

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: COB-RA, JFA, JGA, JGA-RB, JGA-RC

Responsible Office: Chief Academic Officer

Classroom Management and Student Behavior Interventions

I. PURPOSE

To set forth procedures for Montgomery County Public Schools (MCPS) concerning the continuum of behavior interventions designed to maintain a positive environment conducive to learning

II. BACKGROUND

The classroom teacher has primary responsibility for guiding student behavior in order to create a positive learning environment that supports academic achievement. Utilization of positive behavior interventions facilitates the maintenance of an orderly and effective learning climate. Staff use a wide array of positive behavior intervention strategies and supports to guide student behavior and appropriate responsive strategies to maintain a safe and secure environment.

III. DEFINITIONS

- A. *Behavioral Intervention Plan (BIP)* is a proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports.
- B. *Conference* is communication between staff, parents/guardians, and/or students.
- C. *Continuum of interventions* is a progression of strategies utilized to guide student behavior, beginning with positive supports, consistent with the *Student Code of Conduct in MCPS*.
- D. *Corporal punishment*, which is prohibited, is an intentionally inflicted physical penalty administered by a person in authority.
- E. *Exclusion* is the temporary removal of a student from the classroom to a supervised area for a limited period of time during which the student has an opportunity to

regain self-control. The student is not receiving instruction, including special education, related services, or support. A “time-out” process constitutes a form of exclusion; suspension does not.

- F. *Functional Behavioral Assessment* (FBA) is a systematic process of gathering information to guide the development of an effective and efficient BIP.
- G. *In-school Suspension* (ISS) is the exclusion of a student within the school setting from the student’s regular education program for a specified period of time of up to 10 days in a school year for disciplinary reasons. The student is under staff supervision, but is not receiving direct instruction commensurate with the general education curriculum. ISS requires that a student receive due process including notice to the parent/guardian and an opportunity for the student to discuss the incident. ISS is counted in the 10 cumulative days of disciplinary removal for students with disabilities.
- H. *In-school Intervention* (ISI) is when a student is removed from the classroom for a specified amount of time and is provided instruction and support. For students with an Individualized Education Program (IEP), the IEP is implemented.
- I. *Joint Commission for the Accreditation of Health Care Organizations* (Joint Commission) is an independent, not-for-profit organization that accredits and certifies health care organizations and programs in the United States. It is recognized nationwide as a symbol of quality that reflects an organization’s commitment to meeting certain performance standards.
- J. *Protective or stabilizing device* is any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body for the purpose of enhancing functional skills, preventing self-injurious behavior, or ensuring safe positioning of a person.
- K. Restraints – the intended use of the restraint determines if its use is allowable.
 - 1. *Mechanical restraint*, which is prohibited in any public or nonpublic school, unless the school is certified by and meets the requirements of the Joint Commission, is any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove. It is not a protective or stabilizing device.
 - 2. *Physical restraint*, which is only acceptable under conditions described in this regulation, is defined by Maryland law as the use of physical force,

without the use of any device or material that restricts the free movement of all or a portion of a student's body. Physical restraint does not include –

- a) briefly holding a student in order to calm or comfort the student,
- b) holding a student's hand or arm to escort the student safely from one area to another,
- c) intervening in a fight in accordance with *Annotated Code of Maryland*, Education Article, Section 7-307, or
- d) moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful.

3. *Prone restraints*, which are prohibited in any public or nonpublic school, are restraints by which the student is restrained on the floor face down, away from the individuals conducting the restraint.

L. *Seclusion*, which is only acceptable under conditions described in this regulation, is the confinement of a student alone in a room from which the student is physically prevented from leaving.

IV. PROCEDURES

- A. Staff will employ a full range of effective classroom management strategies designed to create a safe and orderly learning environment that supports academic achievement for all students.
- B. In accordance with the *Student Code of Conduct in MCPS*, when the student's inappropriate behavior requires the attention of the principal/designee, counselor, school psychologist, pupil personnel worker, or other specialist, the classroom teacher will inform the principal/designee who will arrange a conference as soon as possible. When feasible, this conference will include the principal/designee, the parents/guardians, the classroom teacher, and the student and others as appropriate, to discuss the problem and to explore possible steps to resolve it.
- C. The full range of effective classroom management strategies must consider the cultural and linguistic diversity of the MCPS community.
- D. The classroom teacher-student relationship is integral to student achievement and school success. The foundation of a positive, safe, and orderly educational environment is setting clear, explicit, and high academic and behavior standards that all students are expected to meet.

- E. School staff members are expected to use a continuum of positive behavior interventions, strategies, and supports to increase or decrease targeted student behavior. These interventions must be consistent with the student's rights to be treated with dignity and to be free from abuse.

- F. When a student's behavior seriously disrupts the instructional program to the detriment of other students, the classroom teacher may temporarily remove the student from class and refer the student to the principal/designee for appropriate disciplinary action, which may include sanctions such as alternative structure, ISS, ISI, or suspension. Prior to readmission to class, the principal/designee will be responsible for facilitating a resolution.
 - 1. If, after consultation with the classroom teacher, the principal/designee determines that a conference is necessary to discuss the problem and explore possible resolutions, it will be arranged as soon as possible, and will include the principal/designee, the teacher, and appropriate specialists.
 - 2. If mutually satisfactory steps do not result from this conference, the principal/designee may, after consultation with the classroom teacher, schedule another conference involving the parent/guardian, the appropriate associate superintendent/designee from the Office of School Support and Improvement (OSSI) and/or the Office of Student and Family Support and Engagement.
 - 3. The principal/designee, after consultation with the teacher, will determine when the student will return to class.
 - 4. If the student has an IEP, the process will follow federal and state laws governing special education.

- G. School staff may use exclusion to address a student's behavior if –
 - 1. the student's behavior unreasonably interferes with the student's learning or the learning of others,
 - 2. constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate,
 - 3. exclusion is requested by the student, or

4. exclusion is supported by the student's BIP.
- H. The use of physical restraint or seclusion is prohibited in MCPS unless –
1. there is an emergency situation and physical restraint or seclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, nonphysical interventions have failed or been determined inappropriate, and shall be discontinued as soon as the danger of imminent, serious, physical harm to self or others has dissipated,
 2. the student's IEP or BIP describes the specific behaviors and circumstances under which physical restraint or seclusion may be used, and the specific methods of physical restraint or seclusion to be employed, and the IEP team shall –
 - a) obtain written consent from the parent/guardian according to procedures set forth in Maryland law if the team proposes to include physical restraint or seclusion in the IEP or BIP to address the student's behavior, or
 - b) otherwise follow procedures set forth in Maryland law in the event that the parent/guardian refuses to give consent, or
 3. the parents/guardians of a nondisabled student have otherwise provided written consent for the use of physical restraints or seclusion while a BIP is being developed.
- I. Staff shall only use exclusion, physical restraint, or seclusion after every effort has been made to prevent the need for exclusion, physical restraint, or seclusion, and –
1. after a continuum of positive, less restrictive or alternative approaches have been considered, attempted and determined to be ineffective for the maintenance of a safe, positive learning environment,
 2. when the risk of behavior is greater than the risk of the restraint,
 3. in a humane, safe, and effective manner, consistent with state regulations,
 4. without intent to harm or create undue discomfort, consistent with state regulations, and

- 5. consistent with known medical or psychological constraints and limitations and the student's BIP or IEP.
- J. For students receiving special education services, if the student's IEP or BIP includes the use of restraint or seclusion with permission of the parent/guardian, the plan also must include a statement of how frequently the plan will be reviewed.
- K. For students receiving special education services, if the student's IEP or BIP does not include the use of restraint or seclusion, the school shall schedule an IEP meeting within 10 days of a restraint or seclusion event to discuss revisions to the plan, as appropriate. The meeting should include the discussion of the underlying cause or purpose of the dangerous behavior. Written consent of the parent/guardian is required to include physical restraint or seclusion in a student's IEP or BIP as set forth in section IV.H.2 above.
- L. If restraint or seclusion has been implemented for a nondisabled student, there must be an immediate referral to an educational management team, school-based Section 504 team, or IEP team, as appropriate. The meeting should include the discussion of the underlying cause or purpose of the dangerous behavior.
- M. Exclusion may last no longer than 30 minutes.
- N. Seclusion shall be appropriate to the student's developmental level and severity of behavior and may not restrict the student's ability to communicate distress. Seclusion may last no longer than 30 minutes.
- O. A physical restraint only shall be used as is necessary to protect a student or other person from imminent, serious, physical harm. A physical restraint shall never be used in a manner that restricts a student's breathing or harms the student and shall be removed as soon as the harmful situation ceases, and may last no longer than 30 minutes.
- P. The use of protective or stabilizing devices is permitted under certain circumstances for the purpose of enhancing functional skills, preventing self-injurious behavior, and/or ensuring safe positioning of a person. Staff only may use a protective or stabilizing device as prescribed by a health professional or in accordance with the student's IEP for students with a disability, or BIP.
- Q. Restraint or seclusion should never be used as punishment or discipline, as a means of coercion or retaliation, or as a convenience. The use of corporal punishment is prohibited in MCPS under any circumstances.

- R. The use of prone restraints is prohibited in MCPS under any circumstance. The student's torso may not be straddled during a restraint.
- S. Designated staff members will be trained on how to administer physical restraint. Only trained staff will implement physical restraints. Each school must have a minimum of a five member crisis team trained to implement physical restraints in emergency situations.
 - 1. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and the safety of the student, other students, teachers, and other personnel.
 - 2. Following a restraint –
 - a) the student will be examined by health room staff to determine whether there were physical injuries or distress as a result of the restraint,
 - b) any concerns will be documented, and
 - c) The student's parents/guardians shall be notified within 24 hours, unless otherwise provided for in a student's BIP or IEP.
 - 3. There must be medical documentation verifying medical contraindications to the use of restraint for applicable students. In cases where there is such documentation, parents/guardians will be requested to sign a release for staff members to contact the private health professional to discuss the contraindications. Alternatives to restraint should be used in these cases.
- T. Schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
- U. The use of mechanical restraint is prohibited in MCPS, unless the school is certified by the Joint Commission. A mechanical restraint in a certified school can last no longer than two hours. In certified schools, all procedures must be implemented pursuant to Joint Commission regulations.
- V. Parents/guardians and staff members may at any time request a meeting in order to –
 - 1. conduct an FBA,

2. develop, review, or revise a student's BIP, and/or
3. otherwise confer about the student, as appropriate.

W. The principal is responsible for –

1. at the beginning of each school year, identifying a five-member crisis team made up of staff members who receive professional development and serve as a schoolwide resource to assist in ensuring proper administration of this regulation,
2. assuring that the exclusion of a student from one or more classes does not constitute a suspension unless it is specifically designated as such in writing by the principal,
3. informing the school staff that corporal punishment is prohibited and that the administering of such punishment is grounds for disciplinary action,
4. notifying the associate superintendent for Human Resources and Development and the appropriate associate superintendent in OSSI of any instance in which corporal punishment has allegedly been administered by an MCPS staff member,
5. notifying parents/guardians of the use of physical restraint or seclusion in writing within 24 hours of the event. Additionally, there should be a serious effort to contact the parent/guardian by the end of the school day,
6. assuring that documentation of each incident of seclusion or restraint is maintained in the educational record,
7. documenting each incident of restraint or seclusion in the designated module of the Online Administrative Student Information System,
8. receiving and investigating complaints regarding exclusion, restraint, and seclusion practices, and
9. informing staff that only trained staff members may administer restraint and seclusion.

X. MCPS will monitor the use of restraints and seclusions. When restraint or seclusion has been used repeatedly for an individual student, used multiple times within the same classroom, or used multiple times by the same individual, a more thorough

review will be conducted and, if appropriate, will result in a revision of behavioral strategies currently in place.

In addition, on a regular basis, the Office of Special Education will monitor the use of exclusion, restraint, and seclusion in accordance with this regulation and *Code of Maryland Regulations* §13A.08.04.02-06.

- Y. MCPS will provide professional development to designated school staff members on the appropriate implementation of this regulation. Each trained school staff member is required to take a refresher course every two years. The professional development will include –
1. positive behavior interventions, strategies and supports, including methods for identifying and defusing potentially dangerous behaviors,
 2. FBA and BIP planning and procedures,
 3. prevention of self-injurious behaviors,
 4. restraints and alternatives to restraint,
 5. symptoms of physical distress and positional asphyxia,
 6. exclusion, and
 7. seclusion.

The training will include a written assessment and/or a physical demonstration of competency.

Related Sources: *Annotated Code of Maryland*, Education Article §§ 7-307 and 8-405; *Code of Maryland Regulations* 13A.08.04.02-.06; *Student Code of Conduct in MCPS*; U.S. Department of Education, *Restraint and Seclusion Resource Document* (2012)

Regulation History: Formerly Regulation No. 550-1, August 10, 1976 (directory information updated), revised October 1986; revised September 10, 2004; revised March 13, 2012; revised October 4, 2017.