

A. Purpose

1. To safeguard student well-being by promoting positive behavior interventions, restorative practices, and de-escalation strategies, while establishing that Physical Restraint shall be permitted only as a measure of last resort in emergency situations when necessary to protect Frederick County Public Schools (FCPS) students or staff or other individuals from imminent serious physical harm, and only after less intrusive, nonphysical interventions have failed or been determined inappropriate for the student.
2. To establish clear expectations for FCPS staff to: document all incidents of Physical Restraint, elopement, and exclusion; notify parents promptly following such incidents; complete required training in positive behavior interventions, strategies, and supports, restorative practices, and de-escalation strategies; and comply with all applicable federal and State laws and regulations governing student behavior interventions.

B. Background

1. FCPS entered into a multiyear Settlement Agreement with the U.S. Department of Justice (DOJ) to remedy identified noncompliance related to the use of restraint and exclusion. As part of this work, FCPS revised this Regulation with DOJ input to strengthen safeguards, clarify key definitions, and improve documentation and complaint processes. Strengthening this Regulation contributed significantly to the progress FCPS has made in providing an education to all students and to successfully completing the requirements of the DOJ Settlement Agreement. This Regulation continues to support consistent implementation and greater accountability across the district.
2. During the 2025 legislative session, the Maryland General Assembly enacted House Bill 1204, known commonly as “Ace’s Law”. This legislation establishes new statutory obligations regarding the timely notification and documentation of incidents in which a student elopes — that is, leaves school grounds or supervision without authorization. Ace’s Law reflects growing legislative and public concern over student safety, particularly for students with disabilities or behavioral health needs who may be at increased risk when unsupervised. As edited, this Regulation meets the requirements set in Ace’s Law for Maryland public schools.

C. Definitions

1. “Behavior Intervention Plan” (BIP) is defined to mean a proactive plan created by appropriately trained professionals for an individual student to address challenging behaviors exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports, and includes the following required components:
 - a. Clear and specifically defined targeted behaviors;

- b. Data on the targeted behaviors, as collected through a functional behavior assessment;
 - c. Specific methods of data collection for progress monitoring; and
 - d. A hierarchy of responses to address student behavior.
2. “Behavior Support Plan” (BSP) is defined to mean a function-based, individualized behavior plan (for students in the SST process or students with Section 504 plans) that defines a student’s observable target behavior and teaches a socially appropriate replacement behavior through proactive antecedent supports and consistent consequence strategies designed to reduce interference and increase successful engagement across school settings.
 3. “Board Certified Behavior Analyst” (BCBA) is defined to mean an individual who has been certified by an accredited organization, like the Behavior Analyst Certification Board (BACB).
 4. “Debrief” or “Debriefing” is defined to mean a meeting, documented in writing, required to occur within two (2) school days after every incident of Physical Restraint.
 5. “De-escalation Techniques” is defined to mean 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. “Elopement” is defined to mean the act of a student leaving school grounds without the permission of an FCPS staff member who has responsibility for the student.
 7. “Excessive Exclusion” is defined to mean a pattern of frequent and consistent exclusion, specifically at least three (3) exclusions in a four-week period.
 8. “Exclusion” is defined to mean the adult-directed removal of a student to a Supervised Exclusion Area for a limited period of time, not to exceed thirty (30) minutes, during which the student is not receiving instruction including special education, related services, or support.
 9. “Functional Behavior Assessment” (FBA) is defined to mean 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.
 10. “Imminent serious physical harm” is defined to mean bodily injury which involves:
 - a. A substantial risk of death;
 - b. Extreme physical pain;
 - c. Protracted and obvious disfigurement; or
 - d. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

11. “Individualized Education Program” (IEP) is defined to mean a written plan for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act (IDEA).
12. “Individualized Education Program Team” (IEP Team) is defined to mean a group of individuals to include parents responsible for identifying and evaluating students with disabilities. The IEP Team develops, reviews, and/or revises an IEP for a student with a disability and determines placement in the least restrictive environment.
13. “Mandt” is defined to mean The Mandt System or any entity that replaces Mandt in providing training to FCPS staff on how to prevent crises, use crisis de-escalation strategies, and apply Physical Restraint.
14. “Mechanical Restraint” (MR) is defined to mean the use of 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.
15. “Parent” is defined to mean a biological or adoptive parent, a court-appointed custodian or guardian, a foster parent, or a caregiver (as defined by the Education Article of the Maryland Annotated Code or as designated by the United States Department of Health and Human Services, Office of Refugee Resettlement).
16. “Physical Restraint” is defined to mean a personal restriction, imposed by an FCPS Staff member during school hours, that immobilizes a student or reduces a student’s ability to move their torso, arms, legs, or head freely, and does not include:
 - a. Briefly holding a student in order to calm or comfort the student;
 - b. The temporary touching or holding of a student’s hand, wrist, arm, shoulder, or back to escort the student safely to another area when contact ends upon arrival;
 - c. Moving a disruptive student unwilling to leave when other methods such as counseling have been unsuccessful; or
 - d. Breaking up a fight in the school building or on school grounds.
17. “Positive behavior interventions, strategies, and supports” is defined as the school-wide and individual application of data-driven, trauma-informed actions, instruction, and assistance to promote positive social and emotional growth while preventing or reducing challenging behaviors in an effort to encourage educational and social emotional success.
18. “School property” or “School grounds” is defined to mean any school or other FCPS facility, including grounds owned or operated by FCPS, FCPS buses and other FCPS vehicles, chartered vehicles, and the facility and/or grounds of any FCPS-sponsored activity involving students.
19. “School Resource Officer” (SRO) or “Law Enforcement” is defined to mean a sworn law enforcement officer responsible for safety and crime prevention in schools.

20. “Seclusion” is defined to mean 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.
21. “Section 504 Plan” is defined to mean a written document developed for an eligible student that allows the student to receive a free and appropriate education in the least restrictive environment.
22. “Section 504 Team” or “504 Team” is defined to mean a group of individuals possessing knowledge of a student, the student’s evaluation data, placement options, Section 504, this Regulation, and related, relevant Board Policies and FCPS Regulations.
23. “Staff” or “School Personnel” is defined to mean all FCPS school system and contracted employees.
24. “Student Support Team” is defined to mean 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.
25. “Student With a Disability” is defined to mean a student, age three (3) years old through the end of the school year in which the student turns twenty-one (21) years old, who falls within one of the classifications set forth in the Individuals with Disabilities Education Act (IDEA) and who, because of the disability, needs special education and related services, or who qualifies as a student with a disability pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and who, because of such qualification, requires a Section 504 Plan.
26. “Supervised Exclusion Area” is defined to mean an alternative location in the school building outside of the classroom, where an FCPS Staff member actively monitors the student, and which:
 - a. Must be visible to school personnel with the ability to see the student at all times;
 - b. Must have adequate lighting, ventilation and furnishings;
 - c. Must be unlocked and free of barriers to prevent egress; and
 - d. May include sensory items to de-escalate as well as visuals and other tools for coping strategies.

27. “Timeout” is defined to mean 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.
28. “Trauma-informed intervention” is defined as an approach to behavior intervention that is informed by the recognition that the experience of trauma, including the experience of violence, abuse, neglect, disaster, terrorism, and war, may have a significant impact on an individual’s physical and emotional health and ability to function.
29. “Wandering” is defined to mean the act of a student leaving a classroom or area on school grounds, but not leaving the school grounds itself, without the permission of an FCPS staff member who has responsibility for the student, and does not include a student leaving a classroom or area on school grounds under a flash pass or another standing arrangement that has been approved by a school administrator.

D. Procedures

1. **General Terms and Expectations for Practices Associated with Physical Restraint, Elopement, and Exclusion**
 - a. All schools will have a safe, positive, healthy, inviting and welcoming environment where desired learning and development can occur. It is the responsibility of the school staff to proactively promote student learning and engagement through a safe, inclusive, supportive, fair, and nondiscriminatory educational environment, in accordance with section C of [Board Policy 403](#).
 - b. All schools are expected to use an array of positive behavior interventions, de-escalation strategies, restorative practices to support the teaching and learning process and prevent future harm, and supports to increase or decrease targeted student behaviors accordingly.
 - c. 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 section D(7)(a) below.
 - d. Trained school personnel shall only use exclusion and Physical Restraint:
 - i. After other less intrusive, nonphysical interventions have been considered, attempted, and determined to be inappropriate;
 - ii. In a humane, safe and effective manner;
 - iii. Without intent to harm or create discomfort;
 - iv. 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 BIP;
 - v. Consistent with an evidence-based, trauma-informed crisis prevention intervention program; and
 - vi. As it relates only to Physical Restraint, as a last resort in an emergency situation when necessary to protect a student or other person from imminent, serious physical harm.

- e. School personnel conducting a physical escort shall use a natural position and safe manner. A physical escort is not a prolonged action and does not restrict the student's ability to move freely. It is limited in duration and physical touch and most importantly allows the student to move in a natural manner from one place to another using their own physical ability.
- f. Nothing in this Regulation prohibits:
 - i. Staff from initiating appropriate student disciplinary actions pursuant to Maryland Annotated Code Education Article [§7-305](#), Code of Maryland Regulations (COMAR) [13A.08.01.11](#), and [COMAR 13A.08.03](#); or
 - ii. Law enforcement, judicial authorities, 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.

2. **Mandatory Reporting**

- a. FCPS staff are mandated reporters under State law and are required to immediately report any suspected incident of child abuse or neglect to Child Protective Services (CPS) or Adult Protective Services (APS), as appropriate. This obligation applies regardless of the circumstances in which the concern arises, including, but not limited to, incidents involving elopement, exclusion, or Physical Restraint. Staff shall comply with statutory reporting requirements and the procedures outlined in [Board Policy 418](#), [Child Abuse and Neglect](#), and [FCPS Regulation 400-47](#), [Reporting Abuse and Neglect](#).
- b. A CPS report is warranted when the facts of the incident reasonably indicate possible neglect, which includes failure to provide proper supervision that places a child at significant risk of harm.

3. **Elopement**

- a. **Staff Response Expectations.** If a student attempts or accomplishes elopement off school property, the FCPS staff member who has responsibility of the student shall:
 - i. Promptly alert school administration.
 - ii. Follow the established school safety/emergency response plan.
 - iii. If this is an elementary student, contact the school's SRO, if the school has an SRO, or call 911.
- b. **Same-Day Parent Notification.** The school administrator or their designee will contact the student's parent as soon as possible after the elopement incident, but not later than the end of the school day on which the elopement occurred.
- c. **Documentation of Elopement**
 - i. Complete written documentation the same day through the student information system.
 - ii. Notate parent notification in the documentation system.
- d. **IEP Team Review.** If the student has an IEP, the IEP Team will convene no less than annually to:
 - i. Review and, if necessary, update the student's IEP and/or BIP to address and reduce elopement and/or wandering behaviors.
 - ii. Consider conducting a Functional Behavior Assessment (FBA) if:

1. The student has demonstrated a pattern of elopement and/or wandering behaviors.
2. The student has a BIP, and the student's current BIP does not address elopement and/or wandering behaviors.
- iii. Verify there is documentation of preventative strategies, staff responsibilities, and parent input in the student's IEP.

4. Exclusion

- a. **Use of Exclusion.** School personnel may use exclusion to address a student's behavior if:
 - i. The student's behavior unreasonably interferes with the student's learning or the learning of others; and
 - ii. The trained staff have determined other less intrusive, non-physical interventions are ineffective.
- b. **Exclusion Procedures**
 - i. 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.
 - ii. 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 D(7)(i) below.
 - iii. 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.
 - iv. 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.
 4. School personnel shall monitor a student placed in exclusion and provide the student with:
 - a. An explanation of the behavior that resulted in removal; and
 - b. Instructions on the behavior required to return to the learning environment.
 - v. Students placed in exclusion shall be informed at the time of the exclusion that they may leave any time they wish.
 - vi. School personnel shall monitor the duration of the exclusion and ensure that each period of exclusion does not exceed thirty (30) minutes.
 - vii. 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).
- c. Parents and school personnel may at any time request a meeting with the school administrator to address the use of exclusion and to:

- i. Conduct an FBA; and/or
 - ii. Develop, review, or revise the student’s BIP, BSP, Section 504 Plan, or IEP.
- d. **Excessive Exclusion**
- i. **Students Without a Disability.** If a student without a disability has experienced a pattern of frequent and consistent excessive exclusion (*i.e.*, at least 3 exclusions in a four-week period), school personnel shall consider the need to refer the student to a Student Support Team to determine if the student needs a BSP, or to an IEP Team or Section 504 Team to determine if the student has a disability that requires provision of special education and related services.
 - ii. **Students With a Disability**
 - 1. If a student with a disability has experienced a pattern of frequent and consistent excessive exclusion (*i.e.*, at least 3 exclusions in a four-week period), school personnel shall convene the appropriate team meeting to determine if the student’s IEP, Section 504 Plan, and/or BIP/BSP requires revision to reduce exclusion.
 - 2. 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 (*i.e.*, 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.
- e. **Documentation of Exclusion**
- i. Each incident of exclusion shall be electronically logged using the Exclusion Incident Report Form.
 - ii. School personnel shall fully and accurately complete the Exclusion Incident Report Form.
 - iii. The Coordinator of Behavior Supports and Compliance 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 (*i.e.*, at least 3 exclusions in a four-week period).
- f. **Parent Notification of Exclusion**
- i. The documentation described above shall be maintained in the student’s educational record and available for inspection at any time during school hours by the student’s parent.
 - ii. Each time exclusion is used, school personnel shall provide the parents oral or written notification by the end of the school day, or sooner if provided for in a student’s BIP or IEP.
 - iii. The completed Exclusion Incident Report Form must be provided to the parents within three (3) school days of the incident.
5. **Seclusion.** The use of Seclusion is prohibited by State law, State regulation, and this Regulation.
6. Monitored separation as part of a response to a physical or threatening interaction as defined by Maryland Annotated Code Education Article [§7-305](#) or as part of a disciplinary

investigation is distinguished from seclusion as defined under [COMAR 13A.08.04.02](#). However, said separation shall be brief, monitored, and intended to de-escalate to conform with [FCPS Regulation 403-03](#). If staff block or lock doors, that may meet the definition of a seclusion pursuant to [FCPS Regulation 403-03](#) and should be self-reported for review but would not necessarily violate state law.

7. General Requirements for the Use of Physical Restraint (PR)

- a. The use of Physical Restraint is permitted under the following circumstances:
 - i. 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.
 - ii. The parents of a student with a disability have provided written consent to the use of Physical Restraint after a student has received an updated BIP and crisis plan. Even if parents do consent to the use of restraint, the use of restraint must reach the threshold outlined in section D(7)(a)(i) above, and meet the requirements outlined in section D(7)(b)-(i) below to permit its use.
 - iii. 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, and BCBA's who have received training on the appropriate use of Physical Restraint, Mandt training, and any other training required by State law and this Regulation.
 - i. Physical Restraint may only be implemented and monitored by individuals who use appropriate Mandt techniques.
 - ii. 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:
 - i. Staff implementing the restraint use appropriate Mandt techniques;
 - ii. The restraint does not place a student in a face down position;
 - iii. 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,
 - iv. 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. **Debrief Meeting**

- i. Every instance of Physical Restraint will be debriefed using the Physical Restraint Incident Reporting Debrief Form.
 - ii. The debrief meeting must occur within two (2) days of the Physical Restraint.
 - iii. Debrief participants shall include all staff who performed and observed the Physical Restraint. Participants shall include an administrator, classroom teacher, paraprofessional, and school counselor. When appropriate, participants shall also include the BCBA assigned to the school or classroom, the school therapist, and all other staff who performed and observed the restraint.
 - iv. During the debrief meeting, participants shall 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.
- i. **Documentation of Physical Restraint (PR)**
- i. Only one (1) Physical Restraint should be documented per Physical Restraint Incident Report Form.
 - ii. Each time a student is in a Physical Restraint, school personnel shall fully and accurately complete the Physical Restraint Incident Report Form.
 - iii. The Physical Restraint Incident Report Form shall be maintained in the student's educational record and available for inspection during school hours by the student's parent.
 - iv. Each time Physical Restraint is used, parents 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.
 - v. The completed Physical Restraint Incident Report Form must be provided to the parents within three (3) school days of the incident.
8. **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 includes 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, such as 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.
9. **Required Referral to a Student Services Team, Section 504 Team, or IEP Team**
- a. **Students Not Identified as a Student with a Disability or a Section 504 Team.** 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 Support Team, Section 504 Team, or IEP Team. A screening IEP team shall be convened within ten (10) school days. Referrals to a Section 504 Team shall follow the procedures outlined in [FCPS Regulation 400-66, Section 504 of the Rehabilitation Act of 1973.](#)

b. Students with an IEP

- i. Any time a student is subjected to Physical Restraint, within ten (10) school days, the school, with support from the FBA/BIP School Team will convene an IEP meeting to determine the need for an FBA and obtain parental consent to conduct an FBA, if necessary. Within thirty (30) school days from the date of parental consent, the FBA/BIP School Team 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.
- ii. If restraint is used for a student with a disability, and the student's 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, or sooner if the student's behavior is adversely affected after the use of restraint:
 1. The need for an FBA;
 2. Developing appropriate behavior interventions;
 3. Implementing a BIP;
 4. Training for school personnel;
 5. Revisions to the IEP;
 6. Existing health, physical, psychological, and psychosocial information, including any contraindications to the use of restraint based on medical history or past trauma;
 7. Information provided by the parents;
 8. Observations by teachers and related service providers;
 9. The student's current placement;
 10. The frequency and duration of restraint incidents and behavior events that occurred since the IEP Team last met; and
 11. If the student's behavior is adversely affected, alternative behavioral health treatments.
- iii. 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:
 1. 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;
 2. 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
 3. Obtain written consent from the parent, consistent with Education Article [§8-405](#), Annotated Code of Maryland and [COMAR 13A.08.04.05\(C\)\(5\)](#).
- iv. 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.

- v. For every student whose BIP and/or IEP includes Physical Restraint, FCPS will include in the IEP what FCPS 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.
- vi. FCPS will provide the student's parent with written notice in accordance with [COMAR 13A.05.01.12\(A\)](#) when the IEP Team proposes or refuses to initiate or change the student's IEP that includes the use of restraint.
- vii. **Parental Consent.** The IEP Team must obtain the written consent of the parent if the team proposes to include Physical Restraint in the BIP and/or IEP to address the student's behavior. If the parent does not provide written consent, the team must send the parent written notice within five (5) business days of the team meeting that states:
 1. The parent has the right to either consent or refuse to consent to the use of Physical Restraint; and
 2. If the parent does not provide written consent or a written refusal within 15 business days of the team meeting, the team may implement the proposed use of Physical Restraint.
- viii. **Dispute Resolution.** If the parent 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.
- ix. 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.
 1. This is the case regardless of whether the parent has provided written consent to include Physical Restraint on a student's BIP and/or IEP.
 2. In any event, each time Physical Restraint is used, parents 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.
- x. Even if parents do consent to the use of Physical Restraint, the use of Physical Restraint must comply with all of the requirements set forth in this Regulation.

10. Required Notification, Review, and Recommendation Related to a Student's Tenth Incident of Physical Restraint

- a. If a student enrolled in an FCPS school is physically restrained ten (10) times or more in a school year, the school shall provide notice to the Maryland Department of Education (MSDE) and the appropriate FCPS Office of Special Education staff at the earliest opportunity, but not longer than four (4) business days after the student's tenth incident of Physical Restraint and every tenth incident thereafter.
- b. Within ten (10) business days from receipt of the notice required under (a) and (b) above, the appropriate FCPS Office of Special Education staff shall:
 - i. Review the student's case, including the circumstances of each incident of Physical Restraint or seclusion;

- ii. Assess the school's or nonpublic school's pattern of behavioral health interventions to evaluate whether the school or nonpublic school could use less restrictive behavioral health interventions; and
- iii. Share the FCPS's recommendations with MSDE and the school or nonpublic school.

11. Law Enforcement Requested and Related Documentation

- a. Each time staff requests that a School Resource Officer (SRO) or other law enforcement officer respond to student behavior, that staff person will complete the Law Enforcement Request Report Form.
- b. All Law Enforcement Request Reports will be reviewed by the Coordinator of Behavior Supports and Compliance within two (2) school days of their completion to evaluate compliance with the standards in section D(11)(a) above.
- c. The Coordinator of Behavior Supports and Compliance will immediately report to the Superintendent or their designee in writing any incident that does not comply with these standards or the requirements of this Regulation. For each such incident, FCPS will take immediate, effective remedial action.

12. Professional Learning

- a. Each school shall provide professional learning to school personnel designated to use de-escalation techniques, exclusion, or Physical Restraint.
- b. 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.
- c. Professional learning shall be provided annually to designated school personnel regarding positive behavior intervention strategies and supports, including methods for identifying and defusing potentially dangerous behavior. Training shall include:
 - i. Crisis prevention by Mandt or other appropriate crisis intervention entity;
 - ii. Appropriate use, documentation and notification of Exclusion and Physical Restraint;
 - iii. Appropriate documentation, notification, and IEP Team procedures for Elopement;
 - iv. This Regulation and other applicable related Board Policies and FCPS Regulations;
 - v. First Aid and cardiopulmonary resuscitation;
 - vi. Development and implementation of FBAs and BIPs;
 - vii. Individualized behavior interventions based on student characteristics, including disability, medical history, and past trauma;
 - viii. Recognizing symptoms of physical distress and positional asphyxia;
 - ix. Appropriate use, documentation and notification of Physical Restraint, including alternatives to Physical Restraint;
 - x. The prohibition of seclusion;
 - xi. Trauma-informed intervention; and
 - xii. Verbal and nonverbal de-escalation techniques.
- d. The Coordinator of Behavior Supports and Compliance will provide annual professional development to include:

- i. A course for all BCBA's and Administrators that addresses how to review all Physical Restraint Incident Reports, Physical Restraint Incident Debrief, and Exclusion Incident Reports.
- ii. A course for all instructional staff (including paraprofessionals and all aides who work with any Students with a Disability) that addresses:
 - 1. Federal and State laws and regulations on how to serve students with disabilities, including the Americans with Disabilities Act (ADA) and Section 504, which covers, among other topics, how to consider and respond appropriately to requests for reasonable modifications;
 - 2. Principles of behavior, analyzing behavior, proactive behavior management, de-escalation, and simple non-intrusive strategies for replacing inappropriate behavior with appropriate behavior;
 - 3. Proper use of Physical Restraint, including supervised practice of Physical Restraint techniques for all Mandt-trained staff until they can perform all of the Mandt holds with fidelity;
 - 4. How to provide individualized supports and interventions to students and how to evaluate the effectiveness of those supports and interventions;
 - 5. How to complete all reports, forms, and reviews, including after incidents of elopement, exclusion, and restraint, and effective debriefing after an incident of Physical Restraint; and
 - 6. How to refer complaints filed under the complaint procedure.
- iii. A course for all special education teachers that addresses:
 - 1. Conducting FBAs that generate accurate results and developing and implementing effective BIPs; and
 - 2. Writing behavioral goals and implementing instruction aligned with those goals.
- e. 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 (when applicable) in the skills and competencies.
- f. Professional learning in Mandt, Physical Restraint, this Regulation, [Board Policy 403, Student Discipline, FCPS Regulation 403-01, Student Discipline, FCPS Regulation 403-02, Suspension and Expulsion](#) (formerly 408-01), and any other applicable disciplinary policies and procedure, as well as behavioral interventions for students with disabilities will be available to SROs.

13. Physical Restraint and/or Exclusion Complaint Procedure

- a. Any student, parent, 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.
- b. Complaints may be submitted by any student, parent, staff member, or other individual.
 - i. Oral complaints may be submitted by contacting the Office of Special Education for FCPS at (240) 586-8680 or the Ombuds for FCPS at (240) 586-8906.

- ii. Written complaints may be submitted by completing the [Physical Restraint and/or Exclusion Complaint Form](#) on FCPS’s website. The [Physical Restraint and/or Exclusion Complaint Form](#) may be submitted by any of the following methods:
 - 1. Email to BCBA@fcps.org.
 - 2. Hardcopy (hand-delivered to the school or Central Office or sent via US Mail to Attn: Coordinator of Behavior Supports and Compliance, Office of Special Education, 191 South East Street, Frederick, MD 21701).
 - c. The Coordinator of Behavior Supports and Compliance will complete the following steps in order to promptly respond to complaints:
 - i. Investigate all complaints, including requesting additional information from complainants, affected parties, or any other individual if necessary.
 - ii. The Coordinator of Behavior Supports and Compliance will provide a written determination simultaneously to all parties no later than sixty (60) days from the receipt of the complaint.
 - d. 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.
14. **Annual Review.** FCPS will annually review this Regulation in accordance with [COMAR 13A.08.04.06\(B\)](#) and recommend it for review as necessary.

E. Related Information

- 1. **Board Policy**
 - a. [Policy 403, Student Discipline](#)
(<https://apps.fcps.org/legal/documents/403>)
 - b. [Policy 404, Student Rights and Responsibilities](#)
(<https://apps.fcps.org/legal/documents/404>)
 - c. [Policy 418, Child Abuse and Neglect](#)
(<https://apps.fcps.org/legal/documents/418>)
- 2. **Code of Maryland Regulations (COMAR)**
 - a. [COMAR 13A.05.01.12, Procedural Safeguards—Prior Written Notice](#)
 - b. [COMAR 13A.08.02, Student Records](#)
 - c. [COMAR 13A.08.04, Student Behavior Interventions](#)
- 3. **External Resources**
 - a. Maryland State Department of Education (MSDE). [Guidance Brief: Public and Nonpublic Schools Student Elopement: “Ace’s Law”](#). (Dec. 10, 2025).
(https://fcps-md.info/MSDE_Aces_Law)
- 4. **FCPS Regulations**
 - a. [Regulation 400-47, Reporting Abuse and Neglect](#)
(<https://apps.fcps.org/legal/documents/400-47>)
 - b. [Regulation 400-66, Section 504 of the Rehabilitation Act of 1973](#)

- (<https://apps.fcps.org/legal/documents/400-66>)
- c. [Regulation 403-01, *Student Discipline*](https://apps.fcps.org/legal/documents/403-01) (formerly 400-08)
(<https://apps.fcps.org/legal/documents/403-01>)
- d. [Regulation 403-02, *Suspension and Expulsion*](https://apps.fcps.org/legal/documents/403-02) (formerly 408-01)
(<https://apps.fcps.org/legal/documents/403-02>)
- e. [Regulation 508-02, *School Individualized Education Program \(IEP\) Team*](https://apps.fcps.org/legal/documents/508-02)
(<https://apps.fcps.org/legal/documents/508-02>)

5. FCPS Resources

- a. [FCPS / Connect with FCPS / Concern Resolution for Students and Families](https://www.fcps.org/connect_with_fcps/concern_resolution_for_students_and_families)
(https://www.fcps.org/connect_with_fcps/concern_resolution_for_students_and_families)
- b. [FCPS / Families & Students / Student Code of Conduct](https://www.fcps.org/families_students/student_code_of_conduct)
(https://www.fcps.org/families_students/student_code_of_conduct)
- c. **Forms**
 - i. Exclusion Incident Report Form
 - ii. Law Enforcement Request Report Form
 - iii. Physical Restraint Debrief Report Form
 - iv. Physical Restraint Incident Report Form
 - v. [Physical Restraint and/or Exclusion Complaint Form](https://apps.fcps.org/forms/parents-students-special-education/307)
(<https://apps.fcps.org/forms/parents-students-special-education/307>)

6. Federal Law

- a. Americans with Disabilities Act (ADA)
- b. [Individuals with Disabilities Education Act \(IDEA\)](https://fcps-md.info/IDEA_20_USC_1400)
(https://fcps-md.info/IDEA_20_USC_1400)
- c. [Section 504 of the Rehabilitation Act of 1973 \(Section 504\)](https://fcps-md.info/Section_504_29_USC_794)
(https://fcps-md.info/Section_504_29_USC_794)

7. Maryland Statutes

- a. [Md. Code Ann., Educ. § 7-305](https://fcps-md.info/MD_Educ_Code_7-305)
(https://fcps-md.info/MD_Educ_Code_7-305)
- b. [Md. Code Ann., Educ. § 7-307](https://fcps-md.info/MD_Educ_Code_7-307)
(https://fcps-md.info/MD_Educ_Code_7-307)
- c. [Md. Code Ann., Educ. § 7-1101](https://fcps-md.info/MD_Educ_Code_7-1101)
(https://fcps-md.info/MD_Educ_Code_7-1101)
- d. [Md. Code Ann., Educ. § 7-1102](https://fcps-md.info/MD_Educ_Code_7-1102)
(https://fcps-md.info/MD_Educ_Code_7-1102)
- e. [Md. Code Ann., Educ. § 7-1103](https://fcps-md.info/MD_Educ_Code_7-1103)
(https://fcps-md.info/MD_Educ_Code_7-1103)
- f. [Md. Code Ann., Educ. § 7-1104](https://fcps-md.info/MD_Educ_Code_7-1104)
(https://fcps-md.info/MD_Educ_Code_7-1104)
- g. [Md. Code Ann., Educ. § 7-1105](https://fcps-md.info/MD_Educ_Code_7-1105)
(https://fcps-md.info/MD_Educ_Code_7-1105)
- h. [Md. Code Ann., Educ. § 7-1106](https://fcps-md.info/MD_Educ_Code_7-1106)
(https://fcps-md.info/MD_Educ_Code_7-1106)
- i. [Md. Code Ann., Educ. § 7-1107](https://fcps-md.info/MD_Educ_Code_7-1107)

- (https://fcps-md.info/MD_Educ_Code_7-1107)
- j. [Md. Code Ann., Educ. § 7-11A-01](#)
(https://fcps-md.info/MD_Educ_Code_7-11A-01)
- k. [Md. Code Ann., Educ. § 7-11A-02](#)
(https://fcps-md.info/MD_Educ_Code_7-11A-02)
- l. [Md. Code Ann., Educ. § 7-11A-03](#)
(https://fcps-md.info/MD_Educ_Code_7-11A-03)
- m. [Md. Code Ann., Educ. § 8-413](#)
(https://fcps-md.info/MD_Educ_Code_8-413)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Department of Special Education and Student Services
Adoption Dates	11/10/04
Review Dates	
Revision Dates	05/01/11; 09/04/19; 02/04/22; 09/07/22; 01/27/26