

Report to the Interim Education Committee
From the North Dakota Seclusion & Restraint Task Force: *Keeping Everyone Safe in Our Schools*
September 15, 2016

The **Seclusion and Restraint Task Force** was assembled in March 2016 and challenged to develop and provide specific recommendations to assist the Interim Education Committee in codifying policies and procedures regulating the use of seclusion and restraint in North Dakota schools. Operating under a consensus-based decision making process, the Task Force agreed on the following shared values:

- Collaborative and Integrated Stakeholder Participation
- Safety-Based - "Keeping Everyone Safe in Our Schools"
- Student-Focused
- Best-Practices-Based
- Uniform Implementation and Monitoring
- Adequate Resources

Initiated by the ND Protection & Advocacy Project, the Seclusion and Restraint Task Force is being co-convened by the **North Dakota Department of Public Instruction (NDDPI)**, the **North Dakota Protection and Advocacy Project (ND P&A)**, the **North Dakota Council of Education Leaders (NDCEL)**, **North Dakota United (NDU)** and the **North Dakota Center for Persons with Disabilities (NDCPD)** at Minot State University.

The Task Force has convened for a daylong meeting monthly since April (except in June). The Task Force had an opportunity to learn about Seclusion & Restraint policies in North Dakota Schools, from a national expert and from providers of other services for youth. The Task Force also had opportunity at each monthly meeting to discuss options and recommendations for policies, procedures and definitions related to seclusion and restraint. At the August 25 meeting of the Task Force the following agreements were reached:

1. The Task Force supports use of the US Department of Education (USDOE), Civil Rights Data Collection (CRDC) definitions of physical restraint, mechanical restraint and seclusion.
2. The Task Force supports all North Dakota schools being required to have a written, local policy regarding seclusion and restraint.
3. The Task Force supports seclusion and restraint policy being developed at the local level.
4. The Task Force supports restraints not being used in a manner that restricts a student's breathing.
5. The Task Force supports the school districts' use of their student/staff safety policies, or other policies, pertaining to extreme instances such as an active shooter.
6. The Task Force supports biannual reporting of data to Legislative Management, gleaned from the already mandatory OCR reporting, produced by the ND Statewide Longitudinal Data System (SLDS).
7. The Task Force supports training for school district personnel in the area of seclusion and restraint.
8. The Task Force does not support unfunded mandates and thus, recommends necessary fiscal supports for seclusion and restraint training for school personnel.

The Task Force will convene on September 22, 2016 to complete its work.

Office of Civil Rights: Civil Rights Data Collection Seclusion and Restraint Data Overview

- The Civil Rights Data Collection (CRDC) is a biennial (i.e., every other school year) survey required by the U.S. Department of Education's (Department) Office for Civil Rights (OCR)
 - Data is collected from all public local educational agencies (LEA) and schools, including long-term secure juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities.
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WHAT DATA DOES THE CRDC PROVIDE?

- Data every other school year on:
 - Number of instances of restraint and seclusion reported
 - Number of students reported to be involved
 - Detailed data breakdowns on:
 - Number of INCIDENTS and STUDENTS INVOLVED by:
 - State
 - School district (LEA)
 - School
 - Data regarding NUMBER OF STUDENTS by:
 - Type of procedure: Seclusion, Mechanical Restraint, Physical Restraint
 - Race: Hispanic, American Indian/Alaska Native, Asian, Native Hawaiian/Pacific Islander, Black, White, Two or more races
 - Sex
 - Disability: Receives special education, regular education
 - Limited English Proficiency
 - Data regarding the NUMBER OF INCIDENTS by:
 - Type of student: Students without disabilities, students who have a disability and receive special education, student who have a disability and are served under a 504 plan
 - Type of procedure: Seclusion, Physical Restraint, Mechanical Restraint
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INFORMATION THAT CAN BE OBTAINED FROM THE CRDC

- Detailed data on the number of students involved, types of students involved, and the number of instances reported (see previous)
 - Data specific to each school and district
 - Data by school type: elementary, middle/junior high, high school
 - Data by school and district size
 - Trends (every other year) by restraint type, student type, race, sex, LEP, district, school, school type, school/district size
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CONSIDERATIONS OF THE INFORMATION THAT CAN BE OBTAINED FROM THE CRDC

- Every other year survey
- About a 2 year wait for data
 - Example: 2013-14 school year data released in June 2016
- Data is not student specific
 - Students involved and number of instances cannot be correlated
- Data needs to be obtained from OCR
- Data needs to be processed and analyzed to obtain specific information wanted

Link to the OCR CRDC Website for further information: <http://www2.ed.gov/about/offices/list/ocr/data.html?src=rt>