

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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1. PURPOSE

To promote positive behavior interventions and to limit the use of physical restraint, exclusion, and seclusion to protect the safety, security and welfare of all students and staff when a student's behavior presents an imminent danger of physical harm to self or others.

2. RATIONALE

This policy defines the circumstances under which a school staff member may use physical restraint, exclusion, and seclusion as a means of preserving a safe environment for all.

3. DEFINITIONS

- A. "Behavior Intervention Plan" means a proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavior interventions, strategies and supports.
- B. "Business day" has the meaning stated in COMAR 13A.08.03.
- C. "Department" means the Maryland State Department of Education.
- D. "Exclusion" means 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.
- E. Functional Behavior Assessment (FBA)
 - 1) "Functional behavior assessment" means the systematic process of gathering information to guide the development of an effective and efficient behavior intervention plan for the problem behavior.
 - 2) "Functional behavior assessment" includes the:
 - a) Identification of the functions of the problem behavior for the student;
 - b) Description of the problem behavior exhibited in the educational setting; and
 - c) Identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.

- F. "IEP" means an individual education program as defined and developed in accordance with COMAR 13A.05.01.
- G. "IEP team" has the meaning stated in COMAR 13A.05.01.
- H. "Mechanical restraint" means 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.
- I. "Parent" has the meaning stated in COMAR 13A.05.01.
- J. Physical Restraint
 - 1) "Physical restraint" means the use of physical force, without the use of any device or material that restricts the free movement of all or a portion of a student's body.
 - 2) "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 if other methods such as counseling have been unsuccessful.
 - d) Intervening in a fight in accordance with Education Article §7-307. Annotated Code of Maryland.
- K. "Positive behavior interventions, strategies, and supports" means the application of affirmative school-wide and individual student specific actions, instruction, and assistance to encourage educational success.
- L. "Protective or stabilizing device" means 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 for the purpose of enhancing functional skills, preventing self-injurious behavior, or ensuring safe positioning of a person.
- M. "Restraint" means the use of a physical or mechanical restraint.
- N. "School personnel" means an individual employed by Somerset County Public Schools.
- O. "Seclusion" means the confinement of a student alone in a room from which the student is physically prevented from leaving.
- P. "Student with a disability" has the meaning stated in COMAR 13A.05.01

4. Student Behavior Interventions

- A. School personnel are encouraged to use an array of positive behavior interventions, strategies, and supports to increase or decrease targeted student behaviors.
- B. School personnel shall only use exclusion, seclusion, or restraint:
 - 1) After less restrictive or alternative approaches have been considered, and:
 - a) Attempted; or
 - b) Determined to be inappropriate
 - 2) In a humane, safe, and effective manner;
 - 3) Without intent to harm or create undue discomfort; and
 - 4) Consistent with known medical or psychological limitations and the student's behavior intervention plan

C. Nothing in the policy prohibits:

- 1) School personnel from initiating appropriate student disciplinary actions pursuant to Education Article § 7-305, Annotated Code of Maryland, COMAR 13A.08.01.11, and COMAR 13A.08.03: or
- 2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk in accordance with relevant law, regulation, policy, or procedures.

D. Maryland law now requires that an IEP team must obtain the annual written consent of a parent if the team proposes to include restraint or seclusion in the IEP to address the child's behavior as described in COMAR 13A.08.04.05 (Md. Code Ann., Educ. §8-405(f)(1)).

- 1) If the parent does not provide written consent, the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the IEP team meeting informing them that: 1) the parent has the right to either consent to or refuse to consent to the action proposed; and 2) if the parent does not provide written consent or a written refusal within fifteen (15) business days of the IEP team meeting, the IEP team may implement the proposed action (Md. Code Ann., Educ. §8-405(f)(2)).
- 2) If the parent refuses to consent, the IEP team may use the dispute resolution options listed in Education Article §8-413 (mediation or due process) to resolve the matter (Md. Code Ann., Educ. §8-405(f)(3)).

5. Use of Exclusion

A. School personnel may use exclusion to address a student's behavior if the student's behavior:

- 1) Unreasonably interferes with the student's learning or the learning of others;
- 2) Constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, non-physical interventions have failed or been determined inappropriate;
- 3) If exclusion is requested by the student; or
- 4) If supported by the student's behavior intervention plan.

B. A 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 and free of barriers to prevent egress.

C. School personnel shall monitor a student placed in exclusion and provide a student in exclusion with:

- 1) An explanation of the behavior that resulted in the removal; and
- 2) Instructions on the behavior required to return to the learning environment.

- D. Each period of exclusion may not exceed 30 minutes, and shall be appropriate to the developmental level of the student and the severity of the behavior.
- E. Submit the exclusion documentation to the supervisor of special education within 48 hours.
- F. Parents and school personnel may at any time request a meeting to address the use of exclusion:
 - 1) Conduct a functional behavior assessment, and
 - 2) Develop, review, or revise a student's behavioral intervention plan.
- G. School personnel shall consider the need to initiate a referral to the Learning Support Team if a nondisabled student has experienced two or more periods of exclusion to determine if the student has a disability that may require the provision of special education and related services, in accordance with COMAR 13A.05.01.
- H. School personnel shall ensure the implementation of appropriate procedures, in accordance with COMAR 13A.08.03, when a student with a disability has experienced an excessive period of exclusion that may result in a change of placement.

6. Use of Seclusion

- A. The use of seclusion is prohibited in Somerset County Public Schools unless:
 - 1) There is an emergency situation and seclusion is necessary to protect a student or another person after other less intrusive interventions have failed or been determined to be inappropriate.
 - 2) The student's IEP or behavioral intervention plan describes the specific behaviors and circumstances in which seclusion may be used; or
 - 3) The parents of a nondisabled student have otherwise provided written consent for the use of seclusion while a behavior intervention plan is being developed.
- B. School Personnel may use seclusion to address a student's behavior if the student's behavior:
 - 1) Unreasonably interferes with the student's learning or the learning of others; or
 - 2) Constitutes an emergency and seclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, non physical interventions have failed or been determined inappropriate.
- C. A setting used for seclusion shall:
 - 1) Provide school personnel with the ability to see student at all times;
 - 2) Provide adequate lighting, ventilation, and furnishings; and
 - 3) Be free of objects and fixtures with which a student could self-inflict bodily harm.
- D. A seclusion event:
 - 1) Shall be appropriate to the student's developmental level and severity of the behavior
 - 2) May not restrict the student's ability to communicate distress
 - 3) May not exceed 30 minutes

- E. School personnel shall view a student placed in seclusion at all times and provide a student in seclusion with:
 - 1) An explanation of the behavior that resulted in the removal; and
 - 2) Instructions on the behavior required to return to the learning environment
- F. If seclusion is used for a student who has not been identified as a student with a disability, the student shall immediately be referred to the school's pupil services team or IEP team.
- G. If seclusion is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of restraint or seclusion, the IEP team shall meet, in accordance with COMAR 13A.08.03, within 10 business days of the incident to consider:
 - (a) The need for a functional behavioral assessment;
 - (b) Developing appropriate behavioral interventions; and
 - (c) Implementing a behavioral intervention plan.

If seclusion is used for a student with a disability, and the IEP or behavior intervention plan includes the use of restraint or seclusion, the student's IEP or behavior intervention plan shall specify how often the IEP team shall meet to review or revise, as appropriate, the student's IEP or behavior intervention plan, in accordance with COMAR 13A.05.01 and 13A.08.03.

- G. School personnel shall ensure the implementation of appropriate procedures, in accordance with COMAR 13A.08.03, when a student with a disability has experienced an excessive period of seclusion that may result in a change of placement.
- H. Each time a student is placed in seclusion, school personnel shall document the following information and submit it to the supervisor of Special Education within 48 hours:
 - 1) Other less intrusive interventions that have failed or been determined inappropriate;
 - 2) The precipitating event immediately preceding the behavior that prompted the use of seclusion;
 - 3) The behavior that prompted the use of seclusion;
 - 4) The names and signatures of the staff members implementing and monitoring the Seclusion;
 - 5) Justification for the use of seclusion;
 - 6) The length of time in seclusion;
 - 7) The student's behavior and reaction during the seclusion;
 - 8) The name and signature of the administrator informed of the use of seclusion; and

- 9) Unless otherwise provided for in the student's behavior intervention plan or IEP, each time seclusion is used, school personnel shall provide the student's parent with verbal notification or send written notice within 24 hours.

7. Use of Restraint

- A. The use of mechanical restraint is prohibited in Somerset County Public Schools.
- B. The use of physical restraint is prohibited unless:
 - 1) There is an emergency situation and physical restraint is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, non-physical interventions have failed or been determined inappropriate;
 - 2) The student's behavioral intervention plan or IEP describes the specific behaviors and circumstances in which physical restraint may be used; or
 - 3) The parents of a nondisabled student have otherwise provided written consent for the use of physical restraints while a behavior intervention plan is being developed.
- C. Physical restraint shall be applied only by school personnel who are trained by SCPS certified trainers or who attend and are certified in an approved program in the appropriate use of physical restraint consistent with §8(C), below, and COMAR 13A.08.04.06(C).
- D. Physical restraint shall be removed as soon as the student is calm; and may not exceed 30 minutes.
- E. In applying physical restraint, school personnel shall only use reasonable force as is necessary to protect a student or other person from imminent, serious, physical harm and only as a last resort. Student may not be placed in a face down position or in a position that will obstruct a student's airway, or otherwise impair a student's ability to breathe, obstruct a staff member's view of student's face, restrict a student's ability to communicate distress, or place pressure on a student's head, neck, or torso or straddle a student's torso.
- F. Documentation of the Use of Physical Restraint
 - 1) Each time a student requires restraint, school personnel shall document the following information and submit it to the supervisor of Special Education within 48 hours:
 - a) Other less intrusive interventions that have failed or been determined inappropriate;
 - b) The precipitating event immediately preceding the behavior that prompted the use of restraint;
 - c) The behavior that prompted the use of restraint;
 - d) The names of the school personnel who observed the behavior that prompted the use of restraint;
 - e) The names and signatures of the staff members implementing and monitoring the use of restraint.
 - 2) The documentation shall include a description of the restraint event, including:
 - a) The type of restraint;

- b) The length of time restrained;
 - c) The student's behavior and reaction during the restraint; and
 - d) The name and signature of the administrator informed of the use of restraint.
- 3) The documentation described shall be maintained in the student's educational record and available for inspection by the student's parent or legal guardian in accordance with COMAR 13A.08.02.
 - 4) Each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's behavior intervention plan or IEP.
 - 5) 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 Learning Support team.
 - 6) If restraint is used for a student with a disability, and the student's IEP or behavior intervention plan does not include the use of restraint, the IEP team shall meet in accordance with COMAR 13A.08.03, within 10 business days of the incident to consider:
 - a) The need for a functional behavior assessment;
 - b) Developing appropriate behavioral interventions; and
 - c) Implementing a behavioral intervention plan.
 - 7) If restraint is used for a student with a disability, and the IEP or behavior intervention plan includes the use of restraint, the student's IEP or behavior intervention plan shall specify how often the IEP team will meet to review or revise, as appropriate, the student's IEP or behavior intervention plan, in accordance with COMAR 13A.05.01 and COMAR 13A.08.03.

8. **Professional Development**

- A. Somerset County Public Schools shall provide professional development to designated school personnel on the appropriate implementation of the procedures in this policy.
- B. At the beginning of each school year, SCPS shall identify school personnel authorized to serve as a school-wide resource to assist in ensuring proper administration of exclusion and physical restraint.
- C. The school personnel described in §7 (C) shall receive training in current professionally accepted practices and standards regarding:
 - 1) Positive behavior interventions and supports;
 - 2) Functional behavior assessment and behavior intervention planning;
 - 3) Exclusion;
 - 4) Seclusion; and
 - 5) Physical Restraint.
- D. Principals shall ensure this policy is reviewed with staff annually.

9. **Monitoring and Compliance**

- A. Parents who wish to lodge a complaint regarding behavioral interventions used with their child should do so in writing within 24 hours to the principal of the building where exclusion, seclusion, and/or physical restraint were used.
- B. Upon receipt of the written complaint, the principal or designee will conduct an investigation surrounding the complaint and respond to the parent within three business days.
- C. The Learning Support Teams of each school shall conduct an annual review of the use of physical restraint and/or seclusion, including a review of:
 - 1) Precipitating events;
 - 2) Behaviors resulting in seclusion and restraint;
 - 3) Length of time restrained or secluded;
 - 4) Notifications of administrators and parents;
 - 5) Student behavior changes as a result of the use of seclusion and/or physical restraint;
 - 6) All required documentation.
- D. Each principal or designee shall provide to the Supervisor of Special Education an annual review of the use of seclusion and physical restraint.
- E. At the beginning of each school year, information about the procedures for the use of exclusion, seclusion, and physical restraint will be disseminated to school personnel and parents.