

ND Seclusion and Restraint Task Force

"Keeping Everyone Safe in Our Schools"

Meeting #2 - Thursday, May 26, 2016

Draft Meeting Summary

Shared Task Force 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
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Task Force Members Attending: Doug Sullivan (ND Association of School Administrators), Teresa Larsen (ND Protection & Advocacy Project), Tamara Waters-Wheeler (ND Association of School Psychologists), Pam Sagness (ND Department of Human Services), Joan Heckaman (State Senator), Kirstin Dvorak (Pathfinder Parent Center), Sarah Jordan (Teacher, Bismarck Public Schools), Mike Yantes (School Social Worker, Bismarck Public Schools), Linda Greenwood (Teacher, Dickinson Public Schools), April Dahme (The Arc of ND), Aimee Copas (ND Council of Educational Leaders), Vicki Peterson (Family Voices of ND), Peg Wagner (ND Department of Public Instruction), Lori Garnes (ND Center for Persons with Disabilities/Minot State University), Tracy Klein (Special Education Directors Study Council), Debra Follman (ND Association of Elementary School Principals), Cory Pederson (ND Juvenile Court), Carl Young (Parent Representative), Carlotta McCleary (ND Federation of Families for Children's Mental Health), Mary Schultz (ND Parent Teachers Association), Patty Barrette (ND United), and Kathy Blohm (Private Practice Psychologist).

Task Force Members Unable to Attend: Roxane Romanick (Designer Genes), Jaylia Prussing (University of Mary), Dotti Dixon (ND School Counselors Association), Robyn Lang (ND School Counselors Association Board Member), Jason Stugelmeyer (Bismarck Police Youth Bureau SRO), Virginia Long Feather (Principal, Standing Rock Elementary), Kyle Davison (ND State Senator, ND Regional Education Associations), Don Two Bears (Director of Security, Standing Rock Schools), Bradley LaRoque (Director of Career and Tech Education, Turtle Mountain Community High School), Rosalie Etherington (ND State Hospital Superintendent), Kris Wallman (ND State Representative), John Porter (Special Education Directors Study Council), Jennifer Fremstad (ND Association of Secondary School Principals), and Mark Doerner (ND Psychological Association).

Welcome and Introductions: Task Force members were welcomed to Meeting #2 and provided self-introductions.

Brief Meeting Overview: The facilitator reviewed the consensus-based decision-making process and reviewed the ground rules for discussion, agreed to at the April meeting:

1. It's your show.
2. Everyone is equal.
3. No relevant topic is excluded.
4. No discussion is ended.

5. Respect opinions.
6. Respect the time.
7. Silence is agreement.
8. Non-attribution.
9. Keep the facilitators accurate.
10. Have fun!

Stakeholders agreed to proceed with the rule of consensus and the ground rules, and then reviewed the draft agenda, making no recommendations for initial changes. Task Force members were encouraged to review and provide feedback or corrections to the meeting summary from the April 28th meeting. Debra Follman noted that she was incorrectly listed as absent at that meeting – our apologies for this error.

The facilitator also noted that meeting materials and information of interest is made readily available on the Consensus Council website: <http://agree.org/seclusion-and-restraint-task-force/>. Recent additions to the site include the Power Point presentation from Daniel Gugala from CPI, and 2 editions of “Policy Ponderings” from the ND School Boards Association (NDSBA) detailing their recommendations for a sound policy on seclusion & restraint. The facilitator noted that the Policy Ponderings are reprinted by permission of the NDSBA Executive Director.

History, Background and Purpose of the Task Force: The facilitator, along with the Writing/Planning Team, had been asked to revisit this topic which was initially covered at the April meeting. Further discussion and clarification was requested to assure that the Task Force, and/or some Task Force members, do not have a predetermined outcome for the work. It was noted that, prior to the 2015 Legislative Session, a group of stakeholders that are appointed to serve on the Department of Human Services Behavioral Health Planning Council, initiated a study resolution on the issue of seclusion and restraint in public schools. It has been noted that North Dakota is one of five states that does not have standards in place to address the use of seclusion and restraint. Ultimately, Senator Dick Dever (R-Bismarck) sponsored Senate Concurrent Resolution (SCR 4018); it was passed by the Legislature and selected for study, having been assigned to the Interim Education Committee.

The interim Education Committee has met several times and received presentations and testimony from stakeholders and experts (from North Dakota and from outside North Dakota). Several stakeholders asked the Chairman, Senator Donald Schaible (R-Mott), if he would appoint a task force to assist the Committee in making determinations about what, if anything should be done in this regard. While Sen. Schaible opted not to appoint an official task force, he did indicate that recommendations from a voluntary task force would be welcome. Other Committee members agreed. The ND Protection & Advocacy Project contacted the Consensus Council to design a process that would bring all stakeholders together for learning, discussion and to reach agreement on recommendations for the Committee. Other co-conveners came “on board” including, the ND Center for Persons with Disabilities, ND Council of Educational Leaders, ND United and the ND Department of Public Instruction. The co-conveners became, and continue to serve as, the Writing/Planning Team that provides work for the Task Force between monthly meetings, follows up on Task Force questions and develops agenda items to address the needs of the Task Force. The Writing/Planning Team added several new members following the April 28 meeting (Carl Young, Patty Barrette, Carlotta McCleary, Mark Doerner), which has enriched the effort and helped to divide the tasks.

The facilitator noted that this initiative has not operated from an assumption that a particular policy or standards would be the result of this work. There appears to be a unique and time-sensitive opportunity to inform Legislative deliberations through these shared efforts. There appears to be a lack of timely and/or useable data available about the current incidence and prevalence of seclusion and restraint. Data is reported to and collected by the Office of Civil Rights (OCR) but is statewide in nature and cannot be desegregated. All agree that there is no desire to establish policy simply for policy's sake or to require reporting that is not helpful in addressing the needs of students, families and school districts.

There is some sentiment that data should be collected first, in order to quantify whether there is a problem or issue in North Dakota. Some noted that waiting to gather data for another 2 years would impede progress when the Legislature is studying the issue now. It was also noted that Legislators are hearing concerns from parents as well as educators. Others expressed the desire to explore best practices in the field to assess what might be done better, while also looking at current data collection efforts. All agreed that the lack of community-based behavioral health services has an impact on the availability of supports for students, outside of school hours.

There was discussion of the Legislative Bill Draft that was prepared at the request of the Interim Education Committee Chairman and reviewed by the Committee at their meeting on May 19, 2016. The legislation would require any ND schools having a policy on seclusion and restraint report to the ND DPI annually. Those who attended the Committee Meeting also noted that the Chairman requested Legislative Council prepare a list of definitions for the next meeting, presenting another opportunity for the Task Force to suggest best practices. It is likely that the next and final meeting of the Interim Education Committee will be in September 2016.

The facilitator noted that the presentations arranged for the first two meetings of the Task Force are intended to inform the work of the group, identify best practices and serve as discussion themes. The presentations are not meant to suggest that one-size-fits-all but rather, to learn from the successes (and lessons learned) from other respected organizations.

Review & Discussion of Model Policies at Work in ND

- 1. Planning for Change, Improving Outcomes and Lessons Learned:** Lisa Bjergaard, Director of ND Juvenile Services, presented information from her past work and her experiences at the Youth Correctional Center (YCC) in Mandan. Also presenting information was Casey Traynor, Quality Assurance Manager, YCC; Casey's Power Point presentation can be found at the Consensus Council website: <http://agree.org/seclusion-and-restraint-task-force/>. Highlights from the presentations included:
 - Federal oversight by OCR and the Department of Justice provided impetus for the YCC to reexamine their approach to seclusion and restraint; YCC practices had not been updated for more than 20 years
 - Strategic planning – agency wide – was conducted in 2009 and proved to be a cultural, and ideological, shift for the entire facility
 - There was interest in exploring solutions to deal with disruptive kids without creating another set of poor outcomes that put them at even higher risk

- There was not an initial desire to strictly reduce or eliminate the use of seclusion and restraint although data showed that relationship development between kids and caregivers was important
- Staff set a goal, believed by many to be unachievable, to reduce seclusion and restraint by 50%. This was accomplished within a matter of months, prior to any formal implementation of changes, in spite of there being no prohibition of the use of seclusion and restraint as a tool
- Performance-based standards and facility improvement plans were developed, extensive training and support provided to staff at all levels; the new plan was officially implemented in January 2010
- Results in the past 6 years include stronger relationships between staff and kids, among staff members, increased use of motivational interviewing and an overall reduction in seclusion and restraint; staff are skilled in de-escalation and examining what precursors to difficult behavior has occurred (and preventing it next time)
- The reduction in isolation of kids has also resulted in less self-harm and suicide attempts
- Some staff were reluctant to change, believed there would be an increased danger for staff and more assaults, which has not materialized; investment by leaders in staff training and support is/was key to the change
- Task Force members were introduced to four young women who work directly with kids at YCC on a daily basis, the point being that one does not have to have incredible strength or stature to deal with disruptive kids and their challenging behaviors
- It's important to agree on the philosophical premise from which you want to operate, an opportunity for the Task Force to tackle on behalf of their broad constituent groups
- While there are clear environmental differences between YCC and public school classrooms, the concepts of having willing staff, well trained and supported, accountability and discipline mechanisms that are developmentally appropriate would be similar in most any setting
- All staff need to know that leaders "have their back" and this is modeled continually among staff at all levels
- Providers – all of us – need to have a tolerance for self-inspection; it goes beyond being defensive
- 89% of kids at the YCC have a DSM diagnosis; YCC serves kids from all ND school districts and does their best to educate those students in order to return them to their home communities and schools

Lisa and Casey were thanked for their time and presentations.

2. Developing Definitions and Policy for ND Providers of Developmental Disabilities Services:

Cody Wagner, Disabilities Advocate at the ND Protection & Advocacy Project provided an overview of the process used in developing policies on seclusion and restraint for providers of services for (children and adults) with developmental/intellectual disabilities (DD/ID). Cody's Power Point presentation can be found at the Consensus Council website. Highlights of this presentation included:

- Creating definitions for commonly used terms was critical in the success of the initiative (serious events, least restrictive environment, therapeutic response, etc.)

- P & A has the responsibility for receiving reports of restraint (the federal Centers for Medicaid and Medicare {CMS} requires a third party to receive and analyze these reports and the ND Department of Human Services, DD Division, asked P & A to serve this role for ND)
- Including the roles of Human Rights and Behavioral Supports Committees was necessary – these committees include providers, consumers and other community members who must approve of behavior plans before implementation
- It took a diverse group of stakeholders (much like the S & R Task Force) 2.5 years to develop, write and approve policies – and it remains a work-in-progress
- Some of the ongoing work of the stakeholders was done through the use of technology, including document sharing, to minimize time and travel expense; face-to-face meetings were critical to ironing out the big issues
- Staff training and support has remained key to the effort and train-the-trainer events are offered twice a year, in the eastern and western areas of ND
- The policy, training and support contribute to the providers’ ability to obtain accreditation by outside organizations
- The training program for those employed in the DD/ID field is managed through a system of modules (covering 40+ topics) developed and administered by the ND Center for Persons with Disabilities at Minot State University

Cody was thanked for his time and his presentation.

Time did not permit full discussion of the following agenda items.

Discussion of Key Terms: Task Force members were asked to identify a priority list of terms that need common definition, based on the comprehensive list brainstormed at the April meeting (and included, in full, in the Meeting Summary). The following terms emerged as the most critical:

1. Seclusion
2. Restraint
3. Time out
4. Sensory room
5. Emergency
6. Dangerous behavior
7. Imminent risk

The Writing/Planning Team will review definitions from multiple sources and prepare recommendations for the July 28 meeting of the Task Force. This is intended to serve as a starting point for the Task Force in discussion and in building consensus on key terminology and definitions.

Development of Work Plan for Writing/Planning Team: Task Force members agreed to develop a sub-committee to review the requirements of reporting to the OCR, including what information/data is reported and by who, and what happens to the information beyond receipt by the OCR. Aimee Copas agreed to provide a link for the OCR data to the facilitator for sharing with Task Force members. Volunteers for the sub-committee are Teresa Larsen, Peg Wagner and Russ Ziegler (ND Council of Educational Leaders Assistant Director). The facilitator will assist the sub-committee in arranging and

documenting its meetings. Information gathered will be reported to the Task Force at the July 28 meeting.

Regarding additional presentations or topics for the July 28 meeting, arrangements have been made for presentations from the Dakota Boys & Girls Ranch (Christina Hemmer and Kaitlin Kinsella) and Bismarck Public Schools (Cindy Wilcox). There is interest by the Task Force in future presentations from a small, rural school that has implemented a policy on seclusion and restraint (Aimee Copas will send recommendations to the facilitator), information on successful prevention methods and an update on behavioral health services from the ND Department of Human Services.

Adjourn and Public Comment: The meeting was adjourned by consensus of the group. Public comment was requested and was provided by a representative of Family Voices of ND in the form of parental comments from various communities detailing their experiences with seclusion and/or restraint of their children. Detailed information can be obtained from Family Voices of ND at fvnd@drtel.net.

Next Task Force Meeting: Thursday, July 28, 2016 from 9:00 – 4:00 CT at Great River Energy in Bismarck.

The Seclusion and Restraint Task Force, a non-partisan, non-legislative group of stakeholders, representing a comprehensive body of invested constituencies, has been assembled and challenged to develop and provide specific recommendations to assist the Interim Education Committee of the North Dakota Legislature in codifying policies and procedures regulating the use of seclusion and restraint in North Dakota schools.