



# Suggested Talking Points

## Restraint & Seclusion Hearing

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### 1. Positive Comments:

- a. Thank you to the School Board for their December 1, 2020, unanimous call for a Public Hearing. The School Board request that DSS staff incorporate recommendations from both ACSD & SEPTA be included in revisions led to a far more comprehensive second draft of the policy.
- b. We commend FCPS for expressing interest last spring in working with Dr. Ross Greene and for planning to trial the use of Ukeru for staff training.
- c. Thanking the school board for pushing to ban supine restraints and recognizing that the revised draft policy follows through on this!

### 2. Additions needed to policy:

- a. **Pg. 5, Section L - Aversive Stimuli - including cleaning up of bodily fluids.** being forced to clean up bodily fluids is not a natural consequence - it is a punishment
- b. The policy must lay out the chain of interventions PRIOR to restraint and seclusion, to reinforce the point that restraint and seclusion are last resorts only.

### 3. Culture

- a. In order to shift mindset to challenging behaviors being communication of unmet needs, the policy should not emphasize or include the need to “teach new positive behaviors”
- b. There is NO DATA to support restraint & seclusion keeping people safe. Plenty of data to show people get hurt from it - both students and staff, per Ross Greene
- c. Restraint & Seclusion are NOT Crisis Prevention Tools - they are Crisis MANAGEMENT tools, per Ross Greene
- d. Just making the commitment can reduce incidents by 50%.Second 50% requires training to be predominantly collaborative and proactive per Ross Greene
  - i. Accordingly, we ask the School Board to pass a solidified final policy this year rather than a lesser policy with a sunset date.
  - ii. When staff see an expiration date written into a policy from the beginning, it impacts their perception of the school district’s commitment to maintain these significant changes.

### 4. Mental Health Follow-Up Support

- a. Page 10, Section F - continues to miss the point of the student choosing a trusted adult with which to conference. Conference MUST be therapeutic in nature and should not be mandatory to include school administrator as student may associate this person with the negative incident.

## 5. Missing Policy Requirements

- a. There does not appear to be any consideration for the developmental differences between neurotypical students & students with disabilities in this policy.
- b. **Still missing from state regs:** Missing consideration of distinctions in emotional and physical development between elementary & secondary students and between students with and without disabilities
- c. **Missing in policy is required state regulation:** "Provisions addressing the Securing of any room in which a student is placed in seclusion.." Policy must include additional information regarding whether/how seclusion spaces are secured.
- d. Policy needs to include language that restraint & seclusion are not permitted to be written into IEPs as planned interventions, as they should only be used in emergencies..
- e. **Requesting language to include: (pg. 7, VII., Section A) Seclusion is banned in all FCPS schools other than Burke School and Key and Kilmer Center. Seclusion at these 3 schools will occur only in their designated seclusion rooms, which all meet the following physical standards.**

## 6. Policy Development Process:

- a. Virginia passed a law requiring school districts to have a formal policy about restraint and seclusion by January 1, 2021. It is now December 11, and this is the first time that the public is being asked to provide input.
- b. Seclusion has always been disproportionately used on students with disabilities. This IS a Special Education policy in true practice, which DSS demonstrated by only inviting SEPTA and POAC, rather than the general public, to participate in this initial "forum."
- c. DSS published newsletter dated 12/10/20 failed to include any references to the policy development nor the Public Hearing on restraint and seclusion that is taking place on 12/11/20.

## 7. Policy Implementation

- a. It is recommended that the shift to these new procedures occur on August 1, 2021 -- or August 2022, if 2021 is not possible -- rather than **mid-school year** in January of 2023.
- b. Notice of restraint & seclusion policy should be included on the SR&R form - perhaps included as a separate line to initial in addition to the required parent/guardian signature.
- c. Relying solely on EAP for emotional support for staff misses the point of mandatory, timely therapeutic debriefing. Additionally, per feedback from some staff members, there are concerns that EAP has not consistently offered same-day services to support teachers who were injured by student interactions.
- d. **Page 7, section E** (policy) - The section talking about the memorandum of understanding with FCPD indicates that SROs cannot get involved in an incident that was \*started\* by FCPS staff members but it is unclear whether an SRO can independently initiate restraint or seclusion

## 8. Reporting

- a. The demographic data the draft policy mandates collecting in the incident reports (pg. 9 of the policy), does not include enough data to clearly disaggregate and analyze the

- information. This report must collect “special education eligibility category as applicable” - not just special education status. FCPS **must** be able to determine if there are specific disability subgroups being disproportionately restrained or secluded..
- b. Incident reports must also include date/time/method of student’s **therapeutic** debriefing (if not able to be provided immediately, form must be updated when it occurs). In the current draft, the report will only include this information for the staff debrief.
  - c. Explicitly state to whom school administrators will send their reports especially since this policy is intended for all students, not just those in special education. Please include what FCPS department is responsible for reporting to the Federal Government. Please include consequences for staff/schools found to be out of compliance with the policy, .i.e. using restraint or seclusion in an instance where it was NOT imminent danger to self or others.
  - d. Reporting and analysis needs to include analysis of how many times seclusion is happening to the same student and also in the same classroom - not just overall numbers of incidents/students for the whole school.

## 9. Seclusion Specifics

- a. At the December 1, 2020, Work Session multiple School Board Members requested (and it was documented in the Next Steps) that staff produce an alternative to the original draft policy which would immediately ban seclusion at all sites. To date, no such policy has been presented by staff.
- b. Children who have been secluded are often so traumatized by it that they can't speak about it for years.
- c. Seclusion is not a teaching tool, yet it is being used inappropriately by staff as an anticipatory behavior management tool.
- d. Dr. Boyd stated that seclusion rooms at all other schools would have the doors removed and be repurposed. When asked how many rooms were being closed, and by what date the doors would be removed. Mr. Bloom said they'd get back to us with numbers but to date, SEPTA has not received this information
- e. Staff must actively track and report disciplinary actions taken against students in schools where seclusion has been banned and then give quarterly reports to ensure that the use of seclusion and restraint is not simply being supplanted by police interventions or other harsh disciplinary actions.

## 10. Training

- a. Policy needs to make clear how often “regular” training will occur, i.e. monthly, quarterly, annually and state explicitly that training is mandatory for ALL staff who interact with students that may need restraint and/or seclusion.
- b. We would like to see broader efforts to train all staff, as well as the inclusion of families in education about these new procedures and methodologies.