

## **ND Seclusion and Restraint (S & R) Task Force**

*"Keeping Everyone Safe in Our Schools"*

**Meeting #4 - Thursday, August 25, 2016**

### **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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### **DRAFT MEETING SUMMARY**

**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), Joan Heckaman (State Senator), Kirstin Dvorak (Pathfinder Parent Center), Linda Greenwood (Teacher, Dickinson Public Schools), Vicki Peterson (Family Voices of ND), Peg Wagner (ND Department of Public Instruction), Lori Garnes (ND Center for Persons with Disabilities/Minot State University), Carl Young (Parent Representative), Carlotta McCleary (ND Federation of Families for Children's Mental Health), April Dahme (The Arc of ND), Aimee Copas and Russ Zeigler (ND Council of Educational Leaders), Patty Barrette (ND United), John Porter and Tracy Klein (Special Education Directors Study Council), Pam Sagness (ND Department of Human Services), and Jaylia Prussing (University of Mary).

**Task Force Members Unable to Attend:** Sarah Jordan (Teacher, Bismarck Public Schools), Mike Yantes (School Social Worker, Bismarck Public Schools), Jennifer Fremstad (Principal, West Fargo HS), Rosalie Etherington (Superintendent, ND State Hospital), Penny Veit-Hetletved (ND Department of Corrections & Rehabilitation), Cory Pederson (ND Juvenile Court), Jason Stugelmeyer (Bismarck Police Youth Bureau SRO), Debra Follman (ND Association of Elementary School Principals), Roxane Romanick (Designer Genes), Dotti Dixon (ND School Counselors Association), Kathy Blohm (Private Practice Psychologist), Robyn Lang (ND School Counselors Association Board Member), Virginia Long Feather (Principal, Standing Rock Elementary), Mary Schultz (ND Parent Teachers Association), 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), Kris Wallman (ND State Representative), and Mark Doerner (ND Psychological Association).

**Welcome and Introductions:** Task Force members were welcomed to Meeting #4 and provided self-introductions.

**Brief Meeting Overview:** The facilitator briefly reviewed the consensus-based decision-making process as well as the ground rules for discussion, agreed to at the first Task Force 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. There was a request to add the topic of community mental health/behavioral health services, and gaps in those services, for discussion. Task Force members were encouraged to review and provide feedback or corrections to the meeting summary from the July 28 meeting. The facilitator reminded participants that meeting materials and information of interest to the Task Force is readily available on the Consensus Council website: <http://agree.org/seclusion-and-restraint-task-force/>.

**Update on Legislative Interim Education Committee Activities:** Senator Heckaman reported that the interim Education Committee is scheduled to meet on Thursday, September 15, and that this will be the Committee's final meeting. She encouraged the Task Force to complete as much of its work as possible today so that recommendations could be brought forward to the Committee. She noted that the recommendations could take the form of an amendment to one of the existing bills the Committee has on the table. Senator Heckaman is willing to present the recommendations to the Committee, on behalf of the Task Force while also encouraging others to attend the hearing and provide support and/or testimony (time permitting – see next paragraph).

***Follow-up Note from the Facilitator:*** The agenda for the September 15 interim Education Committee has since been posted to the Legislative Council website on behalf of Chairperson Schaible: <http://www.legis.nd.gov/assembly/64-2015/interim/17-5155-02000-meeting-agenda.pdf>. While it is scheduled as only a 2-hour meeting, Senator Heckaman will still be able to bring these recommendations forward.

**Presentation on OCR Data:** Cody Wagner from the ND Protection & Advocacy Project, presented information on behalf of the "Data Subcommittee" of the Task Force. He has

developed a 1-page document with highlights of what the voluminous data from OCR can and can't provide. It was **agreed** that this information could be helpful to Legislators as they consider the type and amount of reporting they want to receive. As part of the discussion around reporting, it was agreed that the best source for providing this data to Legislative Management would be the ND Statewide Longitudinal Data System (SLDS). Senator Heckaman agreed to contact SLDS to obtain an estimate of cost for this work. It was also **agreed** that Legislators could be directed to the S & R website to view the more in-depth presentation about data that was shared during the July 22 Task Force meeting, as well as any of the material produced by the Task Force.

**Review and Discussion of Key Terms and Reporting Requirements/Options:** There was lengthy discussion and debate related to particular key terms and concepts, including prone restraint, prone containment, policy, procedure and others. This discussion was prompted by the **agreements** reached at the July meeting (as excerpted from the July Meeting Summary):

- The Task Force supports use of the USDOE, Civil Rights Data Collection (CRDC) definitions of physical restraint, mechanical restraint and seclusion.
- The Task Force supports all ND school districts being required to have a policy regarding seclusion and restraint.
- The Task Force supports seclusion and restraint policy being developed at the local level.
- The Task Force supports prohibition of prone restraints or any restraints that could impede breathing.
- The Task Force supports biannual reporting of select data, gleaned from already mandatory OCR reporting, to Legislative Management.
- The Task Force supports legislators determining which data they want to receive.
- The Task Force supports training for school district personnel in the area of seclusion and restraint.
- The Task Force does not support unfunded mandates and thus, recommends necessary fiscal support for seclusion and restraint training for school personnel.

Ultimately, through discussion, revision and modification, the Task Force members reached the following **agreements** to be recommended to the interim Education Committee:

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 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 incidents 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.

It was also **agreed** that the Task Force could supplement the formal recommendations with development of a Frequently Asked Questions (FAQ) document and/or web link. This could include best practices examples, definitions of frequently used terms not otherwise included in ND law, examples of IEP and Behavioral plan development, methods/policies for contacting parents when a student has been secluded or restrained, and processes for preparing incident reports and other documentation.

**Development of Next Steps for the Writing/Planning Team and for the S & R Task Force:** There was **agreement** that the Task Force should plan to meet, as previously scheduled, on Thursday, September 22, 2016, to debrief the outcomes of the interim Education Committee. This would also allow time for further discussion and potential development of the FAQ information.

The S & R Task Force Planning/Writing Team will prepare a 1-page draft document for review by the Task Force prior to the interim Education Committee with the intent that Senator Heckaman would present it to the Committee. Task Force members are asked to respond promptly if, upon review of the draft, they have substantive changes to suggest and/or if they disagree.

Participants were thanked for their time and the meeting adjourned. The next Task Force meeting will be Thursday, September 22, 2016 from 9:00 a.m. to no later than 4:00 p.m. at Great River Energy.