

REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: JK

Responsible Office: DIVISION OF SPECIAL EDUCATION, DIVISION OF STUDENT SERVICES, OFFICE OF SCHOOL PERFORMANCE

STUDENT BEHAVIOR INTERVENTIONS – EXCLUSION, SECLUSION, AND PHYSICAL RESTRAINT

A. PURPOSE

To establish procedures to ensure the uniform use of exclusion, seclusion, and physical restraint as forms of student behavior interventions in schools.

B. BACKGROUND

In accordance with the Code of Maryland Regulations (COMAR), Anne Arundel County Public Schools (AACPS) is committed to providing a safe instructional environment for all students. In order to achieve this goal, a range of behavior interventions shall be available to staff. Such interventions shall be clearly delineated and progressive in nature ranging from positive behavior interventions to more intensive interventions as outlined below.

C. DEFINITIONS

The following definitions are in accordance with COMAR.

1. *Behavior Intervention Plan (BIP)* –

- a. A proactive, data-based plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive interventions, strategies, and supports.
- b. A behavioral intervention plan includes:
 - i. Clear and specifically defined targeted behaviors;
 - ii. Data on targeted behaviors, as collected through a functional behavior assessment;
 - iii. Specific methods of data collection for progress monitoring; and,

- iv. A hierarchy of responses to address student behavior.
2. **Debrief** – an intentional process wherein a restraint incident is reviewed by school personnel in order to prevent future incidents and improve responses to the student’s changing behavior. Debrief includes:
 - a. Review of the events leading up to the restraint incident;
 - b. Analysis of school personnel’s compliance with an existing BIP, Section 504 plan, or Individualized Education Program (IEP); and
 - c. Consideration of new or additional behavioral strategies to address the behavior that led to the use of restraint or seclusion.
 3. **Escort** – the temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of safely guiding a disruptive student from one location to another. During an escort, the student’s bodily movement is not restricted in any way and the student is not resistant to the relocation (e.g. a staff member holding the student’s hand or placing a hand on the student’s back or elbow as the student willingly moves with the staff member to another location).
 - a. A physical escort is not:
 - i. A prolonged action; and
 - ii. Does not restrict the student’s ability to move freely.
 4. **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.
 5. **Imminent, Serious Physical Harm** – Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
 6. **Mechanical Restraint** – the use of any device or equipment to restrict a student’s freedom of movement.

Mechanical restraint devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed.

7. **Physical Restraint** – a personal restriction that immobilizes a student or reduces the ability of a student to move their torso, arms, legs, or head freely. Physical restraint does not include:

- a. Briefly holding a student in order to calm or comfort the student;
 - b. Holding a student's hand or arm to escort the student safely from one area to another;
 - c. Moving a disruptive student who is unwilling to leave the area when other methods such as counseling have been unsuccessful; or
 - d. Breaking up a fight in the school building or on school grounds in accordance with §7-307 of the Education Article, Annotated Code of Maryland.
8. **Seclusion** – the confinement of a student alone in a room, an enclosure, or any other space from which the student is physically prevented from leaving during school hours. Seclusion does not include a behavior intervention plan of separating a student by placing the student:
- a. Into a nonlocked room from which the student is allowed to leave; or
 - b. Within a separate location in a classroom from which the student is not physically prevented from leaving.

D. PROCEDURES

In accordance with State laws and regulations, AACPS school-based staff shall receive professional development on the use of behavior interventions. The use of student behavior interventions, including exclusion, seclusion, and physical restraint, shall be in accordance with COMAR.

1. School personnel may only use exclusion or physical restraint:
 - a. After less restrictive or alternative approaches have been:
 - i. Attempted; or
 - ii. 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 BIP; and,

- e. Consistent with an evidence-based trauma-informed crisis prevention intervention program.
2. An escort performed by school personnel shall be conducted in a safe manner.
3. **Exclusion**
- a. The use of exclusion of students shall be in accordance with COMAR.
 - b. School personnel may use exclusion to address a student's behavior:
 - i. If the student's behavior unreasonably interferes with the student's learning or the learning of others;
 - ii. If 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, nonphysical interventions have failed or been determined inappropriate;
 - iii. If exclusion is requested by the student; or
 - iv. If supported by the student's BIP.
 - c. A setting used for exclusion shall:
 - i. Allow school personnel to see the student at all times;
 - ii. Provide adequate lighting, ventilation, and furnishing; and
 - iii. Be unlocked and free of barriers to prevent egress.
 - d. School personnel shall maintain anecdotal records regarding exclusion to contain, at a minimum:
 - i. The name of the student;
 - ii. The location of the exclusion;
 - iii. The date and start and end time of the incident; and,
 - iv. The behavior that prompted the use.
 - e. Placing a student outside the classroom without adult supervision is prohibited. School personnel shall monitor a student placed in exclusion and provide a student in exclusion with an explanation of the behavior that resulted in the

removal and instructions on the behavior required to return to the learning environment.

- f. Each period of exclusion may not exceed 30 minutes. Students shall be assessed and consistently monitored within the period of exclusion to determine their ability to return to the classroom environment and re-engage with the instructional program. School personnel shall ensure that each period of exclusion is appropriate to the developmental level of the student and the severity of the behavior and provides support to increase the student's self-regulation in order to return to the instructional setting.
- g. If a student experiences repeated periods of exclusion, school personnel must refer the student to the school-based problem solving team, 504 team, or IEP team to determine the need for school-based interventions or to initiate a review of behavioral supports provided to the student.
- h. The use of exclusion shall be documented in accordance with COMAR.

4. Seclusion

The use of seclusion is prohibited in AACPS schools. Seclusion may be used for AACPS students placed in Maryland State Department of Education (MSDE)-approved nonpublic settings in accordance with COMAR.

5. Physical Restraint

- a. In accordance with COMAR, the use of physical restraint is prohibited unless the use of physical restraint is necessary to protect a student or other person from imminent, serious physical harm and other less intrusive, nonphysical interventions have failed or been determined inappropriate.
- b. Physical restraint shall be removed as soon as the student no longer poses a threat of imminent, serious physical harm.
- c. Each time school personnel use physical restraint, school personnel involved in the restraint shall debrief and document the incident using the AACPS-approved *Documentation of Student Behavior Interventions/Restraint* form. This form documents information in accordance with COMAR. The debrief and documentation shall occur as soon as possible after the event. The documentation shall be maintained in the student's educational record. Parents/guardians shall be notified within 24 hours, in writing, about the use of restraint.
- d. Physical restraint may be included in a student's behavioral intervention plan, Section 504 plan, or IEP to address the student's behavior in an emergency situation if school personnel:

- i. Determine restraint has been used with the student;
 - ii. Review available data to identify any contradictions to the use of physical restraint or seclusion based on medical history or past trauma, including consultation with medical or mental health professionals as appropriate;
 - iii. Identify less intrusive, nonphysical interventions that will be used to respond to the student's behavior until physical restraint is used in an emergency situation; and
 - iv. Obtain written consent from the student's parent(s)/guardian(s) consistent with COMAR 13A.08.04.05.C(9).
- e. In the case of a student with disabilities who requires restraint, if the student's IEP, Section 504 Plan, or BIP includes the use of restraint, the IEP or BIP must specify how often the IEP team shall meet to review or revise the student's IEP or BIP. When a Section 504 or IEP team meets to review or revise a student's Section 504 plan, IEP, or BIP the Section 504 or IEP team shall consider:
- i. Existing health, physical, psychological, and psychosocial information, including any contradictions to the use of restraint or seclusion based on medical history or past trauma;
 - ii. Information provided by the student's parent(s)/guardian(s);
 - iii. Observations by teachers and related service providers;
 - iv. The student's current placement; and
 - v. The frequency and duration of restrain incidents and behavior events that occurred since the IEP team met last.
- f. School personnel shall provide the parent(s)/guardian(s) of the student with written notice in accordance with COMAR when a Section 504 or IEP team proposes or refuses to initiate or change the student's Section 504 plan, IEP, or behavior intervention plan that includes the use of restrain or seclusion.
- g. If the student's Section 504 Plan, IEP, or BIP does not include the use of restraint, the Section 504 or IEP team shall meet within 10 business days of the incident resulting in the restraint to consider:
- i. The need for a functional behavior assessment;
 - ii. Developing appropriate behavioral interventions;

- iii. Implementing a BIP;
 - iv. Training for school personnel; and,
 - v. Revisions to the Section 504 Plan or IEP.
- h. If the behavior of a student with a Section 504 plan or IEP is adversely affected after the use of physical restraint, the student’s 504 or IEP team shall convene a meeting on an expedited bases or at the earliest opportunity to discuss alternative behavioral health treatments.
- i. In the case of a student without disabilities who requires restraint, the student shall be immediately referred to the Student Support, Section 504, or the IEP team.
- j. AACPS staff involved in the implementation of non-violent passive physical restraint shall be certified in the use of Non-Violent Crisis Intervention, in accordance with COMAR. Opportunities for certification and recertification in the use of Non-Violent Crisis Intervention shall be offered annually.
- k. If a student enrolled in a public school is physically restrained 10 times or more in a school year, AACPS shall provide notice to MSDE at the earliest opportunity, but not longer than 4 business days after the student’s 10th incident of physical restraint and every 10th incident thereafter.

Within 10 business days from receipt of notice from a public or nonpublic school that a student has been physically restrained or placed in seclusion 10 times or more in the school year. AACPS shall:

- i. Review the student’s case, including the circumstances of each incident of physical restraint or seclusion;
- ii. Assess the public or nonpublic school’s pattern of behavioral health interventions to evaluate whether the public or nonpublic school could use less restrictive behavioral health interventions; and
- iii. Share AACPS’ recommendations with MSDE and the public or nonpublic school.

6. Mechanical Restraint

The use of a mechanical restraint on a student shall occur only as a stability or protective device in accordance with COMAR. These devices must be prescribed by an appropriate medical or related service professional or in accordance with the student’s IEP or BIP.

7. When it is determined that any of the above interventions is necessary, school personnel should make every effort to ensure that another adult is present.

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Note Previous Regulation History: Replaces JK-RA issued 02/15/06, revised 05/17/10

Legal References: 18 U.S.C. §1365(h)(3), 34 C.F.R. §300.530(h)(i)(3), Sections 7-1101 – 7-1106, 7-307, and 8-405 of the Education Article, COMAR 13A.08.04 Student Behavior Interventions