



April 4, 2019

MEMORANDUM

To: Members of the Board of Education

From: Michael J. Martirano, Ed.D.
Superintendent

Subject: Restraint and Seclusion Data

The purpose of this memorandum is to inform you that The Baltimore Sun inquired with our Communications Office regarding data received from MSDE on restraints and seclusions for the 2017-18 school year. The data that was provided for all students and those receiving special education services was incorrect.

Data was originally provided to MSDE via a survey prior to Terri Savage becoming Executive Director of Special Education.

Correct data has been collected and will be provided to MSDE and in response to the inquiry from The Baltimore Sun. The data is provided below. Please Contact Terri Savage at terrell_savage@hcpss.org with additional questions.

2017-18 School Year (based on September 30 enrollment numbers)

The total number of restraints for all students: 1,025

Total number of restraints for students receiving special education services: 724

The total number of seclusions for all students: 614

Total number of seclusions for students receiving special education services: 404

Copy to: Executive Staff
Board of Education Office



December 22, 2021

MEMORANDUM

To: Board of Education Members

From: Michael Martirano, Ed.D.
Superintendent

Subject: 2021 MSDE Report on Restraint & Seclusion

The purpose of this memorandum is to make you aware of the publication of the Maryland State Department of Education's (MSDE's) [2021 Annual Report on Restraint and Seclusion in the Public Schools](#) and to summarize its content in relation to the Howard County Public School System (HCPSS).

As you know, restraint and seclusion are used only in emergency situations where there is danger of a student hurting themselves or someone else. We presented to you our plans to reduce instances of restraint and seclusion in our schools on November 18, 2021, and you voted to issue a moratorium on the use of seclusion beginning with SY22-23. I am very optimistic that by training staff to implement research-affirmed, alternate strategies, we will quickly improve our student's experiences and outcomes.

This two tables in Appendix A show the SY17-18 through SY20-21 restraint and seclusion data by Maryland school district.

If you have any further questions, please contact Dr. Caroline Walker, Executive Director, Program Innovation and Student Well-Being or Dr. Terri Savage, Executive Director, Special Education.

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APPENDIX A

	Restraint							
School System	SY17-18 #	SY17-18 % of Enroll	SY18-19 #	SY18-19 % of Enroll	SY19-20 #	SY19-20 % of Enroll	SY20-21 #	SY20-21 % of Enroll
Allegany County	22	0.25%	26	0.30%	20	0.24%	9	0.11%
Anne Arundel County	991	1.20%	1,002	1.20%	834	0.98%	107	0.13%
Baltimore City	512	0.64%	143	0.18%	190	0.24%	1	0.00%
Baltimore County	1,859	1.64%	1,053	1.33%	926	0.80%	123	0.11%
Calvert County	576	3.62%	750	0.95%	70	0.44%	12	0.08%
Caroline County	31	0.54%	42	0.05%	5	0.09%	4	0.07%
Carroll County	468	1.85%	508	0.64%	357	1.41%	74	0.30%
Cecil County	79	0.51%	157	0.20%	76	0.50%	37	0.25%
Charles County	553	2.06%	757	0.95%	399	1.45%	46	0.17%
Dorchester County	13	0.27%	16	0.02%	21	0.45%	1	0.02%
Frederick County	2,152	5.11%	1,996	2.52%	559	1.28%	87	0.20%
Garrett County	8	0.21%	4	0.01%	10	0.26%	4	0.11%
Harford County	77	0.20%	486	1.28%	547	1.42%	32	0.09%
Howard County	406	0.71%	889	1.54%	616	1.05%	137	0.24%
Kent County	2	0.10%	2	0.10%	1	0.05%	0	0.00%
Montgomery County	1,656	1.03%	1,356	0.83%	778	0.47%	65	0.04%
Prince George's County	127	0.10%	104	0.08%	78	0.06%	5	0.00%
Queen Anne's County	30	0.39%	23	0.30%	6	0.08%	4	0.05%
Somerset County	41	1.41%	21	0.72%	22	0.76%	4	0.14%
St. Mary's County	37	0.20%	102	0.57%	62	0.34%	5	0.03%
Talbot County	11	0.24%	20	0.43%	8	0.17%	2	0.04%
Washington County	618	2.74%	545	2.40%	208	0.90%	69	0.31%
Wicomico County	56	0.37%	48	0.32%	30	0.20%	8	0.06%
Worcester County	68	1.02%	-	0.00%	124	1.80%	3	0.04%
Non-Publics	8,528	N/A	9,663	N/A	6,363	N/A	995	N/A
Total	18,921	N/A	19,713	N/A	12,310	N/A	1,834	N/A

	Seclusion							
School System	SY17-18 #	SY17-18 % of Enroll	SY18-19 #	SY18-19 % of Enroll	SY19-20 #	SY19-20 % of Enroll	SY20-21 #	SY20-21 % of Enroll
Allegany County	30	0.35%	13	0.15%	55	0.65%	19	0.24%
Anne Arundel County	-	0.00%	-	0.00%	N/A	N/A	N/A	N/A
Baltimore City	51	0.06%	15	0.02%	N/A	N/A	N/A	N/A
Baltimore County	45	0.04%	218	0.27%	330	0.29%	40	0.04%
Calvert County	701	4.41%	386	0.49%	78	0.49%	16	0.10%
Caroline County	-	0.00%	7	0.01%	N/A	N/A	N/A	N/A
Carroll County	120	0.47%	177	0.22%	61	0.24%	31	0.13%
Cecil County	234	1.52%	195	0.25%	31	0.20%	14	0.10%
Charles County	312	1.16%	391	0.49%	36	0.13%	24	0.09%
Dorchester County	-	0.00%	-	0.00%	8	0.17%	N/A	N/A
Frederick County	837	1.99%	1,604	2.02%	348	0.79%	42	0.10%
Garrett County	1	0.03%	92	0.12%	9	0.23%	29	0.79%
Harford County	283	0.75%	1,153	3.05%	817	2.13%	102	0.27%
Howard County	371	0.65%	215	0.37%	132	0.22%	161	0.28%
Kent County	2	0.10%	-	0.00%	-	0.00%	N/A	N/A
Montgomery County	-	0.00%	602	0.37%	615	0.37%	73	0.05%
Prince George's County	-	0.01%	-	0.00%	N/A	N/A	N/A	N/A
Queen Anne's County	-	0.00%	-	0.00%	-	0.00%	N/A	N/A
Somerset County	5	0.17%	-	0.00%	N/A	N/A	N/A	N/A
St. Mary's County	38	0.21%	78	0.43%	38	0.21%	3	0.02%
Talbot County	-	0.00%	45	0.96%	11	0.23%	4	0.09%
Washington County	327	1.45%	125	0.55%	159	0.69%	35	0.16%
Wicomico County	-	0.00%	-	0.00%	N/A	N/A	N/A	N/A
Worcester County	7	0.10%	1	0.01%	23	0.33%	N/A	N/A
Non-Publics	3,961	N/A	4,215	N/A	3,736	N/A	478	N/A
Total	7,325	N/A	9,532	N/A	6,487	N/A	1,071	N/A



January 5, 2022

CONFIDENTIAL
MEMORANDUM

To: Board of Education Members

From: Michael Martirano, Ed.D.
Superintendent

Subject: Restraint & Seclusion

The purpose of this memorandum is to provide additional information requested by the Board of Education about restraint and seclusion.

On November 18, 2021, HCPSS staff presented a Board report on restraint and seclusion. It was recommended that the Board ban seclusion in the HCPSS starting the 2022-2023 school year. Approved seclusion rooms are situated at the five elementary schools and one middle school that house special education programs for students with emotional disabilities and related disorders. Seclusion would not be permitted at these sites starting next school year.

All schools, including these sites, must also have a team of staff in place who are Safety Care certified. This is a small group of staff identified by the school administrator each year to serve as a response team when needed. These staff must complete the full Safety Care training program - a certification program which includes verbal competencies for de-escalation and physical competencies for properly applying restraints. All schools, including these sites, are expected to require staff to participate in Safety Care Basics training. This training focuses on the de-escalation techniques only.

As we work toward removing seclusion in our schools, it is imperative that staff continue to receive more training. The training will target disability awareness and acceptance, trauma-informed practices, de-escalation strategies, and other alternative approaches to reduce restraint. Restraint typically occurs prior to seclusion, therefore, the focus on engaging learners in meaningful instruction and fully addressing their needs in more comprehensive ways can reduce the need for behavioral interventions that may lead to restraint.

Attached, please find answers to Board member questions that could not be addressed at the November 19, 2021 meeting. If you have any further questions, please contact Dr. Terri Savage, Executive Director, Special Education, or Dr. Caroline Walker, Executive Director, Program Innovation and Student Well-being.

Copy to: Executive Staff
Board of Education Office

Board Member Questions & Staff Responses

- 1) *Please report on student and staff injuries resulting from incidents of restraint and seclusion.*

Students who experienced restraint or seclusion were examined by their school nurse or health assistant to assess for any injuries. If any were found, they were logged in the health file as “acute injury;” if no injuries were found, they were logged as “evaluation.” The table below shows the percentage of logged student examinations that were assessed as “acute injury” or “evaluation” following an incident of restraint or seclusion by school year.

	Seclusion		Restraint		Both		TOTAL	TOTAL
	Acute Injury	Evaluation	Acute Injury	Evaluation	Acute Injury	Evaluation	Acute Injury	Evaluation
2021-2022 (as of 12/16/21)	40.00%	60.00%	14.29%	85.71%	44.44%	55.56%	22.78%	77.22%
2020-2021	63.64%	36.36%	50.00%	50.00%	50.00%	50.00%	54.05%	45.95%
2019-2020	6.52%	93.48%	19.27%	80.73%	14.58%	85.42%	16.67%	83.33%
2018-2019	11.27%	88.73%	14.66%	85.34%	10.68%	89.32%	13.41%	86.59%

For staff injuries, staff searched worker’s compensation claims for the words “restraint” and “seclusion” and then confirmed that each instance was in fact related to an incident of student restraint or seclusion. Annual injuries ranged from two last school year to 18 in SY19-20 as seen below:

	Restraint-Related	Seclusion-Related	TOTAL
SY 2018-2019	15	0	15
SY 2019-2020	18	0	18
SY 2020-2021	2	0	2
SY 2021-2022 (through Nov.)	6	2	8
TOTAL	41	2	43

- 2) *Please disaggregate restraint and seclusion data by students who receive FARMs and do not receive FARMs.*

	% Incidents of Restraint Only		% Incidents of Seclusion Only		% Incidents of Restraint AND Seclusion	
	FARMs	Not FARMs	FARMs	Not FARMs	FARMs	Not FARMs
SY2018-2019	59.40%	40.60%	50.54%	49.46%	67.92%	32.08%
SY2019-2020	49.92%	50.08%	46.28%	53.72%	54.09%	45.91%
SY2020-2021	59.38%	40.63%	27.27%	72.73%	25.64%	74.36%

For context, the percentage of all HCPSS students who received Free and Reduced-price Meals (FARMs) was approximately 22% for each of the school years referenced.

- 3) *For students without an IEP, the number of students by Race/Ethnicity who were secluded or restrained?*

Because relatively few students without IEPs are restrained and secluded, these data would meet our suppression criteria and should not be shared publicly, lest individual students be identified:



June 17, 2022

MEMORANDUM

To: Members of the Board of Education

From: Michael J. Martirano, Ed.D.
Superintendent

Subject: Restraint and Seclusion in Maryland

The purpose of this memorandum is to detail next steps that staff are taking to ensure compliance with H.B. 1255 by July 1, 2022, and to make the Board aware of opportunities you will have over the next several months to ask questions and provide guidance on the related HCPSS Policy 9400 - Student Behavior Intervention.

The Maryland General Assembly recently passed *Physical Restraint and Seclusion - Limitations, Reporting, and Training, Chapter 31 of the Acts of 2022 (H.B. 1255)*. This bill institutes several new changes for the use of restraint and seclusion for all students and bans the use of seclusion in Maryland's public schools. Furthermore, it increases oversight by the MSDE and the LEA. The purpose of this memorandum is to update the Board on how HCPSS will comply with Maryland Law.

In anticipation of this change, HCPSS staff began policy revisions under the direction of the Policy office in early May. MSDE communicated they expect to review and revise their regulations in accordance with the amended statute. Model policy and guidance is also expected. Therefore, the Board delayed any further policy updates until more information is received from the MSDE.

H.B. 1255 bans the use of seclusion in Maryland's public schools effective July 1, 2022. HCPSS will be in full compliance. Only 5 elementary regional schools have seclusion rooms and none of these rooms will be available to staff for use with students after June 30, 2022. These 7 rooms are in the process of being converted to spaces where students can safely de-escalate and receive assistance with regulating their emotions.

HCPSS staff continue to identify positive behavioral interventions, strategies, and support for students. Consistent with these efforts, staff are scheduled to report the findings of a small-scale program evaluation completed on the Ukeru Systems, one trauma-informed approach, on June 23, 2022. HCPSS will be seeking more trauma-informed approaches and strategies to decrease

the need for and use of restraints. A Request for Proposal to solicit bids for alternative approaches for addressing students' behavioral needs is also underway. After careful review of responses, staff will bring any recommendations to the Board through the bids and contracts process.

MSDE has also scheduled its first targeted review meeting with HCPSS as required in the letter to me from Superintendent Mohammed Choudhury dated May 23, 2022 (attached). This is a statewide effort that involves all LEAs. According to the letter, this review is how MSDE will gather information to assist all LEAs in identifying policy, training, and documentation changes necessary to reduce the overreliance of physical restraint and seclusion.

Staff are looking forward to working with MSDE and receiving clearer guidance to inform any additional changes to HCPSS Policy 9400 - Student Behavior Intervention. As you know, Policy 9400 has been updated to comply with H.B. 1255; further revisions will be brought to the Board for action later this summer.

If you have any questions, please contact Dr. Caroline Walker, Executive Director, Program Innovation and Student Well-Being, and Dr. Terri Savage, Executive Director, Special Education. Staff welcomes an opportunity to provide more information on the proactive steps taken to address restraint and seclusion in HCPSS.

Copy to: Executive Staff
Board of Education Office



May 23, 2022

Dr. Michael J. Martirano
Superintendent
Howard County Public Schools
10910 Clarksville Pike
Ellicott City, MD 21042

RE: Targeted Restraint and Seclusion Review

Dear Dr. Martirano:

On December 30, 2021, the Maryland State Department of Education (MSDE) publicly reiterated its commitment to safe learning environments for students in Maryland public schools, including the appropriate use of restraint and seclusion. In Maryland, local education agencies (LEAs), public agencies, and nonpublic special education schools annually report high numbers of restraint and seclusion incidents. These data make clear these practices disproportionately affect students with disabilities and students of color. This is unacceptable. Restraint and seclusion can have significant consequences for the wellbeing of our students and staff; therefore, the practices must be a last resort in emergency circumstances only, consistent with federal and State laws and regulations.

In addition, the General Assembly passed *Physical Restraint and Seclusion – Limitations, Reporting, and Training*, Chapter 31 of the Acts of 2022 (H.B. 1255). This bill institutes several new changes for the use of restraint and seclusion for all students – including banning seclusion in public schools, increasing oversight by the MSDE and the LEA for the use of physical restraint and seclusion for individual students, and requiring corrective action for LEAs found out of compliance with applicable laws and regulations. While the MSDE will review and revise its regulations in accordance with the amended statute, we cannot wait to ensure that our students receive effective models of behavior interventions. State regulations, as well as the Individuals with Disabilities Education Act (IDEA), hold the LEA/public agency responsible for providing positive behavioral interventions, strategies, and supports to address behavior that impedes the student's learning or the learning of others.

To support a statewide response, the MSDE is reviewing the use of restraint and seclusion across all LEAs and public agencies. The MSDE, Division of Early Intervention and Special Education Services (DEI/SES) is implementing a targeted review of restraint and seclusion policies and procedures, as well as incident documentation for a sample of students in each LEA and public agency. This review will provide both the LEA/public agency and the MSDE with information to assist in identifying policy, training, and documentation changes necessary to reduce overreliance on physical restraint and seclusion.

Dr. Michael J. Martirano

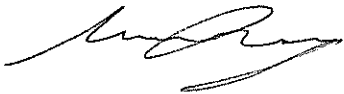
May 23, 2022

Page Two

During May and June 2022, the DEI/SES will conduct a targeted review of Howard County Public Schools' restraint and seclusion incident documentation. The DEI/SES staff is working collaboratively with Howard County Public Schools' special education leadership team to identify the review sample and to access required incident reports with supporting documentation, as well as your system's policies and procedures. The student sample will be selected from students with disabilities with documented incident(s) of restraint and/or seclusion during the period of January 1, 2022 through March 31, 2022. The DEI/SES team will review the submitted documentation to ensure consistency with applicable federal and State laws, and share the results with your system. This information will allow your system to proactively identify areas for improvement, training updates, and policy reform. The MSDE will also use this information to help inform future technical assistance and guidance to increase the capacity of our LEAs and public agencies.

I appreciate your team's cooperation as we work together to eliminate the illegal and inappropriate use of restraint and seclusion, and identify and implement strategies for positive change.

Best Regards,



Mohammed Choudhury
State Superintendent of Schools

MC/MEF

c: Dr. Terri Savage
Dr. Deann Collins
Ms. Marcella Franczkowski



August 8, 2022

MEMORANDUM

To: Members of the Board of Education

From: Michael J. Martirano, Ed.D.
Superintendent

Subject: Restraint and Behavioral Support Training

The purpose of this memorandum is to inform the Board of Education about the key student behavioral intervention strategies utilized by HCPSS staff, how these strategies complement each other in daily practice, and the plans for ongoing staff training in these strategies. HCPSS's goal is to reduce incidents of restraint and ensure that restraint is only used when appropriate. This requires training on restraint techniques and training to prevent the need for restraint.

Training for Staff Members Who May Need to Restrain Students

There are some staff (special educators, alternative educators, administrators, some school counselors, psychologists, support staff) who need to be trained on how to respond to a student in crisis to ensure the safety of the student, their peers, and HCPSS staff. HCPSS has used the Safety Care training program for the past several years for this purpose. Key HCPSS personnel in the Department of Special Education and Program Innovation and Student Well-Being have received comprehensive training from Safety Care's Master Trainers and are certified to train other HCPSS staff in the components of the Safety Care approach for student crisis prevention and response. Safety Care does train identified staff in using physical restraint when 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. All school systems in Maryland provide training on restraint.

Training to Prevent Restraint

In response to HCPSS' desire to minimize the need for and use of physical restraint, some staff have also been trained in the Ukeru system for crisis prevention and management which does not include physical restraint of children. A small-scale program

evaluation has shown Ukeru to be effective for some students. Ukeru will be implemented in eight schools that house regional programs for students with Emotional Disabilities at the elementary and middle school level in the fall of the 2022-2023 school year (three elementary schools are already using Ukeru). Cedar Lane will also implement Ukeru for some students. During SY22-23, HCPSS staff will continue to identify schools where there are students who may benefit from Ukeru to provide training and materials.

Additionally, HCPSS staff will work to more clearly align components of trauma-informed practices training and restorative justice practices with existing crisis prevention and intervention training. HCPSS continues to seek additional alternatives to restraint and is exploring options through the request for proposal (RFP) process and speaking with other Maryland counties about best practices.

The Complementary Nature of Programs

Safety Care and Ukeru differ in their training focus. Ukeru training emphasizes understanding the trauma basis for student behaviors and using physical de-escalation strategies which do not include physical restraint and release techniques. Safety Care trains specific staff on how to safely utilize restraint and release techniques in emergency situations where there is imminent risk of serious physical harm. Both strategies are valuable to staff working with students who might at some point pose a danger to themselves or others.

Vector Training for Certificated Staff

There are basic principles and de-escalation strategies for crisis prevention that all staff who regularly work with students should receive training on to understand and effectively implement. Components of crisis prevention that all staff are trained on include:

- Understanding the behaviors that students may exhibit when in crisis and what situations may lead to manifesting such behaviors
- How to be in a supportive role during escalating situations and what can be done to de-escalate student responses and behaviors
- Environmental strategies that can decrease the likelihood of student crises and unwanted behaviors, including classroom setup

These components are currently included in the Safety Care Basics training (on Vector) that is provided to all certificated staff.

These components also align with trauma-informed response training and the foundational underpinnings of restorative justice practices. All these approaches emphasize understanding the causes of student behavior, addressing student needs that

can manifest through unwanted behaviors, and reducing the frequency of situations that might trigger such behaviors and a student crisis response.

Lauryn's Law Professional Learning

At the start of the school year, school counselors, psychologists and social workers will provide training for staff on suicidal ideation reporting and trauma-informed and responsive approaches in education. The second part of this training will allow staff to:

- Refer and respond to student mental health or student trauma needs
- Define adversity, trauma, and childhood experiences (positive and adverse)
- Identify behaviors that may indicate trauma and adversity in students
- Identify the impact of trauma on the brain at different developmental levels
- Identify an individual's role in creating positive childhood experiences.

Additional Changes for SY 2022-23

Administrators, special educators, and student services staff will receive training on the recent changes to Maryland law and HCPSS policy during the in-service week. This training will include ensuring understanding that:

- seclusion is no longer permitted in any setting
- 10 or more incidents of restraint with an individual student must be reported to MSDE and a team will convene to support the school in better addressing the student's behavior
- exclusion will be defined, and it will be emphasized that exclusion cannot simply replace seclusion

As always, it will be emphasized that restraint is a last resort when students are unsafe.

This additional support and data analysis will further direct HCPSS practices. Additionally, all staff will receive a screencast and supporting documentation to ensure all are aware of these changes.

Request for Proposal Process

Staff have begun the Request for Proposal (RFP)/bid process to identify additional techniques, strategies, and approaches for working with students who have complex behavioral needs. Vendors' responses will help HCPSS create a training system that will best meet HCPSS needs in terms of providing effective crisis prevention training for all staff and crisis intervention training for staff in certain roles. Responses will be evaluated for alignment with established HCPSS principles, trauma-informed care, and restorative justice practices and having one-time and ongoing costs that allow all staff to receive the appropriate level of training within the current fiscal environment. A committee of staff from the Department of Special Education and Program Innovation and Student Well-

Being will work with Purchasing and Procurement to assess all applications and make a recommendation to the Board of Education.

In the interim, staff welcome questions and suggestions from the Board and community stakeholders. Additional updates on behavioral support training will be provided to the Board of Education in the coming weeks and months. Please direct questions to Dr. Terri Savage, Executive Director, Special Education and Dr. Caroline Walker, Executive Director of Program Innovation and Student Well-Being.

Copy to: Executive Staff
Board of Education Office



September 20, 2022

MEMORANDUM

To: Members of the Board of Education

From: Michael J. Martirano, Ed.D.
Superintendent

Subject: SY20-21 Restraint & Seclusion Data

The purpose of this memorandum is to inform the Board of Education about errors in the SY20-21 Restraint and Seclusion data that was submitted to MSDE in September 2021.

In responding to an MPIA request which requested school- and grade-level data from SY20-21 and SY21-22, staff realized that two points of data reported as part of the Maryland State Department of Education Physical Restraint and Seclusion Data Collection SY 2020-2021 were incorrect:

1. For Question #4, staff reported the unduplicated count of students who were restrained as 38. It was 29.
2. For Question #13, staff reported the unduplicated count of students who were secluded as 21. It was 13.

Staff were using Synergy data which subtotaled incidents as *incidents of restraint only*, *incidents of seclusion only*, and *incidents of both restraint and seclusion*. While it was proper to combine the subtotals for data related to the number of incidents, subtotaling the data to obtain the number of students resulted in the double count of students. MSDE is now requiring student-level data and HCPSS has instituted a new data reporting process; this mistake was not repeated with the SY21-22 data recently submitted to MSDE.

Staff will be contacting MSDE to report the incorrect information and provide correct student counts. The student count data was not included in the 2021 Physical Restraint and Seclusion Report published by MSDE.

Please direct questions to Caroline Walker, Executive Director of Program Innovation and Student Well-Being.

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