



Restraint and Seclusion: Technical Assistance Sessions

Maryland State Department of Education

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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. Data Collection (2022-2023)
5. Action Steps



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Introduction

Purpose and Background

Purpose

The intent of this technical assistance session is to:

- Explain the changes to Education Article §7-1101 *et seq.* as a result of House Bill (HB) 1255
- Describe the process developed by Maryland State Department of Education (MSDE), in consultation with the Restraint and Seclusion Focus Group, that operationalizes the law
- Review the documents developed by MSDE, in consultation with the Restraint and Seclusion Focus Group, to support implementation of the law

Restraint and Seclusion

On December 30, 2021, Mr. Mohammed Choudhury, State Superintendent of Schools issued a press release in response to the illegal and discriminatory use of restraint and seclusion.

The Superintendent made it clear that the illegal and inappropriate use of restraint and seclusion in any school is unacceptable.

Subsequently, during the 2022 legislative session, the Maryland General Assembly passed HB 1255 *Physical Restraint and Seclusion – Limitations, Reporting, and Training* which amended and expanded the law governing restraint and seclusion.

On July 1, 2022, Md. Code, Education § 7-1101 *et seq.* was amended to reflect the changes recommended in HB 1255.

Physical Restraint and Seclusion – Limitations, Reporting, and Training

In general, the Md. Code, Education § 7-1101 *et seq.* (HB 1255):

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 special education 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.

Physical Restraint and Seclusion – Limitations, Reporting, and Training

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

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

Use of all restraint and seclusion forms described in this presentation will be required effective July 1, 2023, by all LEAs, PAs, and nonpublic special education schools.

MSDE Intra-Departmental Workgroup

Superintendent Choudhury formed an intra-department workgroup to address the implementation of Md. Code, Education § 7-1101 *et seq.* (HB 1255).

This workgroup included representation from:

- Division of Assessment, Accountability, and Performance Reporting
- Division of Early Intervention and Special Education Services
- Division of Educator Certification and Program Approval
- Division of Student Support, Academic Enrichment, and Educational Policy
- Office of the Attorney General

MSDE Stakeholder Focus Group

Superintendent Choudhury also formed a stakeholder focus group to review, discuss, and recommend revisions and additions to the regulations and MSDE policies, practices, and procedures to support the implementation of Md. Code, Education § 7-1101 *et seq.* (HB 1255).

The focus group has held four meetings since October 2022 and continues to meet.

The focus group includes representation from:

- Local Directors of Student Services
- Local Directors of Special Education
- Directors of Non-Public Special Education Schools
- Educational Advocacy Organizations
- Parents
- Higher Education Institutions
- Office of the Attorney General
- MSDE

Regulations

A requirement of the Md. Code, Education § 7-1101 *et seq.* (HB 1255) is that MSDE develop regulations that address the requirements in the statute.

Draft regulations will be presented to the State Board at the March 28, 2023, State Board meeting.

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

Resources

Mini-Data Collection Information



1. Introduction
2. Definitions of Restraint and Seclusion
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Definitions

Defining Restraint and Seclusion

Restraint

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.

MD Code, Education, § 7-1101(d)

Restraint is NOT

- Briefly holding a student to calm or comfort the student;
- Holding a student's hand or arm to escort the student safely from one area to another;
- Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful; or
- Breaking up a fight in the school building or on school grounds.

Use of Restraint

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.

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 is only allowed in nonpublic special education schools

MD Code, Education, § 7-1101(f)

Seclusion* is NOT

A behavior intervention plan of separating a student by placing the student:

- into a nonlocked room from which the student is allowed to leave; or
- within a separate location in a classroom from which the student is not physically prevented from leaving.

Use of Seclusion

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.



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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 non-public special education schools in fulfilling the requirements of Education Article § 7-1101 *et seq.* (HB 1255).

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 will be required effective 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.

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

Purpose	Document the individual restraint/seclusion incident, including the team debrief with next steps to support the student.
Timeline and Deadlines	Documentation should occur as soon as possible after the incident. The school must notify parents in writing or orally of the use of restraint or seclusion within 24 hours of the incident.
Personnel responsible	A school must identify an individual(s) to complete the required documentation and notify the parent. 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.

Restraint or Seclusion* Single Incident Report

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

Restraint or Seclusion* Single Incident Report

STUDENT DEMOGRAPHIC INFORMATION	
Student Name: Click or tap here to enter text.	Date of Emergency Incident: Click or tap to enter a date.
DOB: Click or tap to enter a date.	Type of incident: <input type="checkbox"/> Restraint <input type="checkbox"/> Seclusion
Student Age: Click or tap here to enter text.	Previous number of restraint incidents in the current school year. Click or tap here to enter text.
Grade: Click or tap here to enter text.	Previous number of seclusion incidents in the current school year. Click or tap here to enter text.
SASID: Click or tap here to enter text.	Time behavior event began: Click or tap here to enter text.
Local ID: Click or tap here to enter text.	Time behavior event ended: Click or tap here to enter text.
Student Race: Click or tap here to enter text.	Time restraint or seclusion began: Click or tap here to enter text.
Student Gender: Click or tap here to enter text.	Time restraint or seclusion ended: Click or tap here to enter text.
	Total time of restraint or seclusion: Click or tap here to enter text. Note: MUST not exceed 30 minutes duration.
	Location of behavior: Click or tap here to enter text.
	Location of restraint or seclusion: Click or tap here to enter text.
	Does the student have a current FBA: <input type="checkbox"/> Yes <input type="checkbox"/> No

Single Incident form can be found on pages 7-18 of the Process Guide

Restraint or Seclusion* Single Incident Report

STUDENT DEMOGRAPHIC INFORMATION	
	<p>Does the student have a current BIP: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, the date of the most recent BIP review: Click or tap to enter a date.</p> <p>If yes, does the BIP include the provision of Physical Restraint? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date of parent consent: Click or tap to enter a date.</p> <p>If yes, does the BIP include the provision of Seclusion? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Date of parent consent: Click or tap to enter a date.</p>
<p>Residence School: Click or tap here to enter text.</p> <p>Resident County: Click or tap here to enter text.</p> <p>Service School: Click or tap here to enter text.</p> <p>Service County: Click or tap here to enter text.</p>	<p>Special Education: <input type="checkbox"/> Yes <input type="checkbox"/> <u>No</u> <input type="checkbox"/> Referral - Date Click or tap to enter a date.</p> <p>504 Plan: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Disability: Choose an item.</p> <p>Current LRE: Choose an item.</p>

Restraint or Seclusion* Single Incident Report

Prevention Strategies Implemented or Determined Inappropriate

Each time a student is in a restraint or placed in seclusion, school personnel shall document other less intrusive interventions that have failed or been determined inappropriate.

COMAR 13A.08.04.05A(3)(a)(i) and COMAR 13A.08.04.05B(7)(a)(i)

Restraint or Seclusion* Single Incident Report

Prevention Strategies Implemented or Determined Inappropriate

<p>PREVENTION STRATEGIES IMPLEMENTED OR DETERMINED INAPPROPRIATE</p> <p>Describe the less intrusive interventions, nonphysical interventions implemented prior to the use of restraint or seclusion that failed or were determined inappropriate for the student.</p> <p>Choose all that apply and then describe in narrative <u>why</u> the strategies failed or were deemed to be inappropriate:</p>	
Alternative efforts made to de-escalate the situation & prevent behaviors (check all that apply):	Describe what staff did to avoid the use of physical restraint or seclusion:
<ul style="list-style-type: none"> <input type="checkbox"/> Redirection <input type="checkbox"/> Verbal intervention & de-escalation techniques <input type="checkbox"/> Provided choices <input type="checkbox"/> Proximity control <input type="checkbox"/> Calming technique/meditation <input type="checkbox"/> Use of sensory room <input type="checkbox"/> Movement break/take a walk <input type="checkbox"/> BIP strategies (if applicable) <input type="checkbox"/> Planned <u>ignoring</u> <input type="checkbox"/> Reduced demands 	<p>Click or tap here to enter text.</p>

Restraint or Seclusion* Single Incident Report

Precipitating Event/Antecedent

Each time a student is in a restraint or placed in seclusion, school personnel shall document the precipitating event immediately preceding the behavior that prompted the use of restraint.

COMAR13A.08.04.05A(3)(a)(ii) and COMAR13A.08.04.05B(7)(a)(ii)

Restraint or Seclusion* Single Incident Report

Precipitating Event/Antecedent

PRECIPITATING EVENT/ANTECEDENT

Describe in detail the precipitating event immediately preceding the behavior that prompted the use of restraint and/or seclusion (e.g., directive for the non-preferred task, unexpected change) and any other factors that may have impacted the student's behavior (e.g., loss of family member, lack of sleep).

- | | |
|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Demand/Request <input type="checkbox"/> Denied access to item, person, or location <input type="checkbox"/> Did not earn reward <input type="checkbox"/> Difficulty/Non-preferred task <input type="checkbox"/> Environmental stimuli <input type="checkbox"/> Interruption to activity <input type="checkbox"/> Peer behavior <input type="checkbox"/> Adult behavior | <ul style="list-style-type: none"> <input type="checkbox"/> Reduced/Diverted attention <input type="checkbox"/> Self-reported distress or frustration <input type="checkbox"/> Self-reported/suspected illness or physical discomfort <input type="checkbox"/> Staff change <input type="checkbox"/> Transition <input type="checkbox"/> Unexpected schedule/routine change <input type="checkbox"/> Unstructured time <input type="checkbox"/> Other: Click or tap here to enter text. |
|--|---|

Describe in detail the precipitating event/antecedent:
Click or tap here to enter text.

Describe any other factors that may have impacted the student's behavior:
Click or tap here to enter text.

Restraint Or Seclusion* Single Incident Report

Behavior that prompted the use of restraint or seclusion

Each time a student is in a restraint or placed in seclusion, school personnel shall document the behavior that prompted the use of restraint or seclusion.

COMAR13A.08.04.05A(3)(a)(iii) and COMAR13A.08.04.05B(7)(a)(iii)

Restraint or Seclusion* Single Incident Report

Behavior that prompted the use of restraint or seclusion

BEHAVIOR THAT PROMPTED THE USE OF RESTRAINT OR SECLUSION

Operationally define the behavior that resulted in the use of restraint or seclusion (i.e., describe what the behavior looked like).

A behavior prompting the use of restraint or seclusion must meet the threshold for “imminent, serious, physical harm” defined as bodily injury that 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 (18 U.S.C. § 1365(h)(3) and 34 C.F.R. § 300.530(h)(j)(3)).

Describe the behavior prompting the use of restraint or seclusion:

Click or tap here to enter text.

Must select at least 1 of the following:

- Threat of Imminent, Serious Physical Harm to Self
- Threat of Imminent, Serious Physical Harm to Others

Optional:

- Physical restraint and/or seclusion is included in the BIP or IEP to address the student’s behavior in an emergency situation.

- Other: Click or tap here to enter text.

Describe the circumstances that met the standard for imminent serious physical harm:

Click or tap here to enter text.

Restraint or Seclusion* Single Incident Report

Type of Restraint

TYPE OF RESTRAINT APPLIED

Describe what type of restraint intervention was used with the student, and how long the student was in a restraint position.

Name of evidence-based behavioral intervention training program:

Click or tap here to enter text.

Name of restraint applied:

Click or tap here to enter text.

Restraint Or Seclusion* Single Incident Report

Student Behavior and Reaction During Restraint

Each time a student is in a restraint, school personnel shall document the student's behavior and reaction during the restraint.

For a student who has an individualized education program and is placed in seclusion, the individualized education program team, in consultation with the health care practitioner who observed the seclusion, shall review the student's physical, psychological, and psychosocial health history to determine whether seclusion is contraindicated for the student.

Md. Code, Education, § 7-1102(d)(2)(i); COMAR 13A.08.04.05A(3)(b)(iii) and COMAR 13A.08.04.05B(7)(b)(iii)

Restraint or Seclusion* Single Incident Report

Student Behavior and Reaction During Restraint

STUDENT BEHAVIOR AND REACTION DURING THE RESTRAINT OR SECLUSION	
Describe the student's behavior and reaction during the restraint.	
<ul style="list-style-type: none"><input type="checkbox"/> Attempts to injure others<input type="checkbox"/> Attempts to injure self<input type="checkbox"/> Self-expressed concerns (e.g., breathing, pain, etc.)<input type="checkbox"/> Talking<input type="checkbox"/> Continuous resistance (e.g., struggling)<input type="checkbox"/> Crying<input type="checkbox"/> Making verbal threats<input type="checkbox"/> Spitting<input type="checkbox"/> Yelling/Screaming<input type="checkbox"/> Profanity/cursing<input type="checkbox"/> Disrobing<input type="checkbox"/> Enuresis/Encopresis<input type="checkbox"/> Other: Click or tap here to enter text.	<p>Describe student behavior and response during the physical restraint or seclusion:</p> <p>Click or tap here to enter text.</p>

Restraint or Seclusion* Single Incident Report

Team Members Who Observed, Implemented, or Monitored

Each time a student is in a restraint or placed in seclusion, school personnel shall document the names and signatures of the staff members implementing and monitoring the use of restraint.

COMAR 13A.08.04.05A(3)(a)(v) and COMAR 13A.08.04.05B(7)(a)(iv)

Restraint or Seclusion* Single Incident Report

Team Members Who Observed, Implemented, or Monitored

TEAM MEMBERS WHO OBSERVED, IMPLEMENTED, OR MONITORED Identify the name and role/title of each team member who observed the behavior or implemented or monitored the restraint or seclusion.				
Name	Role/Title	Observed (O) Implemented (I) Monitored (M)	Current training in the use of restraint	Staff Signature (Required)
Click or tap here to enter text.	Click or tap here to enter text.	<input type="checkbox"/> O <input type="checkbox"/> I <input type="checkbox"/> M	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Click or tap here to enter text.	Click or tap here to enter text.	<input type="checkbox"/> O <input type="checkbox"/> I <input type="checkbox"/> M	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Click or tap here to enter text.	Click or tap here to enter text.	<input type="checkbox"/> O <input type="checkbox"/> I <input type="checkbox"/> M	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Click or tap here to enter text.	Click or tap here to enter text.	<input type="checkbox"/> O <input type="checkbox"/> I <input type="checkbox"/> M	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Click or tap here to enter text.	Qualified Health Care Provider Required if seclusion was utilized.	<input type="checkbox"/> O <input type="checkbox"/> I <input type="checkbox"/> M	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Restraint or Seclusion* Single Incident Report

Administrator Notified of the Restraint or Seclusion

Each time a student is in a restraint or placed in seclusion, school personnel shall document: the name and signature of the administrator informed of the use of restraint.

ADMINISTRATOR NOTIFIED OF THE RESTRAINT OR SECLUSION

Name and Title	Signature
Click or tap here to enter text.	Click or tap here to enter text.

COMAR 13A.08.04.05A(3)(b)(iv) and COMAR 13A.08.04.05B(7)(b)(iv)

Restraint or Seclusion* Single Incident Report

Student Injury

STUDENT INJURY

Describe any reported and/or observed student injuries (e.g., physical, social-emotional, etc.) following evaluation by school staff.
If no injuries occurred, please indicate.

Provide a description of all injuries:

Click or tap here to enter text.

Name(s) and position(s) of individual(s) evaluating student injuries (e.g., school nurse, nurse tech, health care practitioner, trained staff, etc.):

Click or tap here to enter text.

Restraint or Seclusion* Single Incident Report

Parent Notification

School personnel shall provide the student’s parent with verbal notification or send written notice within 24 hours, unless otherwise provided for in a student’s behavior intervention plan or IEP.

PARENT NOTIFICATION	
Describe how and when the parent was notified of the restraint or seclusion incident.	
Name of Staff Who Notified Parent/Legal Guardian: Click or tap here to enter text.	
Name of Parent/Legal Guardian Notified: Click or tap here to enter text.	
Method of Notification: <input type="checkbox"/> Email <input type="checkbox"/> In person <input type="checkbox"/> Letter <input type="checkbox"/> Phone call	
Date of Parent Notification: Click or tap to enter a date.	
Time of Parent Notification: Click or tap here to enter text.	

COMAR 13A.08.04.05A(5) and COMAR 13A.08.04.05B(9)

Restraint or Seclusion* Single Incident Report

Debrief

Each time a student is in a restraint or placed in seclusion, school personnel involved shall debrief.

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.

COMAR 13A.08.04.05A(3) and COMAR 13A.08.04.05B(7)

Restraint or Seclusion* Single Incident Report

Debrief

DEBRIEF	
School personnel involved in the restraint and/or seclusion, and other appropriate individuals (e.g., parent, student, etc.), shall debrief and consider next steps to support the student and staff.	
Date of the Debrief: Click or tap to enter a date.	
Participant Name	Role/Title
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Qualified Health Care Provider Required if seclusion* was utilized.
Summary of next steps/modifications/additional resources (including referral to IEP team or SST team, as appropriate): Click or tap here to enter text.	

Summary: Restraint or Seclusion* Single Incident Report

Forms

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

Timeline and Deadlines

- Documentation should occur as soon as possible after the incident.
- The school must notify parents in writing or orally of the use of restraint or seclusion within 24 hours of the incident.

Additional Supports

- Exemplars are included in the Process Guide

Summary: 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.

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

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.

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>

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

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

NOTIFICATION

School Year: Click or tap here to enter text.

LEA / Public Agency / Nonpublic Special Education School name: Click or tap here to enter text.

LEA / Public Agency / Nonpublic Special Education School number: Click or tap here to enter text.

School name(s): Click or tap here to enter text.

School number(s): Click or tap here to enter text.

Date of 10th incident: Click or tap to enter a date.

Date of notification by the school to the designated LEA administrator: Click or tap to enter a date.

Name and title of school individual notifying the LEA: Click or tap here to enter text.

Date of notification to MSDE (from Nonpublic School, LEA, or Public Agency): Click or tap to enter a date.

Name and title of individual notifying MSDE: Click or tap here to enter text.

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

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

STUDENT INFORMATION

Student Name: Click or tap here to enter text.

DOB: Click or tap to enter a date.

Student Age: Click or tap here to enter text.

Grade: Click or tap here to enter text.

State Assigned Student ID: Click or tap here to enter text.

Race/Ethnicity: Click or tap here to enter text.

Gender: Click or tap here to enter text.

IEP: Yes No

Disability Code: Click or tap here to enter text.

Placement Type: Click or tap here to enter text.

504 Plan: Yes No

Check Submission:

Incidents #1-10 Incidents #11-20 Incidents (other)

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

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

STUDENT INCIDENT INFORMATION						
Incident #	Incident Date	Restraint = R Seclusion = S	Start Time and End Time	School Name	Behavior that posed “imminent <u>serious physical</u> harm”	Date and type of parent notification
1 (11, ...) Add rows as needed	Click or tap to enter a date.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
	Click or tap to enter a date.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
	Click or tap to enter a date.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
	Click or tap to enter a date.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
	Click or tap to enter a date.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

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

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

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

Timeline and Deadlines

- LEAs must develop internal processes for how to notify **MSDE within four business days of the 10th incident of restraint or seclusion.**

Option #1-The individual school notifies the LEA and MSDE

Example: Smiley Elementary notifies Peak County Schools (LEA) and MSDE

Option #2-The individual school notifies the LEA, and the LEA notifies MSDE

Example: Smiley Elementary notifies the LEA and the LEA notifies MSDE

- Non-public special education 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 will be provided prior to July 1, 2023
- PDF form will be submitted to a designated MSDE e-mail address (email address to be provided)

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

On receipt of notice from a public school or nonpublic 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 public school or nonpublic school's pattern of behavioral health interventions to evaluate whether the public school or nonpublic school could use less restrictive behavioral health interventions;
- Share the LEA's recommendations with MSDE and the public school or nonpublic school. MSDE will conduct the review for public agencies.

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

Part Two: Student and School Level Review with Recommendations

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.

Part Two: Student and School Level Review with Recommendations

<p>Purpose</p>	<p>Document the review of the student’s case, assessment of the school’s behavioral health interventions, and provide recommendations.</p>
<p>Timeline and Deadlines</p>	<p>Documentation must be provided within <u>10 business days of LEA/MSDE receipt</u> of Notification of submission of Excessive (10 Incidents) Use of Restraint and/or Seclusion Notification Document</p>

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

Part Two: Student and School Level Review with Recommendations

IDENTIFYING INFORMATION

Date of Incident #10 (20, ...): Click or tap to enter a date.

Date of Report Submission to MSDE: Click or tap to enter a date.

LEA / Public Agency / Nonpublic Special Education School Name: Click or tap here to enter text.

LEA / Public Agency / Nonpublic Special Education School Number: Click or tap here to enter text.

School Name: Click or tap here to enter text.

School Number: Click or tap here to enter text.

Student Name: Click or tap here to enter text.

State Assigned Student ID: Click or tap here to enter text.

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

Part Two: Student and School Level Review with Recommendations

HISTORY OF BEHAVIOR ASSESSMENT AND PLANNING

Current Functional Behavior Assessment Date: Click or tap to enter a date.

Behavior Intervention Plan Implementation Date: Click or tap to enter a date.

Functional Behavior Assessment (FBA)

1. If an FBA has not previously been done for the student one should begin immediately.
2. If an FBA has previously been completed for the student (even recently), the FBA should be reviewed by a qualified individual other than the person who previously completed it.

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

Part Two: Student and School Level Review with Recommendations

HISTORY OF BEHAVIOR ASSESSMENT AND PLANNING

FBA (conducted or reviewed): Click or tap here to enter text.

Person conducting/reviewing the FBA: Click or tap here to enter text.

Behavior Intervention Plan (BIP)

1. If a BIP has not previously been created for the student, one should be developed immediately using information gleaned from the FBA.
 2. If a BIP currently exists, the BIP plan should be reviewed by a qualified individual other than the person who previously developed or reviewed and amended for a Student with Disabilities (SWD).
-

BIP date of development/review: Click or tap to enter a date.

Team conducting/reviewing the BIP: Click or tap here to enter text.

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

Part Two: Student and School Level Review with Recommendations

PATTERN OF BEHAVIORAL HEALTH INTERVENTIONS FOR THE STUDENT		
Behavior Health Interventions Type of behavior health interventions used or scheduled to be used with the identified student (list individually)	Fidelity of Implementation Frequency, duration of intervention use (when began, how often used, etc.)	Student's Response to the Intervention Is the intervention effective? Could it be modified to increase effectiveness?
Click or tap here to enter text.	Start Date: Click or tap to enter a date. Frequency of Implementation: Click or tap here to enter text.	Intervention Effectiveness: Click or tap here to enter text. Recommendations: Click or tap here to enter text.
Click or tap here to enter text.	Start Date: Click or tap to enter a date. Frequency of Implementation: Click or tap here to enter text.	Intervention Effectiveness: Click or tap here to enter text. Recommendations: Click or tap here to enter text.
What other relevant personal or environmental information will inform recommendations?		Click or tap here to enter text.

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

Part Two: Student and School Level Review with Recommendations

PATTERN OF BEHAVIOR INTERVENTIONS USED BY THE SCHOOL

The review team should identify schoolwide behavior interventions and approaches currently being implemented at this school to reduce the use of physical restraint or seclusion (nonpublic schools only) for ALL students.

Type of behavior health interventions used (list individually)	Frequency and duration of use (when began, how often used, etc.)	Apparent impact upon student behavior
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

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

Part Two: Student and School Level Review with Recommendations

RECOMMENDATIONS	
<p>The review team should identify recommendations specific to the student and for the school. Recommendations should be listed here as a means of communicating to MSDE and other relevant stakeholders. Recommendations related to the need for additional professional learning, resources, and support at the school to reduce the excessive use of physical restraint or seclusion should be considered.</p>	
Student Specific Recommendations	School Specific Recommendations
Click or tap here to enter text.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.

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

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

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 such as school psychologists, special educators, behavior support staff, and administrators to review excessive use reports and provide student and school level recommendations.
- LEAs must also develop **internal procedures** to support implementation of Md. Code, Education § 7-1101 *et seq.* (HB 1255) 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

Submission Procedures as of July 1, 2023

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

- Fillable PDF form will be provided prior to July 1, 2023
- PDF form will be submitted to a designated MSDE e-mail address

Corrective Action

Under Md. Code, Education § 7-1106(a), each LEA, public agency (i.e., Maryland School for the Blind, Maryland School for the Deaf, The SEED School), and a nonpublic school is required to submit a **systemic, evidence-based corrective action plan** to MSDE if the LEA, PA or nonpublic school 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.

Data elements within the corrective action plan include:

- School Information
- Systemic, evidence-based plan
 - Root Cause Analysis
 - SMART goals
 - Action Steps

Additional information about corrective action will be forthcoming.

Corrective Action

SYSTEMIC, EVIDENCE-BASED PLAN

Step 1. Conduct a root cause analysis (using qualitative and quantitative data) to identify the cause(s) of the failure to comply and/or excessive use of restraint and/or seclusion. Describe the results of the root cause analysis.

Click or tap here to enter text.

Step 2. Based on the root cause analysis, develop [SMART goals](#) for improvement that are specific, measurable, attainable, relevant, and time-based.

- Define monitoring intervals
- Define who will monitor
- Define the method for responding to data. Include a link to SMART goals.

Goal	Monitoring Period	Responsible Personnel	Measurable Targets
Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.	Click or tap here to enter text.

Step 3. Identify the actions your system/school will take to support achieving the SMART goals.

- Each step must directly relate to an identified cause for failure to comply and/or excessive use of restraint and/or seclusion.

Steps must include action steps, personnel, timeline, milestones of success, professional training needed, etc. (columns may be added).

Action Steps	Personnel	Timeline	Milestones of Success	Professional Training Needed

Corrective Action

Submission Timeline and Procedures as of July 1, 2023

Must complete **Corrective Action** within **30 days** of notification

- Fillable PDF will be provided
- PDF form will be submitted to designated MSDE email address

Additional information about corrective action will be forthcoming.



1. Introduction
2. Definitions of Restraint and Seclusion
3. Restraint and Seclusion Process Guide (Single Incident Form, Excessive Use Form, Corrective Action)
4. Data Collection (2022-2023)
5. Action Steps

Data Collection (2022-2023)

Review of mini-data collection procedures for the 2022-2023 school year

Mini-Data Collection for 2022-2023 School Year

Each LEA, PA, nonpublic school is required to submit data on the number of 10, 20, etc. incidents of restraint and/or seclusion for the 2022-2023 school year for the period of July 1, 2022, through January 31, 2023, and February 1, 2023, through June 30, 2023.

Data Collection 2022-2023

Purpose

This data collection is designed to assess the current status of restraint and/or seclusion incidents and to assist LEAs, PAs and Nonpublic special education schools to comply with the law prior to the implementation of universal forms on July 1, 2023.

Timeline and Deadlines

This first data report must be submitted by February 28, 2023.

Mini-Data Collection for 2022-2023 School Year

Each LEA, PA, nonpublic school is required to submit data on the number of 10, 20, etc. incidents of restraint and/or seclusion for the 2022-2023 school year for the period of July 1, 2022, through January 31, 2023, using the form provided in the transmittal to the local superintendents.

Current LEA Name (if applicable)	School Number	School Name	State Assigned Student ID (SASID)	Student Last Name	Student First Name	Resident/Home LEA Name	Date of 10th Incident	School Number at 10th Incident	School Name at 10th Incident	10 Incidents: Number of Restraints	10 Incidents: Number of Seclusions	Date of 20th Incident	School Number at 20th Incident	School Name at 20th Incident	20 Incidents: Number of Restraints	20 Incidents: Number of Seclusions

This data report* must be submitted by February 28, 2023.

If the LEA, PA, or Nonpublic school has no incident of restraint and/or seclusion, please submit the form with NA in the first and last name of student columns (SASID field should be left blank since it is a numeric field).

The data will be uploaded onto *Moveit*, MSDE’s secure server. Upon submission, please email Dr. April Turner at aprild.turner@maryland.gov to indicate that your submission is complete.

*This data collection is separate from the annual restraint and seclusion data collection.

Mini-Data Collection for 2022-2023 School Year

The data submitted will be reviewed by the MSDE team

Follow-up consultation and technical assistance will be provided based on a review of the submitted data.

This data collection is separate from the annual restraint and seclusion data collection



1. Introduction
2. Definitions of Restraint and Seclusion
3. Restraint and Seclusion Process Guide (Single Incident Form, Excessive Use Form, Corrective Action)
4. Data Collection (2022-2023)
5. Action Steps

Action Steps

Action steps to support implementation of Md. Code, Education § 7-1101 et seq. (HB 1255)

Action Steps

February 1-March 15, 2023

Attend office hours or schedule individual technical assistance sessions to answer questions or engage in problem-solving to support the implementation of Md. Code, Education § 7-1101 *et seq.* (HB 1255)

February 28, 2023

Mini-data collection for the period of July 1, 2022, through January 31, 2023, is due to MSDE

March – June 2023

LEAs,/PAs/nonpublic schools should establish internal procedures for full implementation of the procedures outlined in this training

July 1, 2023

Full implementation of MSDE forms and procedures

Summer 2023

Mini-data collection for the period of February 1, 2023, through June 30, 2023, is due to MSDE

Additional Technical Assistance and Support

Open Office Hours (LEAs and PAs)

MSDE will host regular office hours to provide LEAs, PAs, and nonpublic schools with a consistent, scheduled opportunity for thought partnership, clarification, and feedback.

This will allow for a facilitated conversation with peers and MSDE staff.

- 2/17/2023 9:00 AM to 10:00 AM
- 2/23/2023 11:00 AM to 12:00 PM
- 3/1/2023 10:00 AM to 11:00 AM
- 3/7/2023 1:00 PM to 2:00 PM

Additional Technical Assistance and Support

Open Office Hours (Non-Public Special Education Schools)

MSDE will host regular office hours to provide LEAs, PAs, and nonpublic schools with a consistent, scheduled opportunity for thought partnership, clarification, and feedback.

This will allow for a facilitated conversation with peers and MSDE staff.

- 2/17/2023 10:00 AM to 11:00 AM
- 2/23/2023 11:00 AM to 12:00 PM
- 3/2/2023 2:00 PM to 3:00 PM

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
- Questions related to data collection and access to *Moveit* should be directed to Dawn Hubbard, Program Manager, at dawn.hubbard@maryland.gov

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