaluate the effectiveness of those supports and interventions;
 - v. How to complete all reports, forms, and reviews, including effective debriefing after an incident of physical restraint; and
 - vi. How to refer complaints filed under the complaint procedure.
 - c. A course for all special education teachers that addresses conducting FBAs that generate accurate results and developing and implementing effective BIPs; and Writing behavioral goals and implementing instruction aligned with those goals.
5. The professional learning activities shall provide participants with examples, modeling, opportunities for practice and feedback, time for review and reflections, and include a written examination and physical demonstration of proficiency in the skills and competencies.
 6. Professional learning in CPI, Physical Restraint, and any other disciplinary policies and procedure, as well as behavioral interventions for students with disabilities will be available to SROs.

G. Physical Restraint and/or Exclusion Complaint Procedure

1. Any student, parent, guardian, staff member, or other individual can freely express concerns regarding the use of Physical Restraint and/or Exclusion. The complaint procedure is intended to provide prompt and equitable resolution of complaints related to Physical Restraint and/or Exclusion.
2. The Physical Restraint and/or Exclusion Complaint Form is available upon request.
3. Complaints may be submitted orally or in writing by any student, parent, guardian, staff member, or other individual.
 - a. To make a written complaint, individuals can complete the Physical Restraint and/or Exclusion Complaint Form and submit the form through any of the following means:
 - (1) Hardcopy Form Submission **(See Exhibit 5 – Physical Restraint and/or Exclusion Complaint Form)**
 - (2) Hardcopy forms will be available at every school building in the front office.
 - (3) Once completed, the individual can deposit a hardcopy form in a locked dropbox in the school's front office. Hardcopy forms will be sent to the Supervisor of Behavior Analysts.
 - (4) Digital Form Submission – Digital forms may be completed using the link: **www.tinyurl.com/FCPSComplaint**

- (5) Email Form Submission - Forms may be submitted by email to the Supervisor of Behavior Analysts at **BCBA@fcps.org**.
 - (6) Postal Mail Submission – Hardcopy forms may be sent by U.S. Mail to:
**Supervisor of Behavior Analysts, Office of Special Education
Frederick County Public Schools
191 South East Street
Frederick, MD 21701**
- b. To make an oral complaint, individuals can provide information through the following means:
- (1) The FCPS Supervisor of Behavior Analysts may be contacted at **(301) 696-6837**. Individuals may speak directly with the FCPS Supervisor of Behavior Analysts. This person will investigate all complaints and follow up with the individual to resolve the concern.
 - (2) The Ombuds for Frederick County Public Schools may be contacted at **(301) 696-6852**. Individuals may speak directly with the FCPS Ombuds. The Ombuds will get information on the individual's complaint and work with the Supervisor of Behavior Analysts and the individual to address and resolve the concern.
4. The Supervisor of Behavior Analysts will complete the following steps in order to promptly respond to complaints:
- a. Investigate all complaints, including requesting additional information from complainants, affected parties, or any other individual if necessary.
 - b. The Supervisor will provide a written determination simultaneously to all parties no later than sixty (60) days from the receipt of the complaint.
5. Retaliation, harassment, or negative educational consequence is strictly prohibited against any complainant (or any member of their family) or any other individual (or any member of their family) for filing the complaint or otherwise participating in the complaint process.

Approved:



Dr. Cheryl L. Dyson
Superintendent

Exclusion Incident Report Form

Student ID:

Student Name:

Student Grade:

Date of Exclusion:

Incident Building:

Start Time:

End Time:

Duration:

Location:

Location Other:

List the precipitating event to the student behavior that led to the exclusion:

List all other less intrusive interventions and deescalation techniques that failed or were deemed inappropriate prior to exclusion:

<input type="checkbox"/> Access to calming space	<input type="checkbox"/> Provision of Privacy	<input type="checkbox"/> Provision of face saving options
<input type="checkbox"/> Provision of adequate space	<input type="checkbox"/> Use a calm Voice	<input type="checkbox"/> Swap out staff
<input type="checkbox"/> Limit number of adults involved	<input type="checkbox"/> Reduce or eliminate demands	<input type="checkbox"/> Prompt to use or follow the model of an adult using a coping strategy
<input type="checkbox"/> Distract student/redirect thoughts	<input type="checkbox"/> Provision of preferred calming tools	<input type="checkbox"/> Allow silence
<input type="checkbox"/> Use simple, limited language	<input type="checkbox"/> Provision of controlled choices	
<input type="checkbox"/> Offer signs of tangible empathy	<input type="checkbox"/> Give wait time	

Other de-escalation:

Objectively describe the behavior that prompted the use of the exclusion:

List the names and titles of school personnel who observed the behavior that necessitated the use of exclusion:

List the names and titles of the staff members who implemented the use of exclusion:

List the names and titles of the staff members who monitored the use of exclusion:

Parent Notified (date, time, method)

Each time physical restraint is used, parents shall be provided oral or written notification within 24 hour, unless otherwise provided for in a student's behavior intervention plan (BIP) or individualized education program (IEP)

Name of Parent/Guardian Contacted:

Contact Method:

Contact Date:

Contact Time: :

Contact Method Other:

Documented attempt(s) to contact parent/guardian if unable to contact:

Staff Signatures - Date - Title

Administrator Signature - Date - Title

*Each time exclusion is used, school personnel shall provide the parents/guardians shall be provided oral or written notification by the end of the school day, or sooner, if provided for in a student's BIP or IEP.
The completed Exclusion Incident Report must be provided to the parents/guardians within 3 school days of the incident.*

Physical Restraint Incident Reporting (Reg.400-44)

(Physical Restraint of a student must end when it is no longer necessary to protect a student or other person from imminent, serious physical harm)

(Seclusion is Prohibited)

Student ID:

Student Name:

Incident Date:

Incident Building:

Has restraint been used before?: (*If No, an IEP meeting will be convened witin 10 school days-regardless of student disability status.)

List the precipitating event to the student behavior that let to the Physical Restraint:

De-escalation Techniques: *Less intrusive interventions that failed or were deemed inappropriate

<input type="checkbox"/>	Access to calming space	<input type="checkbox"/>	Provision of Privacy	<input type="checkbox"/>	Provision of face saving options
<input type="checkbox"/>	Provision of adequate space	<input type="checkbox"/>	Use a calm Voice	<input type="checkbox"/>	Swap out staff
<input type="checkbox"/>	Limit number of adults involved	<input type="checkbox"/>	Reduce or eliminate demands	<input type="checkbox"/>	Prompt to use or follow the model of an adult using a coping strategy
<input type="checkbox"/>	Distract student/redirect thoughts	<input type="checkbox"/>	Provision of perferred calming tools	<input type="checkbox"/>	Allow silence
<input type="checkbox"/>	Use simple, limited language	<input type="checkbox"/>	Provision of controlled choices		
<input type="checkbox"/>	Offer signs of tangible empathy	<input type="checkbox"/>	Give wait time		

De-escalation Other: *Less intrusive interventions that failed or were deemed inappropriate

Objectively describe the behavior that led to the Physical Restraint: (*Student behavior must meet threshold of protecting student or other(s) from imminent, serious physical harm)

Type of Restraint: Start Time: End Time: Length of Time:

Location:

Location Other:

How did the student react to the restraint?:

Staff Name:	Staff Title:	Role:
Staff 1	Title	Implementer of Restraint
Staff 2	Title	Observer of the behavior that prompted the use of restraint
Staff 3	Title	Monitor
Staff 4	Title	Administrator

Notify Administrator: Notify Counselor: Notify Therapist: Notify Classroom BCBA, if applicable:

Examination by Health Staff:

Was there any injury or damage?

Staff Injury?

Student Injury?

If yes, describe

Emergency Action Taken (e.g. Did you request SRO/police, and/or medical help?) SRO Called 911

(If yes, Law Enforcement Requested Report MUST be completed) If yes, list the names of the law enforcement/SRO/Police.

Emergency Petition (EP)-Transported to hospital ER Accompanied By:

Does the Student have a Functional Behavioral Assessment (FBA)?

Does the Student have a Behavior Intervention Plan (BIP)?

Parent Notified (date, time, method)

Each time physical restraint is used, parents shall be provided oral or written notification by the end of the school day, unless otherwise provided for in a student's behavior intervention plan (BIP) or individualized education program (IEP).

Name of Parent/Guardian Contacted:

Contact Method:

Contact Date:

Contact Time:

Contact Method Other:

Documented attempt(s) to contact parent/guardian if unable to contact:

Parent Invited for Conference:

Conference Date:

Conference Time:

Administrator Signature - Title - Date

Administrator Signature - Administrator Name - Title- X/XX/XXXX

Health Staff Signature - Title - Date

Health Staff - Health Staff Name - Title- X/XX/XXXX

Staff Signatures - Date - Title - Name and Signature

Staff 3 - Staff 3 Name- Title -X/XX/XXXX

Staff 2 - Staff 2 Name - Title- X/XX/XXXX

Staff 1 - Staff 1 Name - Title- X/XX/XXXX

Physical Restraint Incident Reporting (Reg.400-44) Debrief

(Physical Restraint of a student must end when it is no longer necessary to protect a student or other person from imminent, serious physical harm)

(Seclusion is Prohibited)

Student ID:

Student Name:

Student Grade Level:

Incident Date:

Incident Building:

Debrief Date:

Debrief Time:

Debriefed By: (Name & Title)

Staff 1- Title

Staff 2- Title

Staff 3- Title

Staff 4- Title

Questions for Debrief: (Debrief form questions cannot be answered with not applicable-N/A)

1. Are the staff member(s) trained in the appropriate use of physical restraint?
2. Does the student have an IEP?
3. If yes, are there known medical or psychological limitations, including contraindications to the use of physical restraint based on medical history or past trauma evidenced in previous evaluations? If yes, describe. (**If no, an IEP team must be convened to document contraindications within 10 school days of the incident*).

IEP Contraindications Status:

IEP Date: * mm/dd/yy

IEP Medical/Psychological/contraindications Additional Information:

4. Does the student have a 504 plan?
5. Does the student have a current FBA?
6. Is there a current BIP?
7. Please explain how the situation appeared to escalate.

How will the team adapt to prevent this trigger in the future?

Explain.

8. How did the student respond to de-escalation strategies?
9. Describe the imminent, serious physical harm that precipitated the use of the restraint.
10. Explain why the use of restraint was necessary to prevent imminent, serious physical harm to a person?
11. How did the student react to the restraint?

12. Please describe what indicated that the restraint could be ended.
13. Did all of the participants feel safe during the incident? Are there concerns by staff about the restraint?
14. Outcome: (patterns, lessons, plan for future)
15. Steps the District and/or individual employees will take to prevent future restraints.
16. Supplemental Information (if applicable)?
17. Additional information received from parents during parental notification of incident.

Incident ID: #####

Exhibit 4

Law Enforcement Request (Reg.400-44)

*Any time staff requests that an SRO or other law enforcement officer respond to student behavior, the law enforcement request form will be completed.

Student ID:

Student Name:

Student Grade:

Student Race:

Student IEP:

Student 504:

Student Disability:

Incident Date:

Time Law Enforcement

Contacted:

Incident Building:

Physical Restraint Incident ID:

Staff Name Completing Report:

Staff Title Completing Report:

Precipitating event leading up to the student behavior:

Description of the student behavior that led the staff person to request the SRO:

List the de-escalation techniques and other efforts used to address the student behavior before contacting Law Enforcement:

Type of Restraint:

Physical Restraint Incident ID:

Names of SRO/Law Enforcement involved:

Officer Name 1:

Officer Name 2:

Officer Name 3:

Names of all FCPS staff involved:

Staff Name 1:

Staff Name 2:

Staff Name 3:

Staff Name 4:

Staff Name 5:

Staff Name 6:

Staff Name 7:

Police report Number:

SRO/Law Enforcement trained in Crisis Prevention Intervention (CPI), Physical Restraint, disciplinary policies, and behavior interventions for students with disabilities utilized by FCPS: (if no, consult BCBA Supervisor to coordinate training)



PHYSICAL RESTRAINT AND/OR EXCLUSION COMPLAINT FORM

Reference FCPS Regulation 400-44, Section G

The purpose of the form is to facilitate any student, parent, guardian, staff member, or other individual to freely express concerns regarding the use of physical restraint and/or exclusion practices.

**This form is available in the front office of every school building and [online](#).*

I. Contact Information (Optional)

Name: _____

Date: _____

Email: _____

Phone Number(s): _____

Mailing Address: _____

II. Details of the Complaint

The incident occurred at (location) _____.

A brief description of the incident is described below:

Comments:

Retaliation, harassment, or negative educational consequence is strictly prohibited against any complainant (or any member of their family) or any other individual (or any member of their family) for filing the complaint or otherwise participating in the complaint process.