



U.S. Department of Justice
Civil Rights Division



Summary of
Settlement Agreement
between
The United States of America
and
**Montcalm Area Intermediate
School District**



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Overview

The Educational Opportunities Section of the United States Department of Justice's Civil Rights Division and the United States Attorney's Office for the Western District of Michigan ("United States") opened an investigation into the seclusion and restraint practices of Montcalm Area Intermediate School District ("District") in March 2023. The United States' investigation was under Title II of the Americans with Disabilities Act.

The District fully cooperated with the United States during the investigation and committed to end the use of seclusion, reform its restraint practices, and improve special education services for students with disabilities. The United States and the District reached a Settlement Agreement (the "Agreement") on July 3, 2025.

This document summarizes the Agreement. You can review the entire Agreement on the website of the [Department of Justice](#).

This summary is intended to increase awareness of the Settlement Agreement and share the steps the District is taking to better serve its students with disabilities. This summary is designed for those who may not have a legal background.



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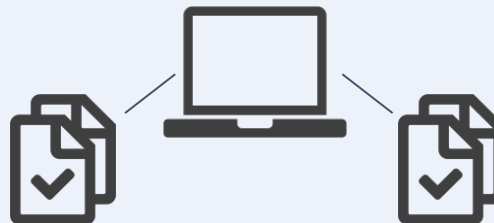


Section 1: Terms of Agreement

Highlights

- The District will follow federal law **prohibiting discrimination based on disability**.
- The purpose of the Agreement is to **address discrimination** on the basis of disability in the use of seclusion and restraint and to **improve educational opportunities** for students with disabilities in the District.

More information and resources about the Department of Justice's work to address discriminatory seclusion and restraint practices are available [here](#).





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Section 2: Intervention Coordinator

Highlights

- The District will recruit and hire a **qualified Intervention Coordinator** (“Coordinator”).
- The Coordinator will be responsible for reviewing incident reports, ensuring that required follow-up occurs after each incident, evaluating and improving the District’s restraint practices, overseeing trainings, and submitting status reports to the United States.





Section 3: Classroom-Wide Behavior Management Plans

Highlights

The District will create Classroom-Wide **Behavior Management Plans** for all classrooms in the District's Special Education Program.

- The Classroom Plans will **discourage over-reliance on restraint and will be based on data analysis and evidence-based practices.**
- The District will explain to **parents/guardians** the Classroom Plans and provide them with **copies of the plans.**

- Parents/guardians can **request reasonable modifications** to the Classroom Plan for their student.
- The District will **modify** its Classroom Plan for individual students **when necessary** to accommodate their disabilities and **help them to fully participate in the classroom.**





Section 4: Seclusion Practices

Highlights

The District will stop using seclusion.

The District will:

- **Revise its policies** to prohibit the use of **seclusion** and **tell** all employees that **seclusion is prohibited**.
- **Prohibit the use of any rooms or areas** in any school buildings for the **seclusion** of District students.
- **Not construct any new rooms** or areas for use as seclusion rooms.

What IS seclusion?

Seclusion is the **involuntary confinement** of a student in any room or area, from which the student may not leave or are **blocked** from leaving regardless of its **name**. It includes seclusion through use of soft blocking materials.

What IS NOT seclusion?

Seclusion is not a **classroom time-out**, **supervised detention**, or **suspension from school**. A disciplinary action is not seclusion unless the student is both alone and prevented from leaving a space.



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Section 5: Restraint Practices

Highlights

The District will prohibit the use of restraint:

- **Unless there is an imminent risk of serious physical harm to the student or others.**
- **To move a student from one location to another or prevent a student from leaving a classroom or physical space, unless failure to do so will create an imminent risk of serious physical harm.**
- **When a de-escalation technique would be effective or when imminent risk of serious harm is over.**
- **As a punishment or to force compliance with rules or directives.**

Following every restraint of a student, and not later than two school days, the school will **conduct a wellness check of the student's physical and mental health.**

The District will **revise its restraint policies** and submit its guidance and all policies to the United States for review and approval.

Deadline:

The District will provide revised restraint policies to the United States for approval within 60 days of the date of the Agreement.



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Section 6: Documentation and Monitoring

Highlights

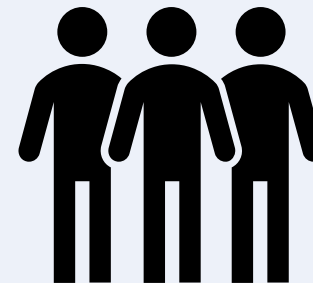
The District will:

- Take steps to ensure all seclusions and **restraints are documented**; and
- Maintain a central database that captures all relevant information on restraints and seclusions, including from the incident reports, disciplinary forms, and staff-made forms and notes on student behavior.

Deadline:

The District will provide a revised Restraint/Seclusion Documentation Form to the United States for approval within 90 days of the date of the Agreement.

- **Review all incident forms** to make sure any uses of restraint or seclusion were **justified** and followed District policy.
- At least **every 3 months**, the Coordinator will meet with the **Special Education Supervisor and relevant staff** to examine and improve the District's seclusion and restraint practices.





Section 7: Student Behavior Plans

Highlights

What is a BIP?

A “**Behavioral Intervention Plan**” or “**BIP**” is an individualized plan that uses positive behavioral interventions to respond to a specific problem behavior. BIPs are developed based on findings from a Functional Behavioral Assessment (FBA), feedback from parents/guardians, and other relevant data.

What is an FBA?

A “**Functional Behavioral Assessment**” or “**FBA**” is a systematic process that is used to define a behavior, identify factors that support the behavior, and determine the underlying reasons for a behavior, so that an effective BIP can be developed.

What is an EIP?

An “**Emergency Intervention Plan**” or “**EIP**” is a plan that the District develops for a student receiving special education, if the District and parents/guardians decide that a **student requires more than a BIP**. The plan may be used **only in emergencies** that pose an imminent danger of serious physical harm to self or others.

- All **Behavior Intervention Plans (BIPs)** will be individualized for each student, current, and aligned with the functions of the student’s target behavior.
- **Emergency Intervention Plans (EIPs)** will **only permit** use of restraint on an individual basis and only when the documented history of the intensity of a student’s past behaviors makes it **necessary**.



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Section 8: Complaint Procedure

Highlights

- The District will **update its complaint procedure** to ensure that it responds in a timely fashion to all complaints regarding the use of seclusion and restraint.
- Under this complaint procedure:
 - Complaints can be made **orally or in writing** by **any individual**. This includes students, parents, guardians, advocates, staff and others.
 - The District will resolve all complaints **within 60 school days** of receipt and provide a **written explanation** of the resolution.
 - The District will ensure **appropriate remedial action** is taken in response to each complaint.
 - The District will **not take any adverse action** – including retaliation, harassment, or negative educational consequence – against the student, complainant, or any other individual for filing a complaint or participating in the complaint process.

Deadline:

The District will update its complaint procedure and submit it to the United States for review within 60 days of the date of the Agreement.



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Section 9: Notice to Parents/Guardians

Highlights

- The District will **notify in writing** all parents and guardians of currently enrolled students who were subjected to seclusion and/or restraint, from **August 2020 through July 3, 2025**, stating:
 - The number of times the student was subjected to each of these practices during that period.
 - Information about **compensatory education and remedial services**, described on the next page.
- When a student has been Secluded or Restrained, the school will take steps to **notify the parent or guardian by the end of the school day** and send an **Incident Report** home within the earlier of one school day or 7 calendar days.
- A school **cannot require or encourage** a parent or guardian to take their student with a disability **home from school because of that student's behavior** unless the student has been assigned an out-of-school suspension or expulsion (although a parent or guardian who **requests** to take their student home may still be permitted to do so).





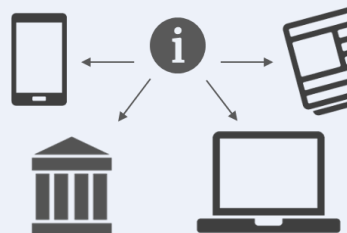
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Section 10: Compensatory Education and Counseling

Highlights

- For each student currently enrolled in the District who was restrained or secluded from August 2020 through July 3, 2025, the District will hold an education benefit review meeting to determine if the student was restrained or secluded unnecessarily and if they were deprived of educational opportunities.
- If it is determined that the student was restrained or secluded unnecessarily and deprived of educational opportunities, the team will determine what **compensatory education**, or other remedial services, including **counseling**, should be offered to the student.
- The District will ensure that any services offered are provided by a qualified provider.





Section 11: Training

Highlights

- The District will provide annual training to Qualified Behavior Interventionists, Multi-Tiered System of Supports (MTSS) Specialists, Administrators, and certified staff in each component of the Special Education Program.
- The Intervention Coordinator will supplement the annual trainings with **ongoing observation** and **in-service coaching** in coordination with the Qualified Behavior Interventionist.

Deadline:

The District will submit a detailed review of the training to the United States for review and approval within 120 days of the date of the Agreement.

Qualified Behavior Interventionists, MTSS Specialists, Administrators, and certified staff in each component of the Special Education Program will receive training on:

- Federal and state laws prohibiting disability discrimination;
- How to develop reasonable modifications requested by families;
- District seclusion and restraint policies; and
- Conducting FBAs and developing and implementing individualized BIPs.

MTSS Specialists and Instructional Staff in each component of the Special Education Program will receive training on:

- Proper use of an alternatives to restraint;
- De-escalation techniques; and
- Positive Behavior Interventions and Supports.



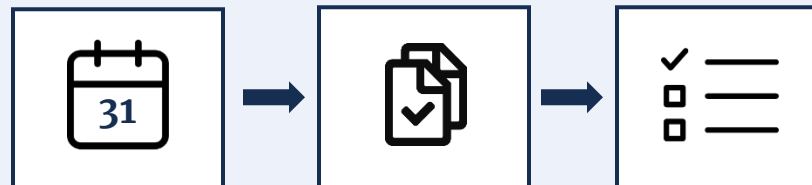
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Section 12 & 13: Reporting and Enforcement

Highlights

- By **January 31 and July 31** of each year the Agreement is in place, the District will provide a status report to the United States.
- The United States will **monitor the Agreement** by reviewing the status reports and may request additional documents or data from the District, tour schools, monitor trainings, or conduct any other activity necessary to monitor the District's compliance.
- If the United States determines the District has complied with the Agreement, the Agreement will end **90 days after the District's last status report, due July 31, 2027.**





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Contact Information

Montcalm Area Intermediate School District

If you have questions regarding the Agreement, please reach out to Katie Flynn, MAISD Superintendent, using the information below.

Katie Flynn

✉ kflynn@maisd.com



U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section

If you have questions, concerns, or information that you think may be relevant to this Agreement, including the use of restraint and/or seclusion in any Montcalm Area Intermediate School District school, please contact the Department of Justice, using the information below.

☎ 1-877-292-3804

Please let us know when and where the incident(s) occurred, if the information has been reported to a school or District administrator, and how the school or District responded.

You may also submit a complaint through the [Civil Rights Division Complaint Portal](#).