

POLICY TITLE: <b>Student Behavior Interventions – Use of Physical Restraint and Exclusion</b>		
ADOPTION/EFFECTIVE DATE: <b>11/22/2004</b>	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: <b>Students</b>		

## I. Purpose

The purpose of this policy is to acknowledge and require compliance with COMAR 13A.08.04 *et seq.* titled “Student Behavior Interventions.”

## II. Definitions

Behavior Intervention Plan (BIP) - a plan created by appropriately trained professionals for an individual student comprised of positive behavioral interventions, strategies, and supports, which may include reasonable modifications to the nature of instruction, curriculum, or school routine. Such plans are typically developed based on the outcome of a Functional Behavior Assessment and reflect feedback from parents or guardians regarding the emotional, mental, and physical health of the student, as well as other relevant data.

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.

Imminent Serious, Physical Harm - bodily injury which involves: (i) a substantial risk of death; (ii) extreme physical pain; (iii) protracted and obvious disfigurement; or (iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Physical Escort: the temporary touching or holding of the hand, wrist, arm shoulder, or back for the purpose of inducing a student who is ~~acting out~~dysregulated to walk to a safe location.

Physical Restraint – a personal restriction, imposed by a school staff member or other individual, that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely. The term Physical Restraint does not include (i) briefly holding a student to calm or comfort the student, (ii) a physical escort, which refers to a temporary touching or holding of the hand, wrist, arm, shoulder, or back of a student for the purpose of inducing a student to walk to a safe location, (iii) escorting a disruptive student who is

unwilling to leave the area if other methods such as counseling have been unsuccessful, or (iv) intervening in a fight in accordance with Education Article § 7-307.

School Resource Officer (SRO) or Law Enforcement - a sworn law enforcement officer responsible for safety and crime prevention in schools.

Seclusion - the involuntary confinement of a student in a room or area, with or without adult supervision, from which the student is not permitted to leave. The term does not include a behavior management technique that is part of an approved program, which involves the monitored separation of the student in a nonlocked setting, from which the student is allowed to leave. Seclusion does not include placing a student in a separate location within a classroom with others or with an instructor where that student continues to receive instruction, is free to leave the location, and believes they can leave the location. Seclusion is prohibited at HCPS.

### III. Statement of Policy

- A. The board is committed to ensuring all schools will have a safe, healthy, and inviting climate where desired learning and development can occur. It is the responsibility of the school staff to proactively promote student learning and well-being with a high-quality educational environment. Accordingly,
1. All schools are expected to use an array of positive behavior interventions, de-escalation strategies, preventative practices, and supports to increase or decrease targeted student behaviors accordingly.
  2. In circumstances where such interventions and supports are insufficient to address serious behavior, students may be subject to exclusion to ensure safety and support emotional regulation.
  3. Physical restraint ~~is an option~~ and/or other MSDE approved physical intervention techniques are options of last resort used only in emergency situations to protect a student or other person from imminent, serious physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate. Physical restraint should not be used for discipline or staff convenience. Physical restraint and/or other MSDE approved physical intervention techniques of a student must end when it is no longer necessary to protect a student or other person from imminent, serious physical harm.
- B. Trained school personnel shall only use exclusion:
1. If the student's behavior unreasonably interferes with the student's learning or the learning of others; and

2. After less restrictive or alternative approaches have been considered, attempted, or determined to be ineffective.
- C. Trained school personnel shall only use physical restraint:
1. After other less intrusive, nonphysical interventions have been considered, attempted, and determined to be inappropriate;
  2. In a humane, safe and effective manner;
  3. Without intent to harm or create discomfort;
  4. Consistent with known medical or psychological limitations, including contraindications to the use of physical restraint based on medical history or past trauma and the student's behavior intervention plan (BIP); and
  5. As a last resort in an emergency situation when necessary to protect a student or other person from imminent, serious physical harm.

D. For each individual use of restraint, all requirements of COMAR 13A.08.04 shall be met.

~~D.E.~~ Actions not meeting the definition of Physical Restraint are not subject to this policy.

~~E.F.~~ Nothing in this policy prohibits school personnel from initiating appropriate student disciplinary actions pursuant to Maryland Annotated Code Education Article §7-305, COMAR 13A.08.01.11 or COMAR 13A.08.03, or law enforcement, School Resource Officer, or school security personnel from exercising their responsibilities, including the physical detainment of a student alleged to have committed a crime or posing a security risk in accordance with relevant Federal and State law, regulation, policy, or procedure.

~~E.G.~~ Nothing in this policy prohibits school personnel from intervening in a fight in accordance with Education Article § 7-307.

### Board Approval Acknowledged By:

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Sean W. Bulson, Ed.D.  
Superintendent

Policy Action Dates		
ACTION DATE	ACTION DATE	ACTION DATE

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME:	JOB POSITION OF LAST EDITOR/DRAFTER:
PERSON RESPONSIBLE:	JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

### **LEGAL REFERENCES<sup>1</sup>**

References are set forth in the Policy.

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<sup>1</sup> All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy or procedure.