

**Division of Educator Effectiveness**

**Nonpublic School Approval Branch**

**200 West Baltimore Street**

**Baltimore, Maryland 21201**

**(410) 767-0407**

**COMAR 13A.08.04 Student Behavior Interventions**

**(Effective October 5, 2009)**

**Nonpublic School Approval Branch Monitoring Form**

**School Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Reviewed by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_|Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**COMAR 13A.08.04 Regulation**

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| **MSDE USE ONLY** | **Page #** | .**04A., B., C., D, and G. Exclusion** |
|  |  | School’s policies and procedures state that school personnel may use exclusion if the student’s behavior unreasonably interferes with student’s learning or learning of others |
|  |  | School’s policies and procedures state that school personnel may use exclusion if the student’s behavior 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 |
|  |  | School’s policies and procedures state school personnel may use exclusion if requested by the student; **or** |
|  |  | School’s policies and procedures state school personnel may use exclusion if supported by the student’s behavior intervention plan |
|  |  | School’s policies and procedures state school personnel shall ensure each period of exclusion: |
| \_\_\_\_ Is appropriate to the developmental level of the student and the severity of the behavior; and \_\_\_\_ Does not exceed 30 minutes. |
|  |  | School’s policies and procedures state that 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. |
|  |  | School’s policies and procedures state the school personnel shall ensure the implementation of appropriate procedures, in accordance with COMAR 13A.08.03, if a student with a disability has experienced an excessive period of exclusion that may result in a change of placement. |
|  |  | If a school does not practice exclusion, the school includes a statement to that effect in its policies and procedures for student behavior interventions. |

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| **MSDE USE ONLY** | **Page #** | **05A. (1) Physical Restraint** |
|  |  | *School’s policies and procedures state that 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 or IEP describes the specific behavior and circumstances in which physical restraint may be used. The student’s behavioral intervention or IEP describes the specific behavior and circumstances in which physical restraint may be used. |
|  |  | School’s policies and procedures state that physical restraint shall only be applied by school personnel who are trained in the appropriate use of physical restraint consistent with Regulation .06C. Of this chapter |
|  |  | School’s policies and procedures state physical restraint: |
|  |  | **\_\_\_\_** Shall be removed as soon as the student is calm; and  **\_\_\_\_** May not exceed 30 minutes. |
|  |  | School’s policies and procedures state in applying physical restraint, school personnel may not: |
|  |  | \_\_\_\_ (i) Place a student in a face down position; |
|  |  | \_\_\_\_ (ii) Place a student in any other position that will obstruct a student’s airway or otherwise impair a student’s ability to breathe, obstruct a staff member’s view of a student’s face, restrict a student’s ability to communicate distress, or place pressure on a student’s head, neck, or torso; or \_\_\_\_ (iii) Straddle a student’s torso |
|  |  | If a school does not practice physical restraint, the school includes a statement to that effect in its policies and procedures for student behavior interventions. |
| **MSDE USE ONLY** | **Page #** | **05A.(2) Mechanical Restraint** |
|  |  | School may not practice mechanical restraint unless the school is certified by and meets the requirements of the Joint Commission for the Accreditation of Health Care Organizations (JCAHO). |
|  |  | If a school does not practice mechanical restraint, the school includes a statement to that effect in its policies and procedures for student behavior interventions. |

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| **MSDE USE ONLY** | **Page #** | **05A.03. Documentation of the Use of Restraint** |
|  |  | *School’s form includes space to document the following information:* |
|  |  | Other less intrusive interventions that have failed or been determined inappropriate; |
|  |  | Precipitating event immediately preceding the behavior that prompted the use of restraint |
|  |  | Behavior that prompted the use of a restraint |
|  |  | Names of the school personnel who observed the behavior that prompted the use of restraint |
|  |  | Names and signatures of the staff members implementing and monitoring the use of restraint |
|  |  | Documentation on the use of restraint shall include a description of the restraint event, including: |
| \_\_\_ Type of restraint; |
| \_\_\_ Length of time in restraint; |
| \_\_\_ Student’s behavior and reaction during the restraint; and |
| \_\_\_ Name and signature of the administrator informed of the use of restraint |
|  |  | School’s policies and procedures for student behavior interventions state that, each time restraint is used, parents shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student’s behavioral intervention plan or IEP. |
| **MSDE USE ONLY** | **Page #** | **05B. Seclusion** |
|  |  | School’s policies and procedures state that personnel may use seclusion if there is an emergency situation and seclusion is necessary to protect a student or other person after other less intrusive interventions have failed or been determined inappropriate. |
|  |  | School’s policies and procedures state that each student’s IEP or behavioral intervention plan describes the specific behaviors and circumstances in which seclusion may be used. |
|  |  | School’s policies and procedures state that school personnel view a student placed in seclusion at all times. |
|  |  | School’s policies and procedures state that a student placed in seclusion will be provided with: |
| \_\_\_\_ (i) An explanation of the behavior that resulted in the removal; and |
| \_\_\_\_ (ii) Instructions on the behavior required to return to the learning environment. |
|  |  | School’s policies and procedures state that seclusion shall only be applied by school personnel who are trained in the appropriate use of seclusion consistent with Regulation .06C of this chapter. |

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**(04.17.17/08.04 monitoring form/dms)**

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| **MSDE USE ONLY** | **Page #** | **05B. Seclusion Con't** |
|  |  | School’s policies and procedures state that a seclusion event shall be: |
| \_\_\_\_ a) Appropriate to the student’s developmental level and severity of behavior; |
| \_\_\_\_ b) May not restrict the student’s ability to communicate distress; and |
| \_\_\_\_ c) May not exceed 30 minutes. |
| If a school does not practice seclusion, the school includes a statement to that effect in its policies and procedures for student behavior interventions. |
| **MSDE USE ONLY** | **Page #** | **05B.(6) Documentation of Seclusion** |
|  |  | *School’s seclusion form includes space to document the following information:* |
|  |  | Other less intrusive interventions that have failed or been determined inappropriate; |
|  |  | Precipitating event immediately preceding the behavior that prompted the use of seclusion; |
|  |  | Behavior that prompted the use of a seclusion; |
|  |  | Names and signatures of the staff members implementing and monitoring the use of seclusion. |
|  |  | Documentation on the use of seclusion shall include a description of the seclusion event, including: |
|  |  | \_\_\_ Justification for initiating the use of seclusion; |
|  |  | \_\_\_ Length of time in seclusion; |
|  |  | \_\_\_ Student’s behavior and reaction during the seclusion; and |
|  |  | \_\_\_ Name and signature of the administrator informed of the use of seclusion |
|  |  | School’s policies and procedures for student behavior interventions state that, unless otherwise provided for in the student’s behavioral 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 |
| **MSDE USE ONLY** | **Page #** | **05C. Referral to Pupil Services or IEP Team** |
|  |  | School’s policies and procedures state that, if restraint or seclusion is used for a student with a disability, and the student’s IEP or behavioral 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. |
|  |  | School’s policies and procedures state that, if restraint or seclusion is used for a student with a disability, and the IEP or behavioral intervention plan includes the use of restraint or seclusion, the student’s IEP or behavioral intervention plan shall specify how often the IEP team will meet to review or revise, as appropriate, the student's IEP or behavioral intervention plan, in accordance with COMAR 13A.05.01 and COMAR 13A.08.03. |

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| **MSDE USE ONLY** | **Page #** | **05C. Referral to Pupil Services or IEP Team Con't** |
|  |  | School’s policies and procedures state that, when an IEP team meets to review or revise a student’s IEP or behavior intervention plan, as specified in §C(3) of this regulation, the IEP Team shall consider: |
| (a) Existing health, physical, psychological, and psychosocial information; |
| (b) Information provided by the parent; |
| (c) Observations by teachers and related service providers; and |
| (d) The student’s current placement. |
|  |  | School’s policies and procedures state that the local school system or the nonpublic school shall provide the parent of the student with written notice in accordance with COMAR 13A.05.01.12A when an IEP team proposes or refuses to initiate or change the student’s IEP or behavior intervention plan that includes the use of restraint or seclusion. |
| **MSDE USE ONLY** | **Page #** | **06A-C. Administrative Procedures/Professional Development** |
|  |  | The nonpublic school has policies and procedures to address: |
| (1) A continuum of behavioral interventions, strategies, and supports for use by school personnel before exclusion, restraint, or seclusion; |
| (2) The prevention of self-injurious behaviors; |
| (3) Methods for identifying and defusing potentially dangerous behavior; |
| (4) The use and documentation of exclusion consistent with Regulation .04 of this chapter; |
| (5) The use and documentation of restraint consistent with Regulation 05A of this chapter; and |
| (6) The use of seclusion consistent with Regulation 05B of this chapter. |
|  |  | School’s policies and procedures state school personnel described in §C.(2) shall receive training in current professionally accepted practices and standards regarding: |
|  |  | (a) Positive behavior interventions, strategies and supports, including methods for identifying and diffusing potentially dangerous behavior |
|  |  | (b) Functional behavior assessment and behavior intervention planning |
|  |  | (c) Exclusion |
|  |  | (d) Restraint and alternatives to restraint |
|  |  | (e) Seclusion; and |
|  |  | (f) Symptoms of physical distress and positional asphyxia. |
|  |  | The professional development described in §C(3) of this regulation shall include a written examination and physical demonstration of proficiency in the described skills and competencies. |
|  |  | The school’s policies and procedures state the school shall annually review policies and procedures and provide them to school personnel and parents as described in COMAR 13A.08.01. |
| **MSDE USE ONLY** | **Page #** | **06D. Monitoring and Compliance** |
|  |  | *The School has policies and procedures on:* |
|  |  | Monitoring the use of exclusion, restraint, and seclusion; |
|  |  | Receiving and investigating complaints regarding exclusion, restraint, and seclusion practices. |

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