

TO: Task Force on Restraint and Seclusion

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RE: Background for Third Meeting – Minimum Requirements and Seclusion Factors

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## **I. Introduction**

The purpose of this memo is to provide background information for the third meeting of the Task Force on Restraint and Seclusion, which is scheduled for August 9, 2017. The agenda for the meeting will include: 1) minimum requirements for policies and procedures to be developed by local school systems, State operated programs, and nonpublic schools; and 2) several specific considerations related to seclusion. If the task force determines that there are circumstances under which seclusion may be used, the following factors must be considered: (i) the types of doors and locking mechanisms that may be used; (ii) the safety of the rooms used for seclusion; (iii) the requirements for observation of the rooms used for seclusion; (iv) the period of time for the use of seclusion; and (v) the requirements for the discontinuation of seclusion. As with the previous two memos, what follows is a summary of current Code of Maryland Regulations (COMAR) provisions that relate to the agenda's topics.

## **II. Minimum Requirements**

Public agencies and nonpublic schools must meet three minimum requirements with respect to their policies and procedures on restraint and seclusion. First, each public agency and nonpublic school must develop policies to address the following topics: (i) a continuum of positive behavioral interventions, strategies, and supports for use by school personnel before restraint or seclusion; (ii) the prevention of self-injurious behaviors; (iii) methods for identifying and defusing potentially dangerous behavior; (iv) the use of restraint consistent with Regulation .05A; and (v) the use of seclusion consistent with Regulation .05B (COMAR 13A.08.04.06A).<sup>1</sup>

Second, each public agency and nonpublic school must annually review the policies and procedures described above (COMAR 13A.08.04.06B).

Lastly, in connection with its annual review, each public agency and nonpublic school must provide its policies and procedures to school personnel and parents (COMAR 13A.08.04.06B). The regulation requires that this be done “as described in COMAR 13A.08.01,” but does not specify a particular provision within that chapter. COMAR 13A.08.01 addresses, among other things, guidelines for students’ responsibilities and rights, disciplinary action, arrests on school premises, and school use of reportable offenses.

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<sup>1</sup> This chapter also addresses exclusion, but that is beyond the scope of the Task Force. See COMAR 13A.08.04.04.

### **III. Seclusion Factors**

#### **a. Types of Doors and Locks**

COMAR 13A.08.04 does not address the types of doors and locking mechanisms that may be used in a seclusion room.

#### **b. Safety of Rooms**

With respect to the safety of the rooms used for seclusion, at a minimum, a room must: (i) be free of objects and fixtures with which a student could self-inflict bodily harm; (ii) provide school personnel an adequate view of the student from an adjacent area; and (iii) provide adequate lighting and ventilation (COMAR 13A.08.04.05B(2)(a)).

#### **c. Requirements for Observation**

With respect to observation of the room used for seclusion, school personnel must view a student placed in seclusion at all times (COMAR 13A.08.04.05B(3)(a)). A seclusion event may not restrict a student's ability to communicate distress (COMAR 13A.08.04.05B(5)(b)).

#### **d. Period of Time for Use**

A seclusion event may not exceed 30 minutes (COMAR 13A.08.04.05B(5)(c)). Moreover, a seclusion event must be appropriate to the student's developmental level and severity of the behavior (COMAR 13A.08.04.05B(5)(a)).

#### **e. Requirements for Discontinuation**

School personnel must provide a student placed in seclusion with an explanation of the behavior that resulted in seclusion and instructions on the behavior required to return to the learning environment (COMAR 13A.08.04.05B(3)(b)).