

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: COA, COA-RA, COB-RA, IOI-RA, JFA, JGA, JGA-RB, JGA-RC, JHC, JHC-RA
Responsible Office: Office of School Support and Well-being

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 safe, positive learning environment

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 promotes academic, social, and emotional growth while preventing or reducing challenging behaviors. Data-driven, trauma-informed actions, instruction, and appropriate, responsible strategies guide student behavior and facilitate 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.

Staff shall use exclusion or physical restraint only after every effort has been made to prevent the need for exclusion or physical restraint –

- A. after a continuum of positive, less restrictive, or alternative approaches have been considered, attempted, and either failed or were determined to be inappropriate for the maintenance of a safe, positive learning environment,
- B. when the risk of behavior is greater than the risk of the restraint,
- C. in a humane, safe, and effective manner, consistent with state regulations,

- D. without intent to harm or create undue discomfort, consistent with state regulations, and
- E. consistent with known medical or psychological constraints and limitations and the student’s Behavioral Intervention Plan (BIP) or Individualized Education Program (IEP).

III. DEFINITIONS

- A. A BIP is a proactive, data-based, structured plan that is developed as a result of a Functional Behavioral Assessment (FBA), which is applied consistently by trained staff to reduce or eliminate a student’s challenging behaviors and to support the development of appropriate behaviors and responses.
- B. *Communicate* means to convey information verbally or nonverbally. “Communicate” includes, but is not limited to –
 - 1. speech,
 - 2. gestures,
 - 3. symbols, and
 - 4. American Sign Language.
- C. *Conference* is communication between staff, parents/guardians, and/or students.
- D. *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*.
- E. *Corporal punishment*, which is prohibited, is an intentionally inflicted physical penalty administered by a person in authority.
- F. *Exclusion* means 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 the student is not receiving instruction, including special education, related services, or support.
- G. FBA is a systematic process of gathering information to guide the development of an effective and efficient BIP for a problem behavior. An FBA includes –
 - 1. the identification of the functions of the problem behavior for the student,

2. a description of the problem behavior exhibited in the educational setting, and
 3. the identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time.
- H. *In-school Intervention (ISI)* is when a student is removed from the classroom for a specified amount of time. During an ISI, the student is afforded the opportunity to—
1. continue appropriately in the general curriculum;
 2. receive the special education and related services specified in the student’s IEP, if the student is a student with a disability in accordance with COMAR 13A.05.01;
 3. receive instruction commensurate with the program afforded to the student in the regular classroom; and
 4. participate with peers as they would in their current education program to the extent appropriate.
- I. *Joint Commission for the Accreditation of Health Care Organizations (Joint Commission)* is an independent, nonprofit 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. *Positive behavior interventions, strategies, and supports* means schoolwide and individual application of data-driven, trauma-informed actions, instruction, and assistance to promote positive social and emotional growth while preventing or reducing challenging behaviors, in an effort to encourage educational and social emotional success.
- K. *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. Protective or stabilizing device includes –

1. adaptive equipment prescribed by a health professional, if used for the purpose for which the device is intended by the manufacturer;
 2. seat belts; or
 3. other safety equipment to secure students during transportation, in accordance with the public agency transportation plan.
- L. 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 the use of any device or equipment to restrict a student's freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove. Mechanical restraint does not include protective or stabilizing devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related-services professional and are used for the specific and approved purposes for which such devices were designed including –
 - a) adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 - b) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
 - c) restraints for medical immobilization; or
 - d) orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
 2. *Physical restraint*, which is acceptable only under conditions described in this regulation, is defined by Maryland law as a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely. Physical restraint does not include –
 - a) briefly holding a student in order to calm or comfort the student;
 - b) a physical escort, which is the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purposes of inducing a student who is acting out to walk to a safe location (i.e., physical

escort is not a prolonged action and does not restrict the student's ability to move freely);

- c) moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful;
 - d) intervening in a fight.
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.

M. *Seclusion*

- 1. means the confinement of a student alone in a room or area from which the student is physically prevented from leaving. The use of seclusion is prohibited in MCPS under any circumstances.¹
- 2. "Seclusion" does not include a behavior intervention plan (sometimes referred to as "time out") of separating a student by placing the student –
 - a) into an unlocked room from which the student is allowed to leave; or
 - b) within a separate location in a classroom from which the student is not physically prevented from leaving.

N. *Suspension* is the exclusion of a student from the student's regular education program for a specified period of time for disciplinary reasons, and is fully addressed in MCPS Regulation JGA-RB, *Suspension and Expulsion*, and Regulation JGA-RC, *Suspension and Expulsion of Students with Disabilities*.

O. *Trauma-informed intervention* is an approach that is informed by the recognition of the impact that trauma, including violence, abuse, neglect, disaster, terrorism, and war, may have on a student's physical and emotional health and ability to function effectively in an educational setting.

P. *Workday* means a day, other than a Saturday, Sunday, or legal holiday, on which the central offices of MCPS are open for the transaction of business.

¹ Maryland law prohibits seclusion in any Maryland public agency defined as the Department [of Education], a local school system, the Juvenile Services Education Program, the Maryland School for the Deaf, the Maryland School for the Blind, or the Juvenile Services Education Program (Ann Code ED 7-1101(e)).

IV. PROCEDURES

- A. 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.
- B. 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.
- C. In accordance with Board Policy JGA, *Behavior Intervention, Safety, and Well-being Plan*, student behavior intervention strategies should be administered in a way that keeps students within their regular school program to the greatest extent practicable. School staff members will be equipped with the support, knowledge, and skills needed to prevent and, when necessary, respond to conflict, meet the diverse behavioral needs of all students, and fairly and equitably apply behavior-intervention policies and practices.
- D. In accordance with Board Policy COA, *Student Well-being and School Safety*, each principal is responsible for ensuring that the school has staff members who are trained in de-escalation and physical-intervention skills as well as collaborative problem-solving, root-cause analysis, mental health support, attendance and engagement interventions, and the availability of community resources.
- E. *The Student Code of Conduct in MCPS* encourages involving students and parents/guardians when potential solutions are needed to address social, academic, and personal issues related to student behavior. The classroom teacher will inform the principal/designee when the student's behavior requires the attention of the principal/designee, counselor, school psychologist, pupil personnel worker, or other specialist, and the principal/designee will arrange a conference as soon as possible.
- F. Before use of exclusion or restraint, school staff members are expected to use a continuum of positive behavior interventions, strategies, and supports. These interventions must be consistent with the student's rights to be treated with dignity and to be free from abuse.
- G. Only MCPS staff members who are designated and trained to use restraint in compliance with this regulation and Maryland law may use restraint as a behavioral-health intervention.

1. Restraint may be used only as a behavioral-health intervention when it is necessary to protect the student or another individual from imminent serious physical harm; and other, less intrusive nonphysical interventions have failed or been demonstrated to be inappropriate for the student.
2. Under no circumstances are MCPS staff members permitted to use physical restraint for noncompliant or provocative behavior.
3. Under conditions set forth in Maryland law and MCPS Regulation COB-RA, *Incident Reporting*, MCPS staff members may take reasonable and necessary action to de-escalate and/or prevent violence.

V. EXCLUSION

- A. 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. 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, 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.
- B. Exclusion may not be used to systematically exclude a student from instruction, extracurricular activities, lunch, or recess because of the severity of their disabilities or for any other reason that will have the effect of discriminating against a student based on the student's ability (cognitive, social emotional, and/or physical).
- C. If a student with a disability has a condition that poses challenges to inclusion in instruction and other programming, appropriate school teams are responsible for convening an IEP meeting to determine what, if any, new or additional services are needed to include the student in the same manner as other students.
- D. A setting used for exclusion shall –
 1. provide school personnel with the ability to see the student at all times;
 2. provide adequate lighting, ventilation, and furnishings; and

3. be unblocked and free of barriers to prevent egress.
- E. School personnel shall monitor a student placed in exclusion and provide that 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.
- F. School personnel shall ensure that each period of exclusion –
1. is appropriate to the developmental level of the student and the severity of the behavior; and
 2. does not exceed 30 minutes.
- G. 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 ISI, ISS, suspension, or an alternative structure. The teacher may request that the student not be readmitted to that class until they have had an opportunity to confer with the administrator/designee. Such a request must be made in writing. 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 Well-being (OSSWB) and/or the Office of Well-being, Learning, and Achievement.
 3. The principal/designee, after consultation with the teacher, will determine when the student will return to class in the shortest time practicable.

- H. Parents/guardians and school personnel may at any time request a meeting to address the use of exclusion and to –
 - 1. Conduct an FBA, and
 - 2. Develop, review, or revise a student’s BIP.
- I. School personnel shall –
 - 1. consider the need to initiate a referral to an Educational Management Team (EMT) or IEP team if a nondisabled student has experienced excessive exclusion (e.g., exclusion used more than five times a week, for a period exceeding 5 minutes for each exclusion), to determine if the student has a disability that may require the provision of special education or related services, in accordance with Maryland law; and
 - 2. ensure the implementation of appropriate procedures, in accordance with Maryland law, if a student with a disability has experienced an excessive period of exclusion that may result in a change of placement.
- J. Excessive exclusions also should be documented using the online student referral module in the student information system.

VI. RESTRAINT

- A. The use of physical restraint is prohibited in MCPS, unless or until 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, nonphysical interventions have failed or been determined inappropriate. This is the case regardless of whether the parent/guardian has provided written consent or a written refusal to include physical restraint on a student’s BIP or IEP.
 - 1. Restraint shall be discontinued as soon as the danger of imminent, serious physical harm to self or others has dissipated.
 - 2. Once physical restraint has been used or school personnel have made a student-specific determination that it may need to be used as set forth in Maryland law, physical restraint may be included in a student’s BIP or IEP to address the student’s behavior in an emergency situation, provided that school personnel –
 - a) review available data to identify any contraindications to the use of physical restraint, based on medical history or past trauma,

including consultation with medical or mental-health professionals as appropriate;

- b) identify the less intrusive, nonphysical interventions that will be used to respond to the student's behavior until physical restraint is used in an emergency situation, and
- c) obtain written consent from the parent/guardian according to procedures set forth in Maryland law.

B. Application of physical restraint

1. Physical restraint shall be applied only by designated school personnel who are trained in the appropriate use of physical restraint.
2. Every instance in which restraint is used should be carefully, continuously, and visually monitored to ensure the appropriateness of its use and the safety of the student, other students, teachers, and other personnel.
3. In applying physical restraint, school personnel shall use only reasonable force as is necessary to protect a student or other person from imminent, serious physical harm.
4. Physical restraint –
 - a) shall be removed as soon as the student is calm, and
 - b) may not exceed 30 minutes.
5. In applying physical restraint, school personnel may not –
 - a) utilize a prone restraint by which the student is restrained on the floor face down;
 - b) place a student in any other face-down position or another 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
 - c) straddle a student's torso.

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.
- C. The use of mechanical restraint is prohibited in MCPS, unless the school is certified by and meets the requirements of the Joint Commission.
 1. In any certified school, all procedures must be implemented pursuant to Joint Commission regulations.

VII. SECLUSION

The use of seclusion in any Maryland public agency is prohibited by Maryland law.

- A. Seclusion may be used in a nonpublic school, pursuant to the Annotated Code of Maryland, Education Article, section 7-1102.
- B. When MCPS places an MCPS student in a nonpublic school, MCPS will comply with all Maryland requirements for investigating and/or monitoring any use of seclusion of those students.

VIII. DOCUMENTATION OF RESTRAINT AND SECLUSION

- A. Reporting Requirements
 1. If a student is physically restrained 10 times or more in a school year, the school of enrollment shall provide notice to the director of special education services/designee, who will provide notice to MSDE at the earliest opportunity.
 2. If a student placed in a nonpublic school by MCPS is physically restrained or placed in seclusion 10 times or more in a school year, the nonpublic school shall provide notice to MSDE and MCPS at the earliest opportunity.

3. Upon receiving notice of a student being restrained, or secluded in a nonpublic school placement, 10 times, the director of special education services/designee shall –
 - a) review the student’s case, including the circumstances of each incident of physical restraint or seclusion by a nonpublic school;
 - b) assess the public school’s or nonpublic school’s pattern of behavioral-health interventions to evaluate whether less restrictive behavioral-health interventions could have been used; and
 - c) share MCPS’s recommendations with MSDE and the school of enrollment in the case of restraints, or nonpublic schools in the case of restraints and/or seclusions.

B. Documentation of the Use of Restraint in the Student’s Records

1. Each time a student is placed in a restraint, school personnel involved shall debrief and document the following information in the designated online module:
 - a) Other less intrusive interventions that have failed or been determined inappropriate
 - b) The precipitating event immediately preceding the behavior that prompted the use of restraint
 - c) The behavior that prompted the use of restraint
 - d) The names of the school personnel who observed the behavior that prompted the use of restraint
 - e) The names and signatures of the school personnel implementing and monitoring the use of restraint
2. Documentation shall include a description of the restraint event, including –
 - a) the type of restraint,
 - b) the length of time in restraint,
 - c) the student’s behavior and reaction during the restraint, and

- d) the name and signature of the administrator informed of the use of restraint.
- C. The documentation described in this section shall be maintained in the student's educational record and made available for inspection by the student's parent/guardian, in accordance with Maryland law and MCPS Regulation JOA-RA, *Student Records*.
- D. Each time a restraint is used, parents/guardians shall be provided oral or written notification within 24 hours, unless otherwise provided for in a student's BIP or IEP.
- E. 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-care professional to discuss the contraindications. Alternatives to restraint should be used in these cases.

IX. REFERRAL FOLLOWING RESTRAINT

- A. If a restraint has been implemented for a student who has not been identified as a student with a disability under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, the student shall immediately be referred to an EMT, school-based Section 504 team, or IEP team, as appropriate. The meeting should include a discussion of the underlying cause and the precipitating event immediately preceding the behavior that prompted the use of restraint.
- B. For students receiving special education services, if the student's IEP or BIP does not include the use of restraint, the school shall schedule an IEP meeting within 10 workdays of the incident to consider –
 - 1. the need for an FBA,
 - 2. appropriate behavioral interventions that may need to be developed, and
 - 3. implementation of a BIP.
 - 4. The meeting should include a discussion of the underlying cause or purpose of the dangerous behavior.

5. Written consent of the parent/guardian is required to include physical restraint in a student's IEP or BIP, as set forth in section XIII.F below.
- C. For students receiving special education services, if the student's IEP or BIP includes the use of restraint with permission of the parent/guardian, the student's IEP or BIP shall specify how often the IEP team shall meet to review or revise, as appropriate, the student's IEP or BIP, in accordance with Maryland law. When an IEP team meets to review or revise a student's IEP or BIP, the process will follow federal and state laws governing special education, and the IEP team shall consider –
1. existing health, physical, psychological, and psychosocial information, including any contraindications to the use of restraint based on medical history or past trauma,
 2. information provided by the parent/guardian,
 3. observations by teachers and related service providers,
 4. the student's current placement, and
 5. the frequency and duration of restraint events that occurred since the IEP team last met.
- D. MCPS shall provide the parent/guardian with written notice following the IEP meeting, in accordance with Maryland law, when an IEP team proposes or refuses to initiate or change the student's IEP or BIP that includes the use of restraint.
- E. Parent/Guardian Consent
1. The IEP team shall obtain the written consent of the parent/guardian if the team proposes to include restraint in the BIP or IEP to address the student's behavior.
 2. If the parent/guardian does not provide written consent, the IEP team shall send the parent/guardian written notice within five workdays of the IEP team meeting that states –
 - a) The parent/guardian has the right to either consent or refuse to consent to the use of restraint, and

- b) If the parent/guardian does not provide consent or a written refusal within 15 workdays of the IEP team meeting, the IEP team may implement the proposed use of restraint.
- 3. If the parent/guardian provides written refusal, the IEP team may use the dispute-resolution options in Maryland law to resolve the matter.

X. EXCEPTIONAL CIRCUMSTANCES AND PROHIBITED ACTIONS

- A. If the behavioral interaction involves a threat by a student (i.e., an expression of an intent to cause physical harm), staff should follow the behavioral risk assessment process in accordance with MCPS Regulation COA-RA, *Behavior Threat Assessment*.
- B. 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 the safe positioning of a person. Staff only may use a protective or stabilizing device as prescribed by a health-care professional or in accordance with the student’s IEP for students with a disability or BIP.
- C. 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-care professional).
- D. Restraint should never be used as punishment or discipline, as a means of coercion or retaliation, or as a convenience.
- E. The use of corporal punishment is prohibited in MCPS under any circumstances.

XI. PROFESSIONAL DEVELOPMENT

- A. MCPS will provide professional development to school staff members designated by school administrators on the appropriate implementation of this regulation.
 - 1. Each trained school staff member is required to take a refresher course annually.
 - 2. Each school must have a minimum of a five-member crisis team that is trained to implement physical restraints in emergency situations.
- B. The training will include a written assessment and/or a physical demonstration of proficiency in the described skills and competencies, and will include –

1. de-escalation and positive behavior-intervention strategies and supports, including methods for identifying and defusing potentially dangerous behaviors;
2. trauma-informed intervention;
3. FBA and BIP planning and procedures;
4. exclusion;
5. restraint and alternatives to restraint;
6. the prohibition of seclusion in all Maryland public schools;
7. symptoms of physical distress and positional asphyxia;
8. first aid and cardiopulmonary resuscitation (CPR);
9. individualized behavior interventions, based on student characteristics, including disability, medical history, and past trauma; and
10. prevention of self-injurious behaviors.

XII. INFORMATION FOR STUDENTS AND PARENTS/GUARDIANS

- A. Notification of this regulation will be published annually in designated publications and distributed within MCPS schools.
- B. 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.

XIII. IMPLEMENTATION, MONITORING, AND REVIEW

- A. The principal is responsible for implementation of school-based procedures to include –

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. ensuring that the exclusion of a student from one or more classes does not constitute an in-school suspension, unless suspension procedures are followed;
3. informing the school staff that corporal punishment, an intentionally inflicted physical penalty administered by a person in authority, is —
 - a) prohibited;
 - b) subject to reporting procedures in MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*; and
 - c) grounds for employee disciplinary action.
4. informing school staff that seclusion is —
 - a) prohibited;
 - b) subject to reporting procedures in MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*; and
 - c) grounds for employee disciplinary action.
5. notifying the chief of the Office of Human Resources and Development and the appropriate associate superintendent in OSSWB of any instance in which corporal punishment or any other action inconsistent with this regulation has allegedly been administered by an MCPS staff member,
6. notifying parents/guardians of the use of physical restraint by the end of the school day and in writing within 24 hours of the event,
7. ensuring that documentation of each incident of restraint is maintained in the educational record,
8. documenting each incident of restraint in the designated online module,
9. receiving and investigating complaints regarding exclusion and restraint practices in consultation with the Office of Human Resources and

Development/Department of Compliance and Investigation and the Office of Special Education (OSE), and

10. informing staff that only trained staff members may administer restraint.
- B. MCPS will monitor the use of restraint in accordance with this regulation and Maryland law.
- C. When exclusion or restraint (or seclusion by a nonpublic school in which an MCPS student is placed in accordance with an IEP) 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.
- D. This regulation will be reviewed on an annual basis in accordance with Maryland law.

Related Sources:

Individuals with Disabilities Education Act (IDEA), 20 U.S.C., §1400, et seq.; Americans with Disabilities Act of 1990 (ADA); Americans with Disabilities Act Amendments Act of 2008 (ADAAA); Section 504 of the *Rehabilitation Act of 1973*; U.S. Department of Education, *Restraint and Seclusion Resource Document* (2012); U.S. Department of Education, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016); U.S. Department of Education, *Fact Sheet: Restraint and Seclusion of Students with Disabilities* (Dec. 2016); *Annotated Code of Maryland*, Education Article §§ 7-307, 7-1101, 7-1104, and 7-1106 and 8-405; 2022 Maryland Laws Ch. 31 (H.B. 1255); *Code of Maryland Regulations* (COMAR) 13A.08.01.11, 13A.08.01.17, and 13A.08.04.02-.06; Maryland State Department of Education (MSDE) Guidance, COMAR 13A.08.04–*Student Behavior Interventions (July 22, 2019)*; MSDE Technical Assistance Bulletin 19-02, *Student Behavior Interventions: Physical Restraint and Seclusion Supplement on Students with Disabilities (July 2019)*; *Student Code of Conduct in MCPS*; *Employee Code of Conduct in MCPS*

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; revised October 8, 2019; revised January 26, 2024.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.*

- A. It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:
- (1) Title VI of the federal Civil Rights Act of 1964; and
 - (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
 - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
 - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
 - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.**

For inquiries or complaints about discrimination against MCPS students*** Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	For inquiries or complaints about discrimination against MCPS staff*** Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973 Section 504 Coordinator Office of School Support and Well-being Office of Well-being, Learning, and Achievement 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-5630 504@mcpsmd.org	For staff requests for accommodations under the Americans with Disabilities Act ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*** Title IX Coordinator Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

*This notification complies with the federal Elementary and Secondary Education Act, as amended.

**This notification complies with the Code of Maryland Regulations Section 13A.01.07.

***Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mccr@maryland.gov; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpainterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.