

Senate Bill 786
Restraint and Seclusion—Consideration and Reporting

Wednesday, August 16, 2017
1:00 p.m. to 4:00 p.m., 8th Floor, Conference Room 6
Nancy S. Grasmick State Education Building
Maryland State Department of Education
200 West Baltimore St., Baltimore, MD 21201

Purpose: Senate Bill 786 requires the State Superintendent to convene a task force on restraint and seclusion. The task force will consider a number of assigned topics related to restraint and seclusion, review existing provisions in the Code of Maryland Regulations (COMAR), and make recommendations to the State Board and the General Assembly by October 1, 2017.

Meeting #4

Meeting Outcomes:

- Review discussion of Maryland minimum state requirements for policies and procedures;
- Determine recommendations for monitoring compliance; and
- Discuss data to be collected by local school systems.

Agenda:

- Welcome and Agenda Overview (1:00 p.m.-1:15 p.m.)
- Review of Discussion of Maryland Minimum State Requirements for Policies and Procedures (1:15 p.m.-1:20 p.m.)
- Review of Existing State Regulations (COMAR) for Restraint and Seclusion—Monitoring Compliance (1:20 p.m.-1:30 p.m.)
- Break (1:30 p.m.-1:40 p.m.)
- Standards for Monitoring Compliance (1:40 p.m.-2:30 p.m.)
 - Small Group Discussion
 - Consensus Building
- Discussion of Data to be Collected by Local School Systems (2:30 p.m.-3:15 p.m.)
- Public Comments (3:15 p.m.-3:45 p.m.)
- Wrap Up/Next Steps (3:45 p.m.-4:00 p.m.)

Meeting 4 Notes:

Members in attendance: Mary Gable, Co-Chair & Asst. State Superintendent of the Division of Student, Family, & School Support for MSDE; Deborah Nelson, Co-Chair & Section Chief for School Safety and Climate for MSDE; Kim Pogue, Alfred D. Noyes Children’s Center; Michal Thornton, Baltimore City Health Department; Courtney Oatts, Baltimore City Public Schools; Neal Lichter, Baltimore County; Rebecca Rider, Baltimore County Public Schools; David Ring, Calvert County Public Schools; Michael McGrew, Carroll County Public Schools; Lynn Davis, Child Advocacy Center-Frederick County; Leslie Margolis, Disability Rights Maryland; Rob Harrell, Kennedy Krieger Institute; Delegate Jheanelle Wilkins, Maryland House of Delegates; Albert Chichester, MSDE; Syliva Lawson, MSDE; Senator Craig Zucker, Maryland State

Senate; Jodi Chesman, Montgomery County Public Schools; Yolanda Brown, New Visions Academy; Lauren Grimes, On Our Own Maryland; Trinnell Bowman, Prince George's County Public Schools; Jimmy Robinson, REACH Partnership; Beverly Ursic, Shorehaven School; and Aaron Parsons, Kennedy Krieger Institute

Members of the Public: Gabriel Rose, Alex Cambra, Karen Dates Dunmore, Renee Spence, Tina Dove, and Leah Leishear

Welcome and Introductions:

Mrs. Mary Gable, Assistant State Superintendent, officially opened the meeting at 1:12 PM and initiated introductions. Each member of the taskforce officially introduced him or herself.

Following introductions, Mrs. Gable directed the taskforce to review the meeting minutes from the third meeting in order to vote on their approval. The taskforce reviewed the meeting minutes independently, voted, and approved the meeting minutes from the third meeting.

Mrs. Gable explained the remaining timelines and deadlines for taskforce recommendations and regulation changes. She proposed options for the finalization and consensus on taskforce recommendations and regulations since the group would not be meeting in person again. Mrs. Gable received feedback from the taskforce regarding preferences for moving forward.

Review of Existing and Proposed Definitions for Seclusion:

Dr. Nelson introduced herself and then reviewed the agenda and scope of work for the meeting.

Dr. Nelson reviewed the resource folder materials.

The taskforce discussed using the federal definition of seclusion and final ways the language could be adjusted to reach consensus. The federal definition of seclusion from the U.S. Department of Education *Restraint and Seclusion Resource Document* (2012) states that seclusion is,

“the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.”

The taskforce made recommendations for additional regulations that could more specifically and clearly address any items that are not mentioned in the federal definition with special considerations for exclusion versus seclusion, aversive practices and interventions, and operational definitions of key words. The entire document from the U.S. Department of Education can be found at the [Link to the MSDE website for the Restraint & Seclusion Taskforce.](#)

Dr. Nelson again reviewed current definitions and regulations from the Code of Maryland Regulations (COMAR) pertaining to restraint and seclusion. She asked the taskforce to discuss in small groups if they agreed upon or had recommendations for the topics referenced below.

1. Seclusion is prohibited in public agencies and nonpublic schools except in three situations: emergencies, approved Individualized Education Programs (IEPs) with parental consent, and developing the Behavior Intervention Plan (BIP) with parental consent.
2. For seclusion, COMAR provides regulations on the length of times, and the general observability and safety of the room.
3. Consensus on doors and locks, as these are not currently addressed in COMAR.
4. A requirement that doors have a panic bar and automatically unlock if a fire alarm is activated.
5. A requirement that the locking mechanism only works when the person supervising the seclusion room is holding it.

Special points of consensus and noteworthy remarks for the topics discussed above include:

- Restraint and seclusion is prohibited except in cases of emergency
- The Maryland State Department of Education (MSDE) would need to operationally define emergency and provide guidance for the Local Education Agencies (LEAs) and special nonpublic schools
- Contraindications to be identified and reviewed by Student Support Teams (SST)
- Doors and locks should be features for seclusion rooms
- Locks should automatically release when a fire alarm sounds
- Seclusion rooms need to be monitored by a minimum of two trained staff, including one administrator or administrative designee
- Clinical assessment and consultation should be included when making decisions about the continuation of seclusion as specified time and frequency limits reach their maximum
- The size of the room should be taken into consideration with students age and developmental levels

Dr. Nelson briefly adjourned the group for a small, ten minute break.

The taskforce reconvened at 3:06 PM to continue working.

The taskforce was asked to re-visit their small groups to determine if they agreed upon or had recommendations for the topics and questions listed below.

1. COMAR does not address contraindications with regard to restraint and seclusion.
2. What professional(s) is available in the school setting that can do this work?
3. At what stage in the proceedings can they do it?
4. Are the specific training topics that are being recommended?
5. Is there a certain frequency of training being recommended?
6. Is there a certain frequency of training being recommended?
7. The bill requires that we address trauma-informed interventions as a training topic, is there a recommendation as to how this should be done?

Special points of consensus and noteworthy remarks for the topics discussed above include:

- Documentation of individual student contraindications need to be readily available for anyone who might be involved with making a decision for restraint and seclusion
- Schools need to develop a plan to address emergency situations for restraint and seclusion with guidance and best practices from the MSDE
- Student Support Team (SST) with clinical representation can make decisions pertaining to restraint and seclusion
- SST, IEP, and BIP team members need to meet
 - after each incident of restraint and seclusion to debrief
 - annually to review contraindications for students
 - when a new student enrolls with a documented history restraint and / or seclusion
 - when any new information becomes available for current students that might change or impact contraindications
- Training considerations include
 - guidelines for dealing with specific student populations
 - de-escalation for all staff
 - contraindication examples and how to identify them
 - seclusion procedures
 - Would like the MSDE to provide a list of recommended trainers and best practices
 - Training for transportation and Student Resource Officers (SROs)
 - Any training provided is by a certified trainer
 - Annual re-certification process throughout the year
 - Structured practices during the school year
- Risk of restraint and seclusion is less than the risk of allowing the behavior continue

Wrap-Up/Next Steps

Mrs. Mary Gable thanked the entire taskforce for their participation and important feedback. Dr. Nelson informed the taskforce that email notification would be sent regarding future feedback on the produced reporting and recommendations.

Public Comments

Dr. Nelson asked members of the public during small group discussions if anyone desired to make a comment. No one from the public desired to comment.

Closing Comments

Dr. Nelson, Mrs. Gable, and Dr. Lawson shared thanks to the taskforce for their participation.

Adjournment

Mrs. Gable and Dr. Nelson officially dismissed the taskforce at 4:04 PM.

Taskforce Contact: Deborah Nelson, deborah.nelson@maryland.gov (410) 767-0294

The Task Force on Restraint and Seclusion is pleased to receive oral public comment at each of its meetings. The total time allotted to public comment will generally be limited to thirty (30)

minutes. Individuals seeking to speak to the Task Force will be given three (3) minutes each. Persons desiring to speak are asked to call (410-767-3678) or e-mail (carol.beck@maryland.gov) to register to speak. Registration will be accepted on a first come, first served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.

Upon request, appropriate accommodations will be provided for individuals with disabilities. To allow time to arrange accommodations, five (5) business days notice prior to the meeting is requested. Please contact Carol Beck at (410) 767-3678 or carol.beck@maryland.gov if you wish to request accommodations or have questions regarding the meeting.

For copies of agendas, minutes, and resources, please refer to the website for the Restraint and Seclusion Task Force at: <http://marylandpublicschools.org/programs/Pages/TFRS/index.aspx>