Action: MSDE will form a cross-departmental team to address R/S reform within FCPS and across the State for ALL students.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
Internal MSDE Team: MSDE will establish an internal, cross-departmental team to review and evaluate FCPS progress and address R/S on the State level for ALL students. This team will provide bi-weekly updates to the Superintendent.	The internal MSDE team will communicate weekly to monitor FCPS's R/S data, progress, any required local action, and State-wide reform.	Division of Early Intervention and Special Education Services (DEI/SES) team, Division of Student Support, Academic Enrichment, and Educational Policy (DSSAEEP) team, and other representative staff as appropriate (e.g., Data, Research, Teacher Certification, Nonpublic Approval, and Deputy Superintendents)
Superintendent Updates: The leadership team will provide updates to the Superintendent.	Bi-weekly	Dr. Sylvia Lawson, Dr. Deann Collins, Marcella Franczkowski, and Mary Gable

CROSS-DEPARTMENTAL: FCPS ACTIONS

Action: MSDE will meet regularly with FCPS leadership to address R/S reform within the system.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
 MSDE/FCPS Team: MSDE will establish a joint MSDE/FCPS leadership team to review and evaluate FCPS progress on R/S priorities as established by MSDE (e.g., DEI/SES audit process). The FCPS team will include: FCPS Interim Superintendent, Executive Director of Accelerating Achievement & Equity, Student Services Director, Supervisor of Accelerating Achievement and Equity, Directors of Special Education (Elementary Programs and Secondary Programs), and Others as identified by FCPS. 	The MSDE/FCPS team will communicate weekly to discuss FCPS's R/S data, progress, and any support/resources needed to forward the work.	Division of Early Intervention and Special Education Services (DEI/SES) team, Division of Student Support, Academic Enrichment, and Educational Policy (DSSAEEP) team, and other representative staff as appropriate (e.g., Data, Research, Teacher Certification, Nonpublic Approval, and Deputy Superintendents)

Action: FCPS will provide a biannual report to the local board of education on its R/S data, as well as progress on the MSDE required		
actionable steps.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
Local Board Report of Progress:	 Biannual 	DEI/SES and DSSAEEP teams
FCPS will provide a report to their local board		
of education on local R/S data (all students,		
SWD, students of color), including an		
explanation/analysis of the data, and FCPS		
corrective action and progress.		

Action: MSDE will review FCPS data, including documentation generated by the DOJ/USAO settlement agreement, to identify both (1) patterns and trends to inform State-wide reform, technical assistance needs, and best practices, and (2) opportunities for MSDE to provide local support.

provide local support.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
MSDE Review of Restraint and/or Seclusion (R/S) Documentation from	At the end of every semester as required in the DOJ/USAO settlement	Support of BCBA staff (Paula Gonce) in DEI/SES and DSSAEEP (two to be
DOJ/FCPS Settlement Agreement:	agreement	hired) teams
 FCPS will provide MSDE with copies of the BCBA Supervisor reports as required under Part IV(c) of the DOJ/USAO settlement agreement MSDE's trained BCBAs will review the documentation to determine any additional technical assistance needs that MSDE can address through training and/or written guidance 		
MSDE Support of Training Requirements from DOJ/USAO Settlement Agreement: FCPS is required to provide annual training to all BCBAs, school Administrators, and any individual trained to implement Physical Restraint. (See Part XIII of the DOJ/FCPS Settlement Agreement.) MSDE will provide support, as needed, to FCPS in	To be determined with FCPS dependent on their internal timelines.	DEI/SES and DSSAEEP teams

the development of the required yearly	
professional development course to be created	
by the BCBA Supervisor with the FCPS Dept.	
of Special Education.	
	 DEI/SES, DSSAEEP, Division of
MSDE Support of Staffing Plan from	Educator Certification and Program
DOJ/FCPS Settlement Agreement: FCPS is	Approval
required to submit a plan to the DOJ/USAO	
outlining how it will increase hiring of special	
education teachers and incentivize staff to	
earn their special education and BCBA	
certifications. (See Part XII of the DOJ/FCPS	
Settlement Agreement.) MSDE will	
collaborate with FCPS to identify creative and	
innovative solutions to address this	
requirement.	

Action: FCPS will provide MSDE with an internal communication plan for the dissemination of revised policies and procedures,		
released technical assistance bulletins, guidance documents, and professional learning/training schedule.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
FCPS will provide MSDE with an internal	 To be determined in conjunction with 	DEI/SES and DSSAEEP teams
communication plan. The plan will outline	FCPS.	
the dissemination of revised FCPS policies		
and procedures, released technical assistance		
bulletins, guidance documents, and		
professional learning/training schedule. This		
dissemination plan is important for ensuring		
that R/S messaging and expectations are		
transmitted from top-to-bottom of FCPS		
staffing.		

IDEA: FCPS ACTIONS

Action: Division of Early Intervention and Special Education Services (DEI/SES) will conduct an audit of Frederick County Public Schools' (FCPS) Restraint and Seclusion (R/S) policies and procedures, as well as individual incident report documentation for students with disabilities, to determine whether there are any violations of federal or State special education law and/or a denial of a free appropriate public education (FAPE) under the IDEA.

appropriate public education (FAPE) under the IDEA.			
Actionable Steps:	Timeline:	Assigned MSDE Staff:	
Policies, Procedures, and Forms MSDE will review FCPS's R/S policies and procedures (formal board policies, any internal guidance procedures and documents, and R/S forms - including those to be revised per the DOJ settlement agreement). MSDE will review the Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) tools housed on the Maryland Online IEP (MDOIEP) with FCPS to determine whether the tools comply with the settlement agreement MSDE and FCPS will identify "checkpoints" for reviewing policies and procedures before and after they are finalized.	Identify with FCPS the timeline for revising and publishing new R/S policies, procedures, guidance documents, and forms/tools to determine appropriate timelines and checkpoints.	DEI/SES and DSSAEEP will share the responsibility, each reviewing through their respective lens DEI/SES Staff: Marcella Franczkowski, Assistant State Superintendent Brian Morrison, Branch Chief of Policy and Accountability Nicol Elliott, Section Chief of Monitoring and Accountability Vicky Ciulla, Monitoring Specialist Emma Stephan, Monitoring Specialist Sabrina Jones, Monitoring Specialist	
MSDE will conduct a review of incident reports for a select sample of students with disabilities. The sample will be composed of 100% of students with disabilities with documented R/S incidents during the 2021-2022 school year enrolled in one of the three DOJ identified schools (Lewistown ES, Blue Heron ES, and Rock Creek), as well as a randomized	The full audit will be completed within two months from the initial request from MSDE to FCPS for the list of students with documented R/S during the 2021-2022 school year (current data at the time of request).	 DEI/SES Staff Brian Morrison, Branch Chief of Policy and Accountability Nicol Elliott, Section Chief of Monitoring and Accountability Vicky Ciulla, Monitoring Specialist Emma Stephan, Monitoring Specialist Sabrina Jones, Monitoring Specialist 	

selection of 50% of all other FCPS students with disabilities with documented R/S incidents during the 2021-2022 school year. • FCPS will provide to MSDE a list of all students with disabilities (including students placed in a nonpublic setting) with any documented incident of	FCPS List: To be provided within one week of MSDE's request	
R/S during the 2021-2022 school year, including the number of incidents of R/S, Race, Least Restrictive Environment (LRE) placement, and Disability Code for each student, for the period of August 2021 through present. • DEI/SES will finalize the list of students to be included in the sample for incident review and submit the list to FCPS.	DEI/SES List: To be provided to FCPS within one week from receipt of FCPS' disaggregated data	
 FCPS will provide DEI/SES with ALL of the R/S documentation for the students identified in the sample. DEI/SES will review each R/S incident documentation for each student for compliance with COMAR 13A.08.04.05 utilizing the DEI/SES Restraint and/or Seclusion Audit Tool (including a 	 Student Documentation: To be provided by FCPS to DEI/SES within two weeks from receipt of the DEI/SES list DEI/SES Review: To be completed within 30 calendar days 	
review of the restraint and seclusion incident forms, IEP, signed parental consent, Prior Written Notice, FBA, BIP – as		

appropriate per student/incident).

Action: If DEI/SES identifies noncompliance during the audit, FCPS will be required to develop an Improvement Plan addressing the areas of noncompliance, including actionable steps for correction, to be submitted to MSDE for approval within 30 days of notification of the audit findings.

Actionable Steps:	Timeline:	Assigned MSDE Staff:
Actionable Steps: FCPS will submit an Improvement Plan. The Plan will include: • A weekly review of data, • Root cause analysis, • Goals, • Strategies/Activities to Accomplish Goals, and • Evidence of Achievement/Progress. The Plan and implementation must address: • Student-Specific Correction: Where DEI/SES identifies an individual student violation, FCPS must convene an IEP Team to review the violation, including the impact on instruction and related services, to determine appropriate remedies, such as compensatory services. FCPS will submit documentation to MSDE verifying completion of the corrective action. • School/System-Specific Correction: Where DEI/SES identifies systemic noncompliance, FCPS will identify and implement corrective actions as appropriate, including: • revision of policies,	FCPS will submit the Improvement Plan within 30 days of notification by MSDE of finding(s) of noncompliance. FCPS will have one year from the day of notification of noncompliance to implement the improvement plan and correct the areas of noncompliance.	Assigned MSDE Staff: • Marcella Franczkowski, Assistant State Superintendent • Brian Morrison, Branch Chief for Policy and Accountability • Nicol Elliott, Section Chief of Monitoring and Accountability • Emma Stephan, Monitoring Specialist • Salimah Jassani, Regional School-Age Performance Specialist • Paula Gonce, Access, Equity, and Progress Specialist

- o reorganization of infrastructure;
- o redirection of funding;
- development of an internal monitoring process for student record reviews;
- o identification of alternative behavior interventions;
- o conduct staff training; and
- o staffing changes.

FCPS will be assigned to a "focused tier" of general supervision and performance support, which will require:

- Local leadership (including Superintendent) and other required stakeholders jointly implementing the Improvement Plan;
- Monthly meetings with DEI/SES team for progress monitoring;
- FCPS will receive on-site technical assistance; and
- DEI/SES may require redirection of funds.

FCPS will provide the Improvement Plan and progress monitoring updates, including explanations of the Plan and data, to its local board of education.

 Bi-annually to present initial Improvement Plan and MSDE Correction of Noncompliance formal notification letter, as applicable.

Action: If FCPS fails to complete and meet the requirements of the Improvement Plan, then FCPS will be required to enter into a		
formal, compliance agreement with MSDE, which may include the redirection and/or withholding of IDEA funds.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
FCPS will enter into a formal compliance agreement with MSDE. If after one year, FCPS fails to complete and meet the requirements of the Improvement Plan, then FCPS will be moved to an "intensive tier" of general supervision and performance support, which will require: • A formal, compliance agreement between MSDE and the FCPS Superintendent to direct improvement and correction, with onsite supervision and sanctions. • Sanctions may include redirection and/or withholding of IDEA funds by MSDE.	One year after the notification of noncompliance if correction of identified noncompliance has not been achieved.	 Marcella Franczkowski, Assistant State Superintendent Brian Morrison, Branch Chief for Policy and Accountability
FCPS will provide the formal compliance agreement and progress monitoring updates, including explanations of the agreement and data, to its local board of education.	 Quarterly to present initial Improvement Plan and MSDE Correction of Noncompliance formal notification letter, as applicable. 	

Action: If DEI/SES finds FCPS compliant with the State R/S regulations and the FAPE requirements under IDEA, then DEI/SES will implement on-going audits to ensure continuing compliance.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
DEI/SES will implement on-going audits. If FCPS is compliant with the State R/S regulations and the FAPE requirements under IDEA, then DEI/SES will implement ongoing audits to ensure FCPS remains compliant.	Following the initial audit, the DEI/SES will conduct an audit quarterly for one year.	 DEI/SES Staff Marcella Franczkowski, Assistant State Superintendent Brian Morrison, Branch Chief for Policy and Accountability Nicol Elliott, Section Chief of Monitoring and Accountability

The on-going audit process will include a random review of 20% of SWD in self-contained settings (including students placed in self-contained classrooms, public special education schools, and nonpublic special education schools), 10% of all SWD.	If FCPS remains compliant for one year, the audit will occur annually thereafter.	Emma Stephan, Monitoring Specialist
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Action: FCPS will develop and submit a Communication Plan, to be submitted to DEI/SES for approval, outlining how FCPS will increase efforts to inform students and families of their dispute resolution options/rights under IDEA.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
FCPS will develop and submit a Communication Plan to DEI/SES for approval. The plan will outline how FCPS will increase efforts to inform students and families of their rights under IDEA, as well as available State/local resources. The plan will include the following information: • IDEA dispute resolution options/rights; • Contact information for the local Family Support Coordinator/Facilitator;	FCPS will submit the Communication Plan within 30 days of notification by MSDE of the requirement. MSDE will review and provide feedback/approval within one week.	Assigned MSDE Staff: DEI/SES Staff • Kenneth Huddock, Section Chief for Family Support • Gerald Loicano, Complaint Investigator
 Contact information for the DEI/SES Family Support team; and the State Special Education Complaint Process. This Communication Plan may build upon requirements under the DOJ settlement agreement requiring an internal complaint procedure process. 		

IDEA: STATE-WIDE ACTIONS

Action: The DEI/SES will conduct a focused audit of the R/S policies and individual incident reports for students with disabilities in the other 23 local school systems and public agencies.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
DEI/SES will implement a State-wide	To be completed December 2022	DEI/SES Staff
focused audit. For each local school system and public agency, the audit process will include a random review of individual R/S incident reports for the 2021-2022 school year, including disaggregated data. The State-wide random review will include: • 20% of SWD with documented R/S placed in a self-contained setting (i.e. self-contained classroom, a public special education school, nonpublic special education school) or 100% if the number of SWD in those settings is less than 10. • 10% of all SWD with documented R/S placed in all other settings or 100% if the number of SWD in those settings is less than 10.	To be completed December 2022	 Marcella Franczkowski, Assistant State Superintendent Brian Morrison, Branch Chief for Policy and Accountability Nicol Elliott, Section Chief of Monitoring and Accountability Emma Stephan, Monitoring Specialist Lindsey Goodrich, Section Chief/Regional School-Age Performance Specialist Salimah Jassani, Regional School-Age Performance Specialist Marny Helfrich, Regional School-Age Performance Specialist Karla Marty, Regional School-Age Performance Specialist Brittany Bruno, Regional School-Age Performance Specialist

COMAR: FCPS ACTIONS

Action: The Division of Student Support, Academic Enrichment, and Educational Policy (DSSAEEP) will review FCPS's policy on restraint and seclusion to ensure consistency and compliance with COMAR 13A.08.04 Student Behavior Interventions.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
Policies, Procedures, and Forms MSDE will review FCPS's restraint and seclusion policies (to be amended per the DOJ/USAO settlement agreement approved by the FCPS Board of Education). FCPS will provide the date of the County Board meeting that includes an opportunity for comment by the public.	Identify with FCPS the timeline for revising and publishing new restraint and seclusion policies, procedures, guidance documents, and forms/tools to assist in determining appropriate due dates and checkpoints.	 DSSAEEP and DEI/SES will share the responsibility of policy review, each reviewing through their respective lens. DSSAEEP Staff Mary Gable, Assistant State Superintendent Walt Sallee, Director of Student Services Kimberly Buckheit, Section Chief, School Safety and Climate Dr. April Turner, School Psychological Services Supervisor

A	Action: MSDE will conduct on-site reviews of seclusion room spaces and individual student (non-special education) records of restraint		
and seclusion incidents to ensure compliance with COMAR 13A.08.04 Student Behavior Interventions.			
A	actionable Steps:	Timeline:	Assigned MSDE Staff:
N	ISDE will conduct on-site reviews of	The on-site reviews will be completed	DSSAEEP Staff
F	CPS schools with seclusion rooms to	within two months from the initial	 Mary Gable, Assistant State
eı	nsure compliance with State regulations.	request from MSDE to FCPS for the	Superintendent
	 MSDE will review the elimination of 	information on the seclusion rooms	 Walt Sallee, Director of Student
	seclusion rooms as required by the	and the request for data.	Services
	DOJ/USAO settlement agreement.		 Kimberly Buckheit, Section Chief,
			School Safety and Climate
N	ISDE will conduct an audit of individual		 Dr. April Turner, School
st	tudent records for restraint and seclusion		Psychological Services Supervisor
to	ensure compliance with State		 Brad Engel, School Climate
r	egulations.		Initiatives Specialist/Inter-Agency
	 For all students without disabilities 		Collaboration
	with documented restraint and/or		

seclusion during the 2021-2022	
school year, MSDE will review all	
incident reports to ensure compliance	
with State regulations.	

Action: MSDE will collaborate with FCPS to	support the identification and implementation	on of behavior interventions.
Actionable Steps:	Timeline:	Assigned MSDE Staff:
 MSDE will provide FCPS support upon request in reviewing data to identify trends and provide insight. MSDE will request that FCPS share disaggregated data on the incidents of restraint and seclusion for all students. MSDE will review and provide feedback on the data documentation forms to support the reduction of challenging behaviors. 	Data will be reviewed on an agreed upon timeline.	 Mary Gable, Assistant State Superintendent Walt Sallee, Director of Student Services Kimberly Buckheit, Section Chief, School Safety and Climate Dr. April Turner, School Psychological Services Supervisor
 MSDE will assist FCPS in the identification of behavior interventions to mitigate the use of restraint and seclusion. FCPS will research and identify behavior interventions to support students in a safe learning environment. MSDE will provide support in the research and identification of alternative behavior interventions. MSDE will provide support to the FCPS BCBA supervisor to address behavior. 	MSDE will work with FCPS to identify timeline but no later than the start of the 2022-2023 school year.	MSDE Staff will include: O DSSAEEP O Research O DEI/SES (Paula Gonce, BCBA) DSSAEEP staff will include: Kimberly Buckheit, Section Chief, School Safety and Climate Dr. April Turner, School Psychological Services Supervisor Brad Engel, School Climate Initiatives Specialist/Inter-Agency Collaboration BCBA to be hired

Action: MSDE will collaborate with FCPS to assist in the development of a comprehensive training program for the implementation of		
universal behavior interventions.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
 MSDE will collaborate with FCPS on a comprehensive training plan on universal behavior interventions. MSDE will support FCPS in the identification of universal behavior interventions. MSDE will support the development of a training program for central office personnel, school administrators, and teachers. 	 MSDE will work with FCPS to identify the timeline but no later than the start of the 2022-2023 school year. MSDE will support the implementation and training through the 2022-2023 school year. 	 Mary Gable, Assistant State Superintendent Walt Sallee, Director of Student Services Kimberly Buckheit, Section Chief, School Safety and Climate Dr. April Turner, School Psychological Services Supervisor Brad Engel, School Climate Initiatives Specialist/Inter-Agency Collaboration
MSDE will facilitate the sharing of the preventative behavioral best practices that FCPS implements to support classroom teachers, administrators, and other schoolbased staff with other local school systems. • MSDE will collaborate with FCPS to develop a document to be shared. • MSDE will provide a forum to share information with stakeholders.	Draft best practices to be completed by July 1, 2022.	 DSSAEEP Staff Mary Gable, Assistant State Superintendent Walt Sallee, Director of Student Services Kimberly Buckheit, Section Chief, School Safety and Climate Dr. April Turner, School Psychological Services Supervisor Brad Engel, School Climate Initiatives Specialist/Inter-Agency Collaboration

Action: MSDE recommends that FCPS consider the creation of an advisory stakeholder committee.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
Advisory Committee:	• 2021-2022 School Year and ongoing	DSSAEEP Staff
 FCPS consider creating an advisory 		 Mary Gable, Assistant State
stakeholder committee to focus on		Superintendent
behavior intervention tools to mitigate the		 Kimberly Buckheit, Section Chief,
		School Safety and Climate

need for restraint and seclusion that includes:	o Dr. April Turner, School Psychological Services Supervisor
o parents/caregivers	o Brad Engel, School Climate
o community partners	Initiatives Specialist/Inter-Agency
o teachers (general education, special	Collaboration
education, resource, etc.)	
o central office staff	
o school administrators	
o behavior specialists	
o school student services	
o IEP Team members	
FCPS will consider posting agendas, and	
minutes of the meetings on the FCPS	
website.	
MSDE staff will provide support, as	
needed.	

COMAR: STATE-WIDE ACTIONS

Action: MSDE will conduct a review of the restraint and seclusion regulations and the policies of all local school systems to recommend regulatory change for increased monitoring and accountability.		
Actionable Steps:	Timeline:	Assigned MSDE Staff:
MSDE will review policies on restraint and		DSSAEEP Staff
 seclusion. MSDE will review all local school system policies for the allowance of seclusion. MSDE will review all local school system policies on restraint. MSDE will review the COMAR regulation on restraint and seclusion to amend the State's regulation on seclusion and restraint, as needed, to improve monitoring and accountability. 	 February 28, 2022 March 31, 2022 First draft by May 15, 2022 	 Mary Gable, Assistant State Superintendent Walt Sallee, Director of Student Services Kimberly Buckheit, Section Chief, School Safety and Climate Dr. April Turner, School Psychological Services Supervisor

MSDE will review the MSDE Data	 Review of the survey and any 	DSSAEEP Staff
Collection Survey.	necessary revisions will be completed	 Mary Gable, Assistant State
 MSDE will review available data 	by May 31, 2022.	Superintendent
from the MSDE data collection		 Walt Sallee, Director of Student
survey to identify technical assistance		Services
needs and data trends.		 Kimberly Buckheit, Section Chief,
 MSDE will communicate 		School Safety and Climate
with local school systems		o Dr. April Turner, School
regarding the review of		Psychological Services Supervisor
restraint and seclusion data.		
 MSDE will review the survey items 		
to ensure the alignment with any		
revised requirements, statute		
revisions, COMAR regulations, etc.		
 MSDE will make potential 		
revisions to the restraint and		
seclusion survey.		
 MSDE will communicate 		
with local school systems on		
any revisions to the survey.		