

# Seclusion and Restraint: Update on the Regulatory Process

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# Update from the Virginia Department of Education

- Virginia Code §22.1-279.1:1 was enacted by the Virginia General Assembly in 2015, requiring the Virginia Board of Education to adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth
- The Virginia Department of Education (VDOE) sought extensive stakeholder input, involving at least five separate meetings prior to drafting the proposed regulations, and received extensive public comment

# Update from the Virginia Department of Education

- Final review of the proposed stage of the regulations was completed on March 23, 2017
- The proposed regulations were reviewed by the Office of the Attorney General, the Secretary of Education, the Department of Planning and Budget, and received the Governor's approval in February 2019
- 2019 General Assembly passed House Bill 2599

# Update from the Virginia Department of Education

- The proposed regulations were published in the Virginia Register of Regulations on February 18, 2019 with a 60-day public comment period, which expired on April 19, 2019
- Following its meeting on March 21, 2019, the Board held a public hearing on the proposed regulations
- On July 25th the Board approved the proposed Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia

# Virginia Regulatory Town Hall

- Office of the Attorney General completed its review on October 10, 2019
- Department of Planning and Budget submitted regulatory package for consideration by the Secretary of Education on November 6, 2019
- Secretary of Education completed its review of the regulatory package on November 25, 2019

# *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*

- Regulations are focused on the prevention of restraint and seclusion
- Proposed regulations focus on the health, safety and dignity of students
- Provide regulatory guidance to local school divisions on preventing multiple uses of restraint or seclusion
- Focus on positive behavior support, conflict prevention, de-escalation and crisis response practices

# *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*

- The proposed regulations contain definitions of terms and practices within the document and additional details on;
  - Prohibited Actions,
  - Use of physical restraint and seclusion (including standards),
  - School division policy and practices (including notification and reporting) and,
  - Requirements for school division training

# Virginia Department of Education Next Steps

- The VDOE is offering supports and grant opportunities to encourage school divisions to prepare for the implementation of the proposed regulations
  - Developing a free, on-demand online module that fulfills the first level of training
  - Sponsoring an application process for school divisions to be awarded funds to support evidence-based advanced training in the use of physical restraint and seclusion



# Contact Information



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