



Restraint and Seclusion: Technical Assistance Refresher Sessions

Maryland State Department of Education

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November 2023

Presentation Outline

1. Introduction
2. Definitions of Restraint and Seclusion
3. Restraint and Seclusion Process Guide
(Single Incident Form, Excessive Use Form, Corrective Action)
4. Trends in Submissions

Purpose

The intent of this technical assistance refresher session is to:

- Review the reporting requirements to Education Article §7-1101 *et seq.*
- Review the forms developed and disseminated for local use: Restraint and Seclusion Single Incident form and both parts of the Excessive Use Form
- Describe the process developed by the Maryland State Department of Education (MSDE), that operationalizes the law through the Single Incident Form and the Excessive Use Forms

Guiding Documents

Restraint and Seclusion: Process Guide

Restraint or Seclusion Single Incident Report

Excessive Use (10 Incidents) of Restraint and/or Seclusion Report

Corrective Action Report

Exemplars

Restraint and Seclusion: Implementation Guide

Restraint and Seclusion for All Students

Restraint and Seclusion for Students with Disabilities

All documents and tech assistance sessions are available on the MSDE Restraint and Seclusion website:
<https://marylandpublicschools.org/about/Pages/DSFSS/SSSP/PhysicalRestraintSeclusion/index.aspx>



1. Introduction
2. Requirements for Documentation and Reporting
3. Restraint and Seclusion Process (Single Incident Form, Excessive Use Form, Corrective Action)
4. Trends in Submissions

Requirements for Documentation and Reporting

Defining Restraint and Seclusion

Physical Restraint and Seclusion Requirements

The changes to Md. Code, Education § 7-1101 *et seq.* went into effect on July 1, 2022.

All LEAs, PAs, and nonpublic schools were required to implement the statutory requirements of the law related to the use of restraint and/or seclusion effective July 1, 2022.

The use of all restraint and seclusion forms was required as of July 1, 2023, by all LEAs, PAs, and nonpublic schools.

Physical Restraint and Seclusion Requirements

In general, the Md. Code, Education § 7-1101 *et seq.*:

1. Bans the use of seclusion in Local Education Agencies (LEAs) and Public Agencies (PA);
2. Places strict requirements around the use of seclusion in nonpublic schools;
3. Requires each school to notify the LEA and MSDE within four business days when a student is restrained and/or secluded 10 or more times in a given school year (PAs only must notify MSDE);
4. Requires the LEA to assess and provide behavioral intervention recommendations to the public or nonpublic school upon notification (MSDE will provide recommendations to PAs);
5. Requires the LEA/PA/nonpublic school to develop a corrective action plan if a system reports 10 or more incidents for one student or if the LEA/PA/nonpublic school fails to comply with the requirements of the law; and
6. Strengthens the collection of restraint and seclusion data tracking and reporting.

Use of Restraint

Restraint is a personal restriction that immobilizes a student or reduces the ability of a student to move their torso, arms, legs, or head freely that occurs during school hours.

Neither a public agency nor a nonpublic school may use physical restraint on a student as a behavioral health intervention unless:

- (1) physical restraint is necessary to protect the student or another individual from imminent serious physical harm; and
- (2) other less intrusive, nonphysical interventions have failed or been demonstrated to be inappropriate.

Use of Seclusion

Seclusion is 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.

A nonpublic school may not use seclusion as a behavioral health intervention for a student unless:

- (i) Seclusion is necessary to protect the student or another individual from imminent serious physical harm;
- (ii) Other, less intrusive interventions have failed or been demonstrated to be inappropriate for the student;
- (iii) A health care practitioner is on site and is directly observing the student during the seclusion;
- (iv) The health care practitioner concludes that seclusion is not contraindicated for the physical, psychological, or psychosocial health of the student

Additional requirements related to student safety, seclusion space, and students with disabilities can be found in MD Code, Education, § 7-1102(d) and further explained in the Implementation Guide.

Regulations

A requirement of the Md. Code, Education § 7-1101 *et seq.* is that MSDE develop regulations that address the requirements in the statute.

Amendments to COMAR 13A.08.04 *Student Behavior Interventions* were presented to the State Board at the October 24, 2023, State Board meeting. The State Board granted permission to adopt these Amendments.



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Restraint and Seclusion Process Guide

Understanding the notification and documentation process for single incident, excessive use, and corrective action

Stages of the Restraint and/or Seclusion Process

MSDE developed the *Restraint and Seclusion: Process Guide* to provide timelines, forms, and other information to support LEAs, PAs, and nonpublic schools in fulfilling the requirements of Education Article § 7-1101 *et seq.*

The three stages outlined in the *Restraint and Seclusion: Process Guide* are:

1. Restraint or Seclusion Single Incident
2. Excessive Use (10 Incidents) of Restraint and/or Seclusion
 - Part One: Notification of 10 Incidents of Restraint and/or Seclusion
 - Part Two: Student and School Level Review with Recommendations
3. Corrective Action

Utilization of these forms was required as of July 1, 2023.

Restraint or Seclusion Single Incident Report

Each incident of restraint shall be documented on the **MSDE Restraint or Seclusion Single Incident form** and maintained in the student's record.

The LEA or school can create the Single Incident Form within their own student records systems as long as it includes all the same information on the MSDE, can be printed, and includes either wet signatures or electronic signatures.

Restraint or Seclusion Single Incident Report

Each incident of restraint shall be documented on the [MSDE Restraint or Seclusion Single Incident Form](#) and maintained in the student's record.

Restraint or Seclusion Single Incident Report

<p>Purpose</p>	<p>Document the individual restraint/seclusion incident, including the team debrief with next steps to support the student.</p>
<p>Timeline and Deadlines</p>	<p>Documentation should occur as soon as possible after the incident.</p> <p>The school must notify parents in writing or orally of the use of restraint or seclusion within 24 hours of the incident.</p>
<p>Personnel responsible</p>	<p>A school must identify an individual(s) to complete the required documentation and notify the parent.</p> <p>To complete the debrief process, all school personnel involved in the restraint and/or seclusion incident and any other appropriate individuals (e.g., the parent, the student, etc.) shall participate.</p>

Restraint or Seclusion Single Incident Report

[Single Incident Form Link](#)

This universal form is provided in the Process Guide and includes all data elements required by law:

- Student Demographic Information
- Prevention Strategies Implemented or Determined Inappropriate
- Precipitating Event/Antecedent
- Behavior that Prompted the Use of Restraint or Seclusion
- Type of Restraint Applied
- Student Behavior and Reaction During the Restraint or Seclusion
- Team Members Who Observed, Implemented, or Monitored
- Administrator Notified of the Restraint or Seclusion
- Student Injury
- Parent Notification
- Debrief

Single Incident form can be found on pages 7-18 of the Process Guide; COMAR 13A.08.04.05A(3)(a)(i) and COMAR 13A.08.04.05B(7)(a)(i)

Record of Restraint or Seclusion Single Incident Report

Recipient of Documentation

The MSDE Restraint or Seclusion Single Incident form must be maintained in the student's record and follow the student across schools and LEAs.

Example:

Incidents 1-7 happen at Happy Elementary

The student transfers to Smiley Elementary

The student record of incidents 1-7 **must** follow the student to Smiley Elementary.

Incidents 8-10 happen at Smiley Elementary

Smiley Elementary will submit the Excessive Use Form and include incidents 1-7 from Happy Elementary and 8-10 from Smiley Elementary

Excessive Use (10 Incidents) of Restraint and/or Seclusion

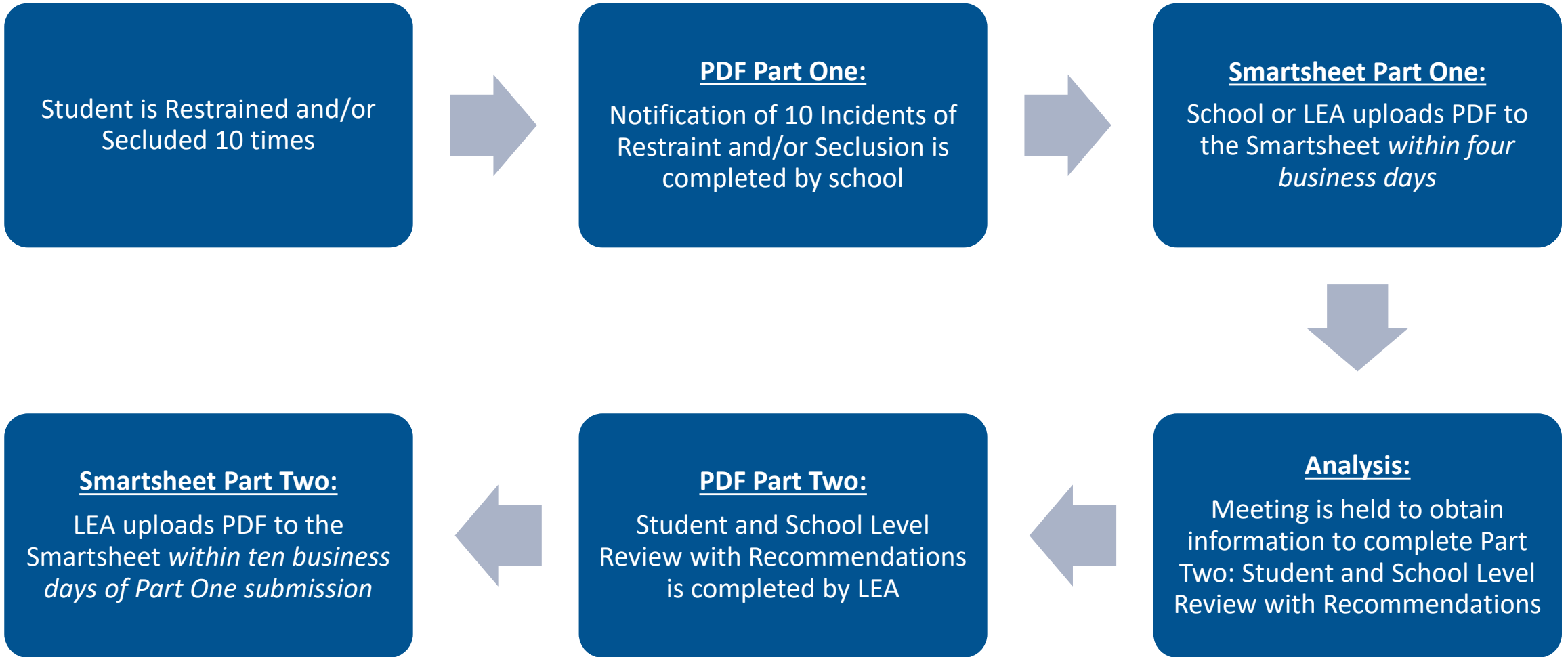
The Excessive Use (10 Incidents) of Restraint and/or Seclusion Report consists of two parts which must be completed within 14 days of the 10th incident.

- Part One is the required notification to the LEA and MSDE of an excessive use of restraint and/or seclusion (i.e., every 10th incident).
- Part Two is the required case review, assessment, and recommendations to support the reduction and elimination of incidents of restraint and/or seclusion. Part Two is submitted to MSDE by the LEA responsible for the education of the student.

Excessive Use (10 Incidents) of Restraint and/or Seclusion

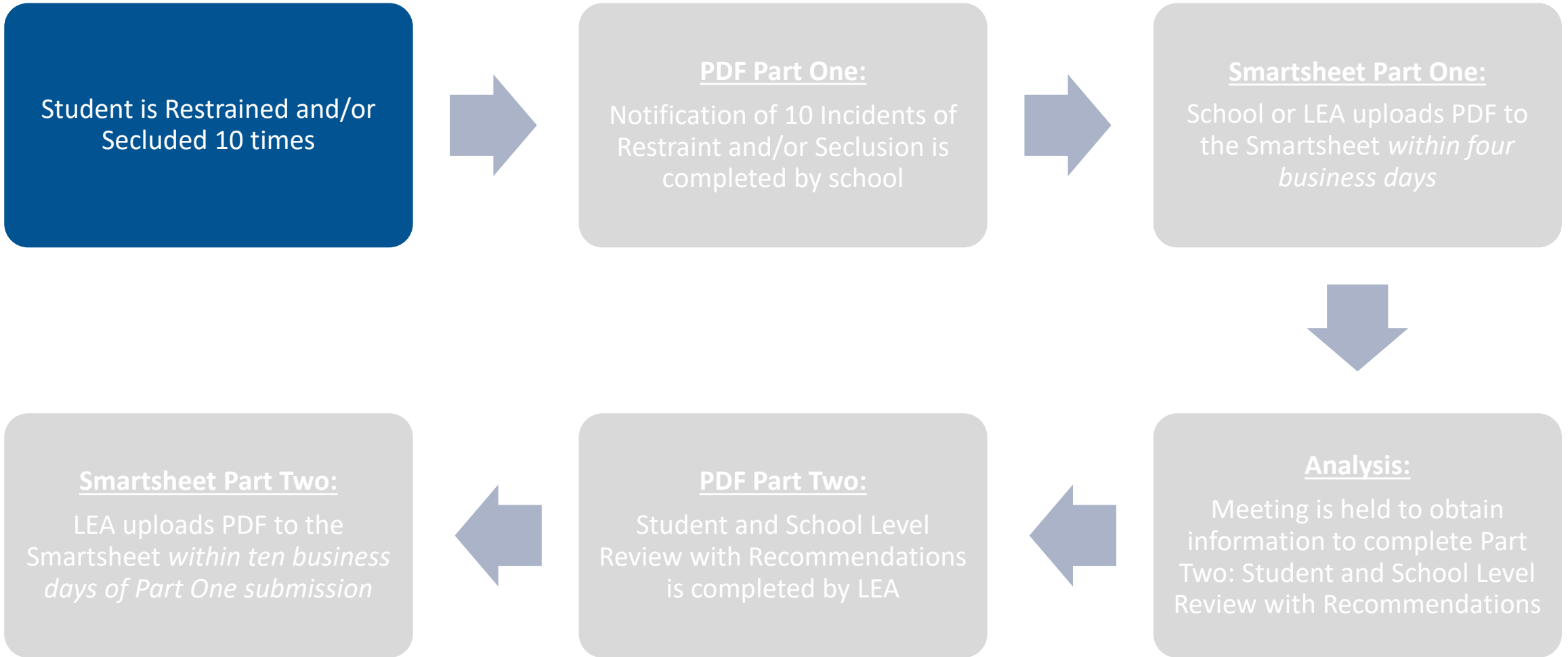
<p>The Excessive (10 Incidents) Use of Restraint and/or Seclusion Report consisting of Part One and Part Two must be completed within 14 business days of the 10th incident.</p>		
	<p>Part One: Notification of 10 Incidents of Restraint and/or Seclusion</p>	<p>Part Two: Student and School Level Review with Recommendations</p>
Purpose	<p>Document and notify the LEA and MSDE of every 10th restraint and/or seclusion incident for an individual student.</p>	<p>Document the review of: (1) the student’s case, (2) assessment of the school’s behavioral health interventions, and (3) provide recommendations.</p>
Timeline and Deadlines	<p>Documentation must be provided <u>within four business days of the 10th incident</u> of restraint and/or seclusion, and every following 10th incident (e.g., 20th, ...)</p>	<p>Documentation must be provided <u>within 10 business days</u> of LEA/MSDE receipt of Notification of submission of Excessive (10 Incidents) Use of Restraint and/or Seclusion Notification Document</p>

Stages of the Excessive Use Form Process



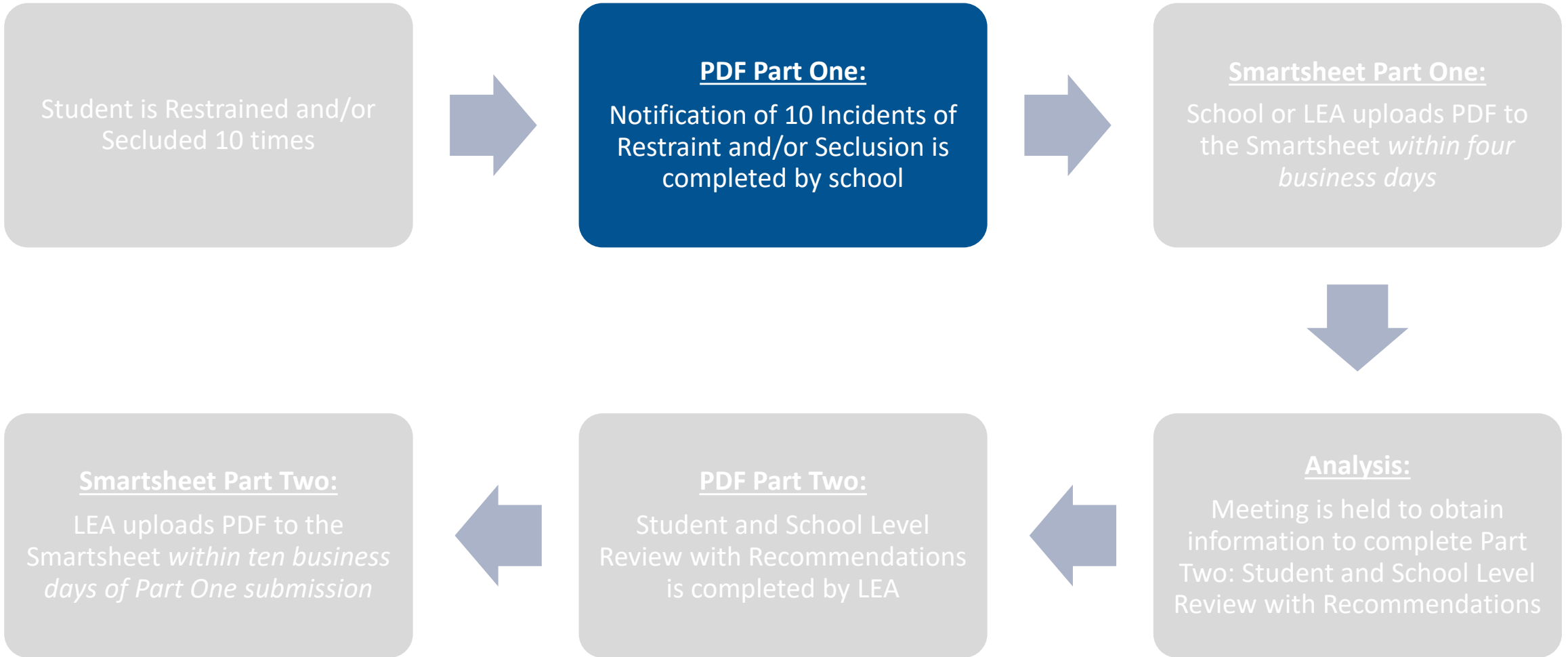
MD Code, Education, § 7-1101(f)

Stages of the Excessive Use Form Process



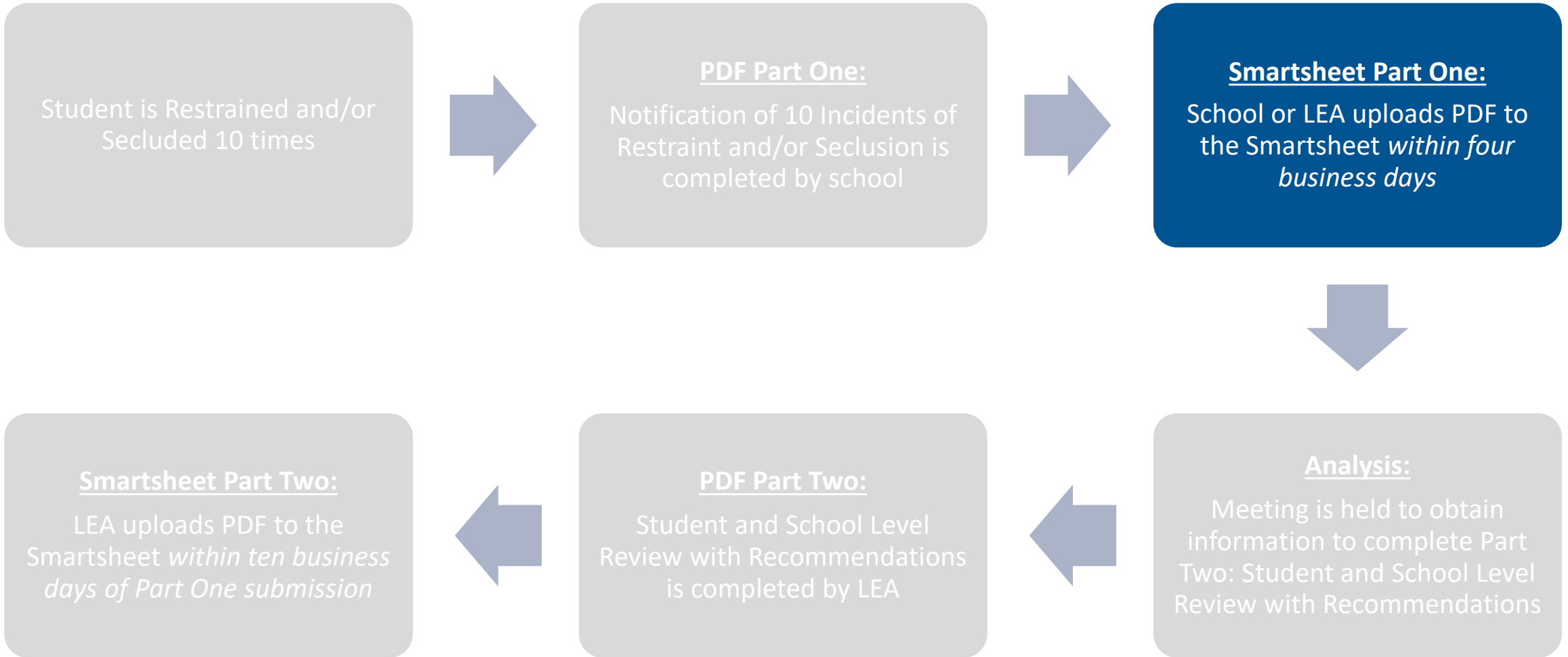
MD Code, Education, § 7-1101(f)

Stages of the Excessive Use Form Process



MD Code, Education, § 7-1101(f)

Stages of the Excessive Use Form Process



MD Code, Education, § 7-1101(f)

Excessive Use (10 Incidents) of Restraint and/or Seclusion

Part One: Notification of 10 Incidents of Restraint and/or Seclusion

Timeline and Deadlines

- Excessive Use (10 incidents) of Restraint and/or Seclusion Part One must be submitted to MSDE within **four (4) business days of the 10th incident and each additional 10th incident.**

Example: 10th or 20th incident occurs on May 1, 2023

Form must be submitted by May 5, 2023

- Nonpublic schools **must notify both MSDE and their LEA** within four business days of the 10th incident

Excessive Use (10 Incidents) of Restraint and/or Seclusion

Part One: Notification of 10 Incidents of Restraint and/or Seclusion

Submission Procedures as of July 1, 2023

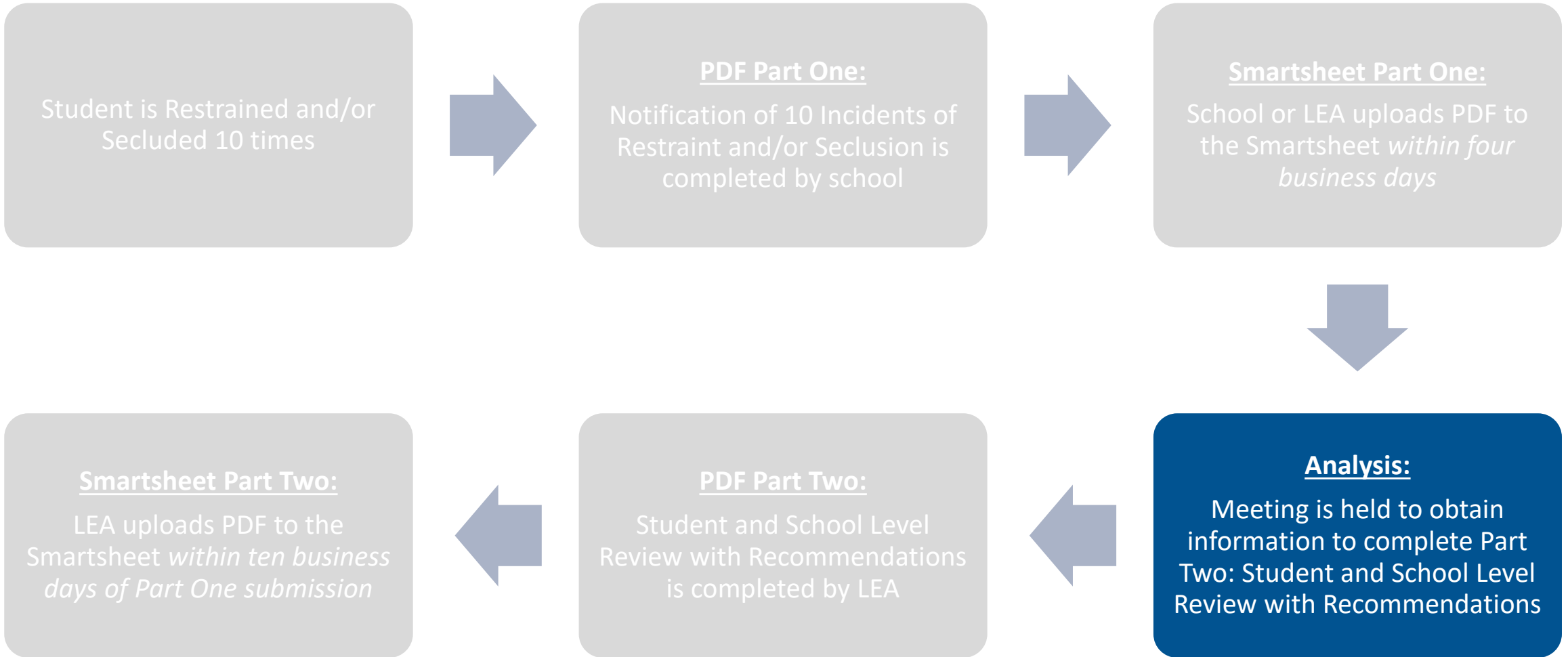
Part One of the Excessive Use (10 incidents) of Restraint and/or Seclusion must be submitted to MSDE within four (4) business days of the 10th incident

- Fillable PDF form is available on the MSDE Restraint and Seclusion website: [Link to Part One Form](#)
- PDF form will be submitted to MSDE through a Smartsheet: Link to Part One Smartsheet (marylandpublicschools.org/RestraintandSeclusionNotification)

Additional Supports

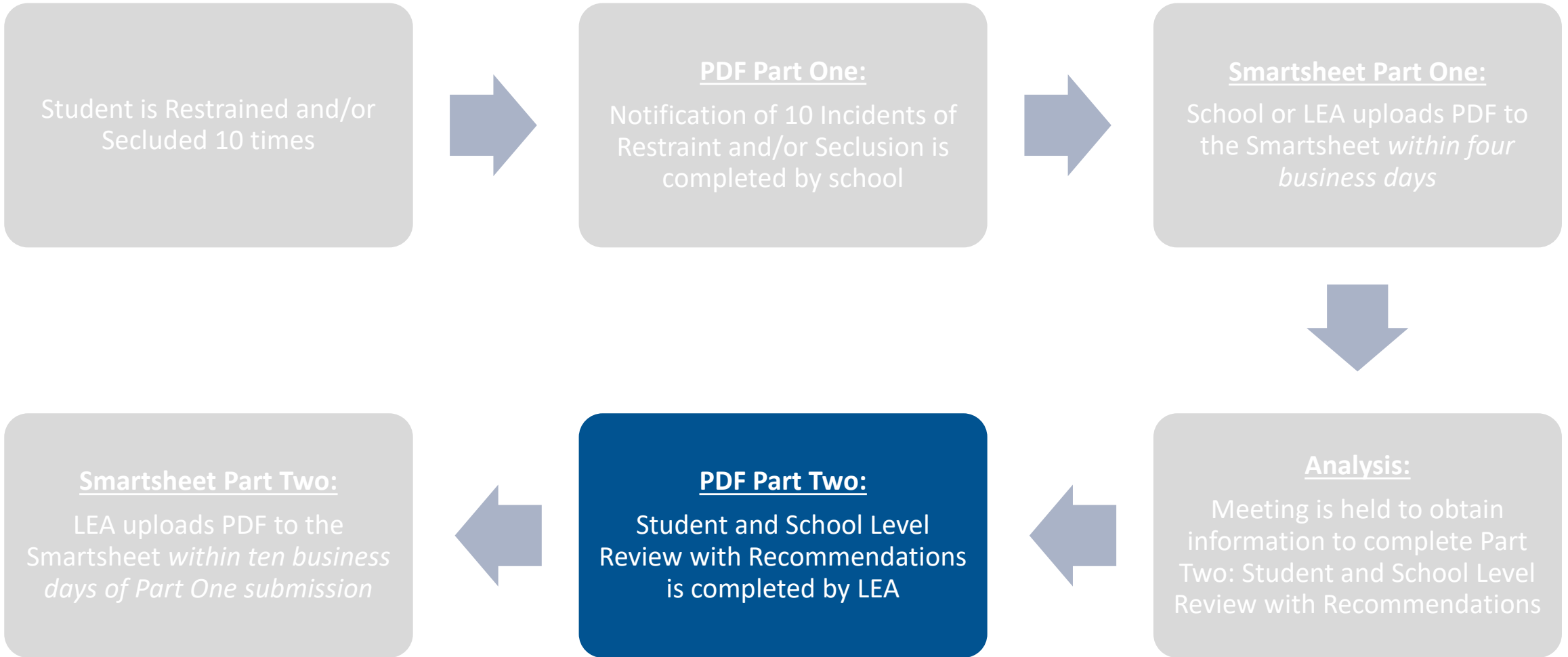
- Exemplars are included in the Process Guide

Stages of the Excessive Use Form Process



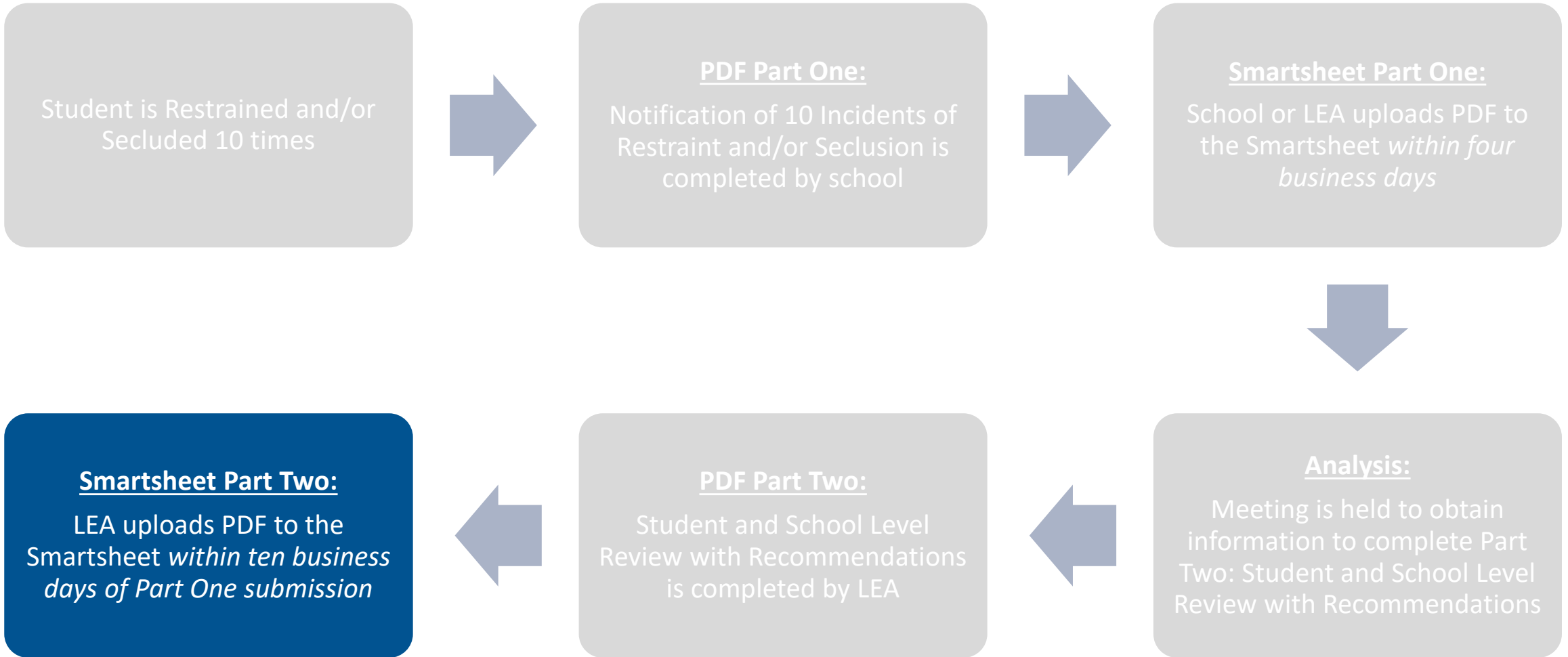
MD Code, Education, § 7-1101(f)

Stages of the Excessive Use Form Process



MD Code, Education, § 7-1101(f)

Stages of the Excessive Use Form Process



MD Code, Education, § 7-1101(f)

Excessive Use (10 Incidents) of Restraint and/or Seclusion

Part Two: Student and School Level Review with Recommendations

Timeline and Deadlines

- Part Two must be provided within 10 business days of LEA/MSDE receipt of Notification of submission of Excessive (10 Incidents) Use of Restraint and/or Seclusion Notification Document: [Link to Part Two Form](#)

Example: Part One Received on May 5th; Part Two must be submitted by May 19th

- PDF form will be submitted via the Smartsheet link sent in the Part One confirmation email

Additional Supports

- Exemplars are included in the Process Guide

Excessive Use (10 Incidents) of Restraint and/or Seclusion

Part Two: Student and School Level Review with Recommendations

Implementation Recommendations

- LEAs should consider developing a cross departmental team comprised of various stakeholders who are **knowledgeable of the student, interventions, and other impacting factors** to provide student and school level recommendations.
 - School psychologists or other clinical staff
 - Special educators
 - General educators
 - Behavior support staff
 - Administrators
- LEAs must also develop **internal procedures** to support implementation of Md. Code, Education § 7-1101 *et seq.* including staff training, internal data systems, and processes for notification.

Excessive Use (10 Incidents) of Restraint and/or Seclusion

Part Two: Student and School Level Review with Recommendations

On receipt of notice from a school of a 10th incident of restraint and/or seclusion, the LEA shall:

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

Excessive Use (10 Incidents) of Restraint and/or Seclusion

Analysis to Inform Part Two: Student and School Level Review with Recommendations

Implementation Recommendations

- Considerations for discussion may include:
 - Type of interventions used, frequency, effectiveness;
 - Staffing and personnel adjustments;
 - Environmental and scheduling factors influencing behavior; and
 - Schoolwide behavioral and social emotional interventions.
- All data should be reviewed to determine any changes in the frequency and duration of restraints and/or seclusion.

Corrective Action

Under Md. Code, Education § 7-1106(a), each school or LEA is required to submit a **systemic, evidence-based corrective action plan** to MSDE if the school or LEA either:

- Fails to comply with any provision of Md. Code, Education § 7-1101 *et seq.*; or
- Reports to MSDE that a student has been physically restrained or placed in seclusion 10 times or more in a school year as required by Md. Code, Education § 7-1103.

Corrective Action

The purpose of *Corrective Action* is to address any systemic issues that contribute to a failure to comply with the law and/or excessive use of restraint and/or seclusion.

Additional information about corrective action will be forthcoming.

Please focus on implementing and refining your current process regarding the documentation and notification of the use of restraints and/or seclusions.



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Trends in Submissions

Form Reminders

Timelines:

- Part One is due within FOUR business days of 10th incident
- Part Two is due within TEN business days of submission of Part One

Form Completion:

- There should be no blanks in Part One; all sections of Part Two should be completed
- Part One:
 - List each incident on a separate line
 - Only include 10 incidents per Part One, even if this split a behavior event or day
 - Numbering for incidents is not always 1-10, it could be 51-60

Submission Reminders

How to Submit:

- Both Part One and Part Two are to be submitted through the Smartsheet, not through email
- Link to Part One Smartsheet (marylandpublicschools.org/RestraintandSeclusionNotification); link for Part Two Smartsheet will be sent in the confirmation email from the Part One Submission
- Do not submit Single Incident Forms; those are only for the student record

Smartsheet Reminders

Smartsheet Entries:

- Make sure SASID matches the SASID confirmation
- If you catch errors AFTER Smartsheet submission and need to resubmit, please email restraintandseclusion.msde@maryland.gov or christen.fanelli@maryland.gov
 - Contact the LEA to let them know of the resubmission or they will think there were two submissions for the same student
- Include an email address for the LEA for the Secondary Email Address
 - This will serve as notification to the LEA and provide them with the link to submit Part Two

Additional Technical Assistance and Support

Individualized Technical Assistance

- Questions regarding the new statutory requirements and processes for all students should be directed to Dr. April Turner, School Psychological Services Supervisor, at aprild.turner@maryland.gov
- Questions regarding the operationalization of the additional requirements for students with disabilities, including the Individualized Education Program process, should be directed to Carmen Brown, Branch Chief, Interagency Collaboration, at carmen.brown1@maryland.gov
- Questions related to the implementation of the requirements in nonpublic schools should be directed to Alexandra Cambra, Director, Program Approval, at alexandra.cambra@maryland.gov

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