



COMMONWEALTH OF VIRGINIA

Commission on Youth

Use of Seclusion and Restraint in Schools

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Study Mandate



- House Bill 1106 (Hope, 2014), directed the Commission on Youth (COY), in consultation with the Department of Education (DOE) and the Department of Behavioral Health and Developmental Services (DBHDS) to review:
 - statewide policies and regulations related to seclusion and restraint in public and private elementary and secondary schools; and
 - methods used in other states to reduce and eliminate the use of seclusion and restraint in public and private elementary and secondary schools.
- COY is to make recommendations and report its findings no later than the first day of the 2015 Regular Session of the General Assembly.

Definitions



- **“Seclusion”** means the confinement of a student alone in a room from which the student is physically prevented from leaving.
- **“Physical restraint”** means the use of any physical method of restricting an individual’s freedom of movement, physical activity, or to prevent a student from moving his/her body to engage in a behavior that places him/her or others at risk of physical harm. Physical restraint does not include:
 - briefly holding a student in order to calm or comfort the student; or
 - holding a student's hand or arm to escort the student safely from one area to another.



- **“Chemical restraint”** means a drug or medication used on a student to control behavior or restrict freedom of movement that is not:
 - prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under state law, for the standard treatment of a student’s medical or psychiatric condition; and
 - administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional’s authority under state law.
- **“Mechanical restraint”** means the use of devices as a means of restricting a student’s freedom of movement; and
 - does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including:
 - restraints for medical immobilization;
 - adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
 - vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Identified Issues



- Seclusion and restraint refer to safety procedures in which a student is isolated from others (seclusion) or physically held (restraint) in response to serious problem behavior that places the student or others at risk of injury or harm.*
- There is no statute or regulation specifically governing the use of seclusion and restraint in Virginia's public schools.
 - In 2006, DOE issued *Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations in Virginia Public Schools Focusing on Physical Restraint and Seclusion*.
 - These Guidelines were updated in 2009 and a Superintendent's Memorandum requesting that all school divisions review these Guidelines was distributed to local school divisions. DOE encouraged school divisions to adopt its guidelines or develop policy regarding physical restraints and seclusion.
 - Virginia's reliance upon Guidelines means that there is discretion in handling incidents pertaining to the use of seclusion and restraint. The Guidelines recommend training for staff and notifying parents after restraint or seclusion has been utilized, but there is no enforcement of these provisions.

*Source: Virginia Department of Education. (2009). *Guidelines for the Development of Policies and Procedures for Managing Student Behaviors In Emergency Situations in Virginia Public Schools Focusing on Physical Restraint and Seclusion*.

Identified Issues (cont.)



- In May 2009, the U.S. Government Accountability Office (GAO) testified at the U.S. House of Representatives Committee on Education and the Workforce on the results of its investigation of 10 seclusion and restraints cases in which there was a criminal conviction, a finding of civil or administrative liability, or a large financial settlement against a school or teacher. GAO identified the following issues:
 - seclusion and restraints were typically used on children with disabilities, often in cases where they were not physically aggressive and their parents did not give consent;
 - restraints that block air to the lungs can be deadly;
 - teachers and staff were often not trained on the use of seclusion and restraints;
 - despite convictions and findings of liability, teachers and staff held responsible for inappropriate use of seclusion and restraints continued to be employed at schools; and
 - there was no single entity responsible for collecting nationwide data on the use of restraints and seclusion.
- As a result of this hearing, Secretary of Education Arne Duncan requested each state review its current policies regarding the use of seclusions and restraints in schools and to develop/revise policies prior to the start of the 2009 to 2010 school year.
- In addition, the Education's Office for Civil Rights (OCR) required school districts to begin collecting and reporting data on the use of seclusion and restraints for all students at the school and district level.
- OCR released the first round of data in 9/11 & 3/12, which showed that almost 40,000 incidents of physical restraint and a little over 25,000 incidents of seclusion occurred in schools nationwide during the 2009-2010 school year.
- 70% of those restraint incidents involved children with disabilities. The OCR data also showed a disproportionate use of restraint and seclusion by schools with students of color.

Identified Issues (cont.)



- While there is no statute or regulation specifically governing the use of seclusion and restraint in Virginia's public schools, there are regulations overseeing the use of seclusion and restraint for:
 - Virginia's private schools for students with disabilities licensed by DOE which oversee seclusion and restraint;
 - Children's residential facilities and providers licensed by DBHDS;
 - Children's residential facilities licensed by the Department of Social Services (DSS); and
 - Juvenile correctional centers, detention homes, residential centers, group homes and halfway houses.

Study Activities



- Interview impacted stakeholders
- Conduct extensive background and literature reviews
 - U.S. Senate’s Health, Education, Labor and Pensions Committee Study
 - GAO Study on Seclusions and Restraint
 - Literature on best practices
 - Other states’ statutes, regulations, studies, and activities
- Review federal legislation/statutes
 - Individuals with Disabilities Education Act (IDEA)
 - Other related federal laws and regulations
- Review Virginia laws and regulations
 - Virginia’s Human Rights Regulations
 - Disciplinary statutes in the Code of Virginia
 - Virginia’s Regulations Governing Special Education
 - Regulations Governing the Operation of Private Day School for Students with Disabilities
 - Regulations for the Licensing of Providers of Behavioral Health and Developmental Services
 - State Special Education and Student Services’ Reports

Study Activities (cont.)



- Analyze Virginia practices and data
 - Survey local school divisions' policies on seclusion and restraint
 - Model policies from associations
 - State and local training activities
 - Practices at private schools serving youth with disabilities
- Synthesize findings of literature review and interviews
- Develop findings and recommendations
- Solicit feedback on draft recommendations from impacted stakeholders
- Refine findings and recommendations

Identified Stakeholders



- Virginia Department of Education
- Virginia Department of Behavioral Health and Developmental Services
- Virginia Department of Aging and Rehabilitative Services
- Virginia Department of Criminal Justice Services
- Virginia Department of Social Services
- Virginia School Board Association Attorney
- Virginia Association of School Superintendents
- Local Education Agency Representatives
- Virginia Association of Independent Specialized Education Facilities
- Private Education Providers
- Special Education Teachers/Guidance Counselors
- Residential Facility Representatives
- Virginia Poverty Law Center
- Virginia Bar Association’s Commission on the Needs of Children
- University of Richmond Educational Clinic Representatives
- Coalition for the Improvement of School Safety
- Child Abuse and Neglect Advocates
- Parent Representatives
- Virginia Child and Family Services Council
- Virginia Coalition for Students with Disabilities*
- Virginia Association of Elementary School Principals*
- Virginia Association of Secondary School Principals*
- Alternative Education Representatives*
- Virginia Council of Administrators of Special Education*

*Interviews pending

Federal Law Related to Seclusion & Restraint



The Individuals with Disabilities Education Act (IDEA) 20 U.S.C. § 1400 et seq. and associated rules 34 CFR Part 300.

- IDEA requires that a child's Individualized Education Program (IEP) Team consider the child's behavior if it interferes with his or her education or the education of others.
 - If a child's behavior impairs the child's learning or that of others, the IEP team shall consider the use of positive behavioral interventions and supports (20 U.S.C. § 1414(d)(3)(B)(i)).
 - If school personnel decide to change the child's placement because of a violation of a code of student conduct, the school district, parent, and relevant members of the IEP team shall review all relevant information including the IEP, to determine if the conduct was caused by or had a relationship to the child's disability (20 U.S.C. § 1415(k)(1)(E)).
 - If the team determines that the child's conduct was a manifestation of the disability, the IEP shall conduct a functional behavioral assessment, and implement a behavior intervention plan (20 U.S.C. § 1415(k)(i)(F)).
 - If a behavior intervention plan already exists, the team must review and modify it to address the child's behavior (20 U.S.C. § 1415(k)(i)(F)).

Federal Legislation



- *Keeping All Students Safe Act* (H.R. 1893) introduced by Rep. George Miller (D-CA) on 2/8/13.
- *Keeping All Students Safe Act* (S. 2036) introduced in 2009 and re-introduced on 2/24/14 by Senator Tom Harkin (D-IA).
 - This bill would establish federal minimum standards to limit the use of restraint and seclusion in schools.

Virginia Statutes Related to Seclusion & Restraint



- Va. Code § 2.2-309.1. – State Inspector General – Additional powers and duties; behavioral health and developmental services
- Va. Code § 2.2-309.4. – State Inspector General – Additional powers and duties; juvenile justice
- Va. Code § 22.1-279.1. – Education/Pupils – Corporal punishment prohibited
- Va. Code § 22.1-291.3. – Education/Teachers, Officers, and Employees – Notice of Duty to Report Child Abuse or Neglect
- Va. Code § 37.2-400. – Behavioral Health and Developmental Services – Rights of individuals receiving services
- Va. Code § 63.2-100. – Definitions of abused and neglected child

Virginia Regulations Addressing the Use of Seclusion & Restraint



6VAC35 – Board of Juvenile Justice

- Chapter 41 Regulation Governing Juvenile Group Homes and Halfway Houses
- Chapter 51 Standards for Interim Regulation of Children's Residential Facilities
- Chapter 71 Regulation Governing Juvenile Correctional Centers
- Chapter 101 Regulation Governing Juvenile Secure Detention Centers
- Chapter 140 Standards for Juvenile Residential Facilities

8VAC20-670-130 – State Board of Education – Regulations Governing the Operation of Private Day Schools for Students with Disabilities – Behavior Management Programs

12VAC35 Chapter 46 – Department of Behavioral Health and Developmental Services – Regulations for Children's Residential Facilities

12VAC35-105-830 – Department of Behavioral Health and Developmental Services – Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services – Seclusion, Restraint, and Time Out

12VAC35-115-110 – Department of Behavioral Health and Developmental Services – Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services – Use of Seclusion, Restraint, and Time Out

22VAC40 – Department of Social Services

- Chapter 151 Standards for Licensed Children's Residential Facilities
- Chapter 131 Standards for Licensed Child-Placing Agencies

Virginia Guidance Addressing the Use of Seclusion & Restraint



- Virginia Department of Education State Special Education Advisory Committee. (2005 & 2009). *Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations in Virginia Public Schools: Focusing on Physical Restraint and Seclusion.*
- Virginia School Board Association's Policy on Restraint and Seclusion of Students
- Virginia Association of Independent Specialized Education Facilities Standards of Accreditation
 - Behavior Management
 - Seclusion and Restraint (if the program utilizes seclusion and/or restraint)



2009 DOE Guidelines Survey

- Of the school divisions surveyed:
 - 34 divisions with policy regulating seclusion AND restraint
 - 4 divisions with policy regulating restraint only
 - 20 in the process of adopting a policy
 - 8 with no policy, but do not permit seclusion and/or restraint

Virginia Proposed Regulations for Private Day Schools



Proposed Regulations Governing the Operation of Private Day Schools for Students with Disabilities and Educational Programs Offered in Group Homes and Residential Facilities in the Commonwealth

- Notice of Intended Regulatory Action published in the Virginia Register 10/11/10.
- After the public comment period on 11/12/10, the proposed regulations were approved by BOE and submitted to the Department of Planning and Budget on 2/17/11.
- The proposed regulations were published 10/2/12 (the final regulations were scheduled to be submitted by 6/19/13).
- The time was waived for additional public comment.
- DOE staff held 2 meetings with stakeholders in the winter of 2013.
- Proposed regulations were then modified to provide consistency with other state licensing agencies & presented to BOE 4/25/13.
- BOE requested additional information and requested more outreach be done to include parents.
- DOE held 2 audio conferences & 152 written comments were received.
- Most comments were supportive of the recommendations submitted by the Coalition for Students with Disabilities, a statewide network of organizations collaborating to support education rights and opportunities for students.
- DOE agreed with the Coalition's recommendations and addressed each in the proposed regulations.
- BOE approved the proposed regulations on 6/27/13 and authorized DOE staff to proceed. OAG reviewed the changes.
- Governor's Office review is currently in progress.



Restraint and Seclusion of Students (2010)

- Physical restraint, mechanical restraint, and seclusion may only be used by a staff member who has been trained in the proper use of the technique applied or device utilized and only to be used in the following circumstances:
 - as needed to protect an individual from his or her own actions;
 - as needed to protect others from injury by the restrained person;
 - as needed to quell a disturbance;
 - as needed to gain possession of weapons or other dangerous objects on the person or within the control of a student;
 - as needed for self-defense;
 - as needed to escort a student safely from one area to another;
 - as reasonably needed to prevent imminent destruction to school or another person's property;
 - when using seat belts or other safety restraints to secure a student during transportation;
 - to direct the movement or actions of a student to avoid the undue or deliberate disruption of the learning environment;
 - as authorized by the Code of Virginia, or
 - as authorized by a student's IEP, Section 504 plan or behavior intervention plan.
- School divisions are to notify parents within 15 school days of a restraint incident or a physical injury occurring in the seclusion room.
- The staff person is to make a record of information regarding its use including the date, time, duration, precipitating behavior, outcome and other pertinent observations.

Seclusion & Restraint Criteria for Use



| | DOE 2009 Guidelines | Existing Regulations for Operation of Private Schools for Students with Disabilities (8 VAC 20-670-10 et seq.) | Proposed Regulations (8 VAC 20-671-660) | VSBA Policy |
|---|--|--|--|---|
| Criteria for use | <p>Requires "the use of physical restraint or seclusion is allowed only in emergency situations."</p> <p>An explanation of the school division's or program's criteria for the use of seclusion & restraint is to be included.</p> | <p>"The school shall develop, implement, and have on file written policies and procedures that describe the use of behavior management techniques ..."</p> <p>"The behavior management techniques used by the school shall be listed in order of their relative degree of intrusiveness or restrictiveness and the conditions under which they may be used by trained school personnel."</p> | "Physical restraint or seclusion is allowed only in an emergency situation." | "Physical restraint, mechanical restraint, and seclusion should only be used in the following circumstances:" |
| To protect from self-harm | | Yes | Yes | Yes |
| To protect others | | Yes | Yes | Yes |
| To quell a disturbance | | | No | Yes |
| To gain possession of weapons or dangerous objects (includes drugs) | | | Yes | Yes |
| For self-defense | | | Yes | Yes |
| To escort a student safely | | | Yes (seatbelts not included in definition of restraint) | Yes |
| To prevent property damage | | | No | Yes |
| To avoid disruption of learning environment | | | No | Yes |
| As authorized by IEP, Section 504 Plan or Behavior Mgmt Plan | | | No | Yes |

Seclusion & Restraint Restrictions on Use



| Restrictions | Virginia 2009 Guidelines | Existing Regulations for Operation of Private Schools for Students with Disabilities (8 VAC 20-670-10 et seq.) | Proposed Regulations (8 VAC 20-671-660) | VSBA Policy |
|---|---|---|--|--|
| Staff member who applies restraint must be trained | School division to identify training requirements. | Yes | Yes | Yes |
| Less restrictive measures MUST be used first in order of restrictiveness | Schools should identify methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation. | Yes | Yes | No |
| Types of restraints banned | School division to develop policy on restraint. | Use of mechanical and chemical restraints. | Prone "face down" restraints, mechanical restraints, and pharmacological restraints and any other restraint that restricts breathing or harms the child or interferes with the child's ability to communicate. | Does not permit the use of restraining device to limit mobility when the device is not ordinarily used with the student. |

Seclusion & Restraint Notification Requirements



| Notification | Virginia 2009 Guidelines | Existing Regulations for Operation of Private Schools for Students with Disabilities (8 VAC 20-670-10 et seq.) | Proposed Regulations (8 VAC 20-671-660) | VSBA Policy |
|---|---------------------------------|---|---|--|
| Parents and placing agencies to be informed of policies and procedures | Yes | Yes | Yes | No |
| Required in all cases | Yes | Yes | Yes | Yes; for all cases of physical restraint; but only seclusion "resulting in observed physical injury to the student." |
| Time limit | Choice of division | Choice of division | Within 24 hours & a written report made available to the parent within 2 business days of the occurrence and opportunity given for the parent and student, as appropriate, to discuss the matter with school staff. | Notified in writing within 15 school days. |

Seclusion & Restraint Other Requirements



| <i>Other</i> | Virginia 2009 Guidelines | Existing Regulations for Operation of Private Schools for Students with Disabilities (8 VAC 20-670-10 et seq.) | Proposed Regulations (8 VAC 20-671-660) | VSBA Policy |
|----------------------------------|--|--|--|---|
| Training requirements | School division decides who needs to receive specific training | Annual review of training program | Staff must be trained in proper use of technique applied. | Staff must be trained in proper use of technique applied or devise utilized. |
| Room and monitoring requirements | School division should establish | Not specified | Yes; the door to any room in which a student is secluded may be held shut only when a staff member is personally securing it. The door must immediately disengage when the staff member steps away from it. The room must meet specification including size and viewing panels that ensure the student's safety at all times including during a fire or other emergency. | "It is preferable that the staff member can see or observe studentThe space used for seclusion must be appropriately lighted, ventilated, and heated or cooled, and free from objects that unreasonably expose the student or others to harm." |
| Follow-up procedures | School division should establish | Yes | Yes | No |
| Procedure for complaints | School division should establish | School establish complaint mechanism generally | Complaint mechanism & time frames established. | No |
| Reporting requirements | School division should establish | Incidents included in student's file | Yes; annually to DOE | Staff responsible for making record of incident |

Overview of State Laws



Including the District of Columbia & 50 states other than Virginia

■ Restraint

- 18 states have no law (this includes no mentions in the law to having model policies/guidelines requiring divisions to address)
- 25 states regulate for all students
- 7 states regulate for students with disabilities served by IDEA

■ Seclusion

- 19 states have no law (same as above)
- 25 states regulate for all students
- 6 states regulated for for students with disabilities served by IDEA

Seclusion and Restraint – National Trends



- Students with disabilities represent
 - 12% of students enrolled in public schools
 - 75% of the students who are subjected to physical restraint during school
 - 58% of students subjected to seclusion in school

Other Studies on the Use of Seclusion & Restraint



- GAO study and accompanying written testimony (2009)
- 3 reports by the National Disability Rights Network
 - *School is Not Supposed to Hurt* (2009)
 - *School is Not Supposed to Hurt: Update on Progress in 2009 to Prevent and Reduce Restraint and Seclusion in Schools* (2010)
 - *School is Not Supposed to Hurt: The U.S. Department of Education Must Do More to Protect School Children from Restraint and Seclusion* (2012)
- Other reports
 - Disability Rights California – *Restraint & Seclusion in California Schools: A Failing Grade* (2007)
 - Autism National Committee – *How Safe Is The Schoolhouse? A Summary and Analysis of State Restraint and Seclusion Laws and Policies* (2012, updated January 2014)
 - Virginia's disAbility Law Center – *Seclusion and Restraint in Virginia's Public Schools: Investigative Study of Policies and Procedures to Protect Students* (2014)

Other Studies on the Use of Seclusion & Restraint (cont.)



In 2014, Virginia's disAbility Law Center examined the policies and procedures on the use of restraints and seclusion in 128 school divisions. Their report found:

- 82 school divisions have adopted, either in whole or in part, the VSBA policy regarding seclusion and restraint.
- 32 school divisions have adopted no policies or guidelines governing the use of seclusion or restraint.
 - Of those school divisions, 13 divisions stated that they also have no policies or forms pertaining to behavior intervention, training, oversight, documentation, or parental notification.
- Most school divisions lack a system or process for the compilation, tracking, and analysis of the use of restraints and seclusion.
- Several school divisions that adopted VSBA's policy actually went beyond them and adopted more restrictive criteria for the use of restraints or seclusion in their procedures or guidelines.

Principles on the Use of Seclusion & Restraint – 15 Principles



1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.
8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.

Principles on the Use of Seclusion & Restraint – 15 Principles (cont.)



9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.
11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.
12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable federal, state, or local policies.
13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.
14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.

2009 DOE Guidelines



9 suggestions for school divisions:

1. Adopt a behavior management program and advise parents and students of the program;
2. Clearly describe the division's criteria for the use of physical restraint;
3. Clarify that physical restraint is allowed only in emergency situations;
4. Delineate the conditions under which physical restraint is allowed;
5. Establish training and certification requirements;
6. Create incident reporting requirements;
7. Set up follow-up procedures after each incident;
8. Generate procedures for receiving and investigating complaints regarding the use of physical restraint & seclusion; and
9. Establish how and when the parents/caregivers will be informed of each occurrence of physical restraint.

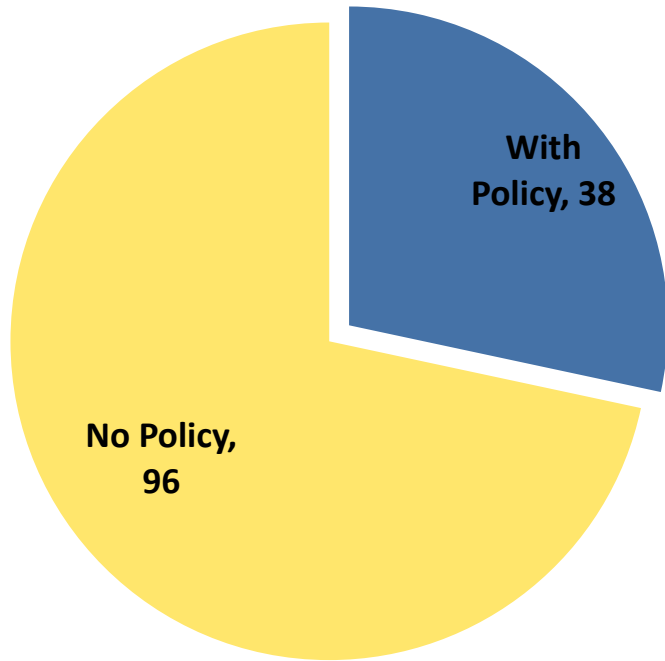
COY Survey



- Sent to all school divisions on 7/25/14 via Superintendent's Memo
- Responses due 8/25/14
- Responses received from 99 divisions as of 9/12/14
- Major goals:
 - Determine which school divisions have policies and determine how closely those policies follow DOE's 2009 Guidelines
 - Determine what training programs, if any, divisions are using
 - Determine if divisions keep records of seclusion and restraint and attempt to establish a statewide count

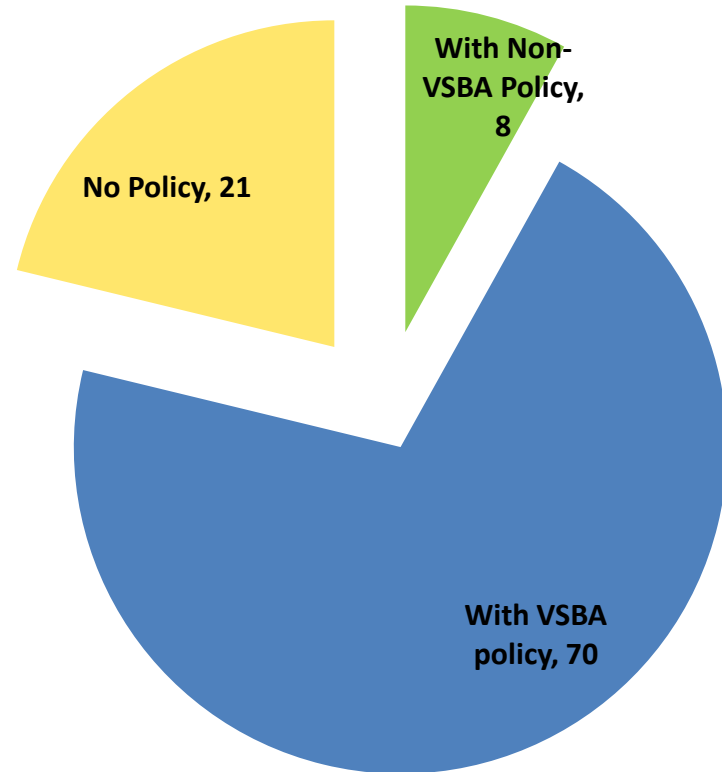


DOE 2009 Survey



- With Policy
- No Policy

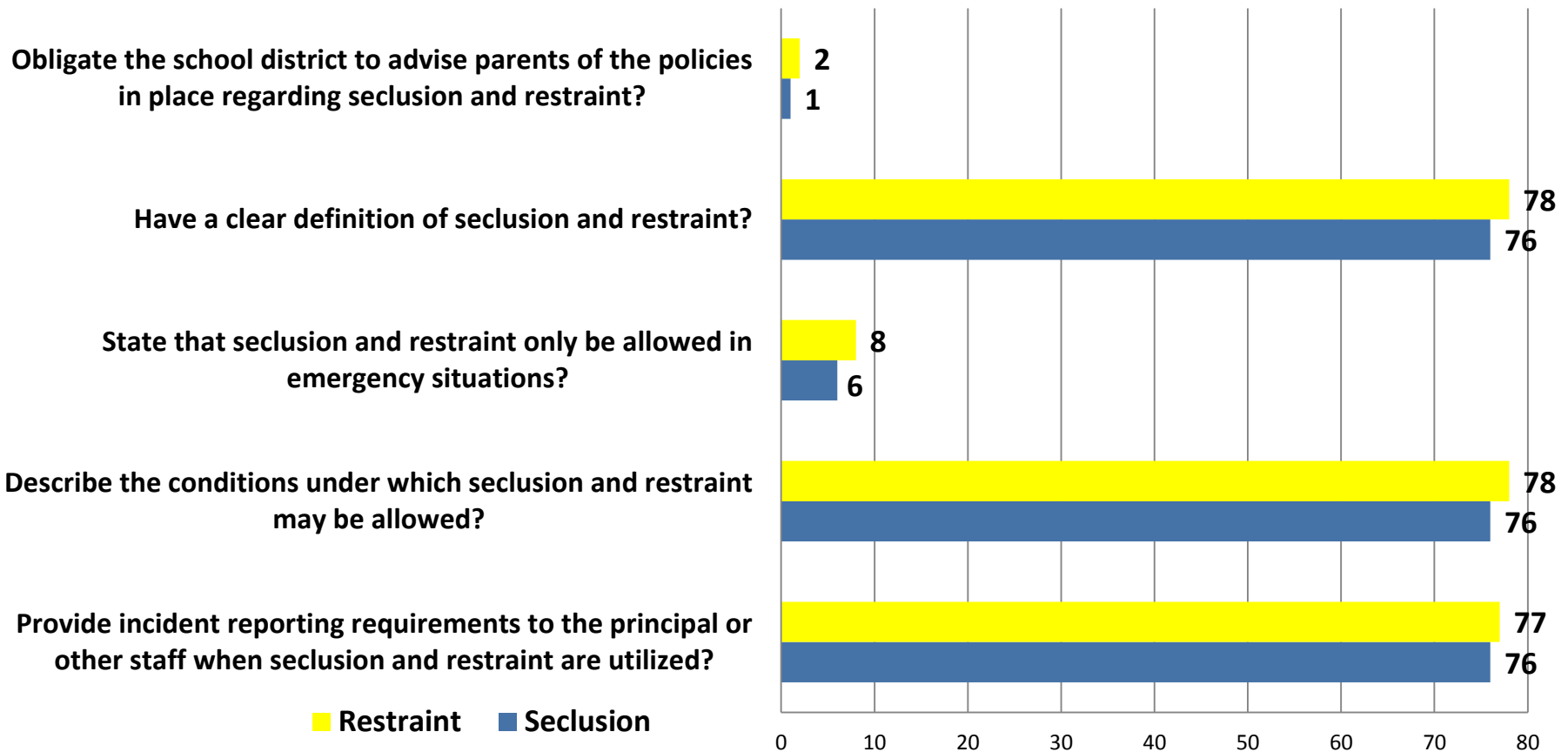
COY 2014 Survey



- With Non-VSBA Policy
- With VSBA policy
- No Policy

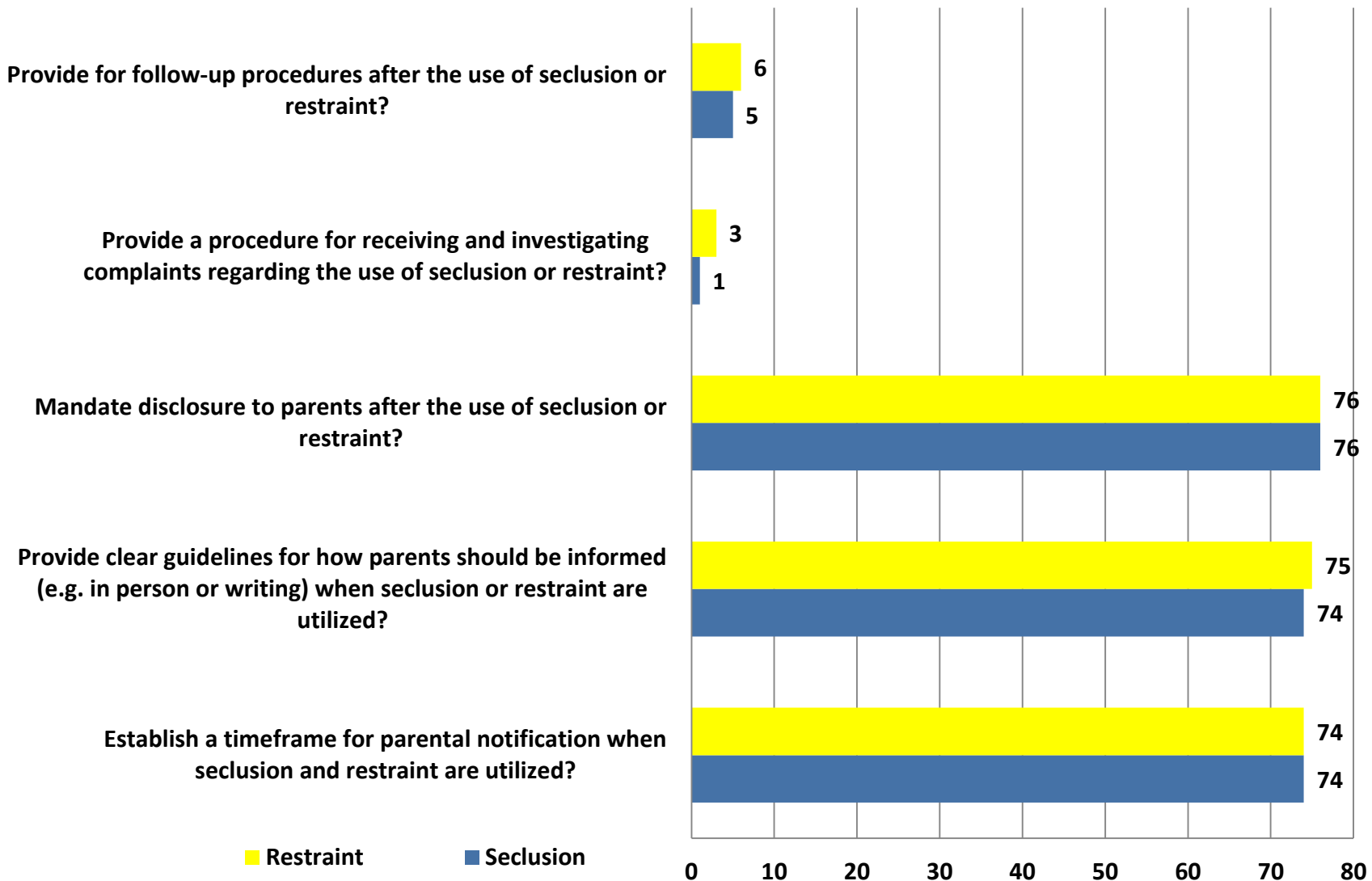


Does your division's policy:



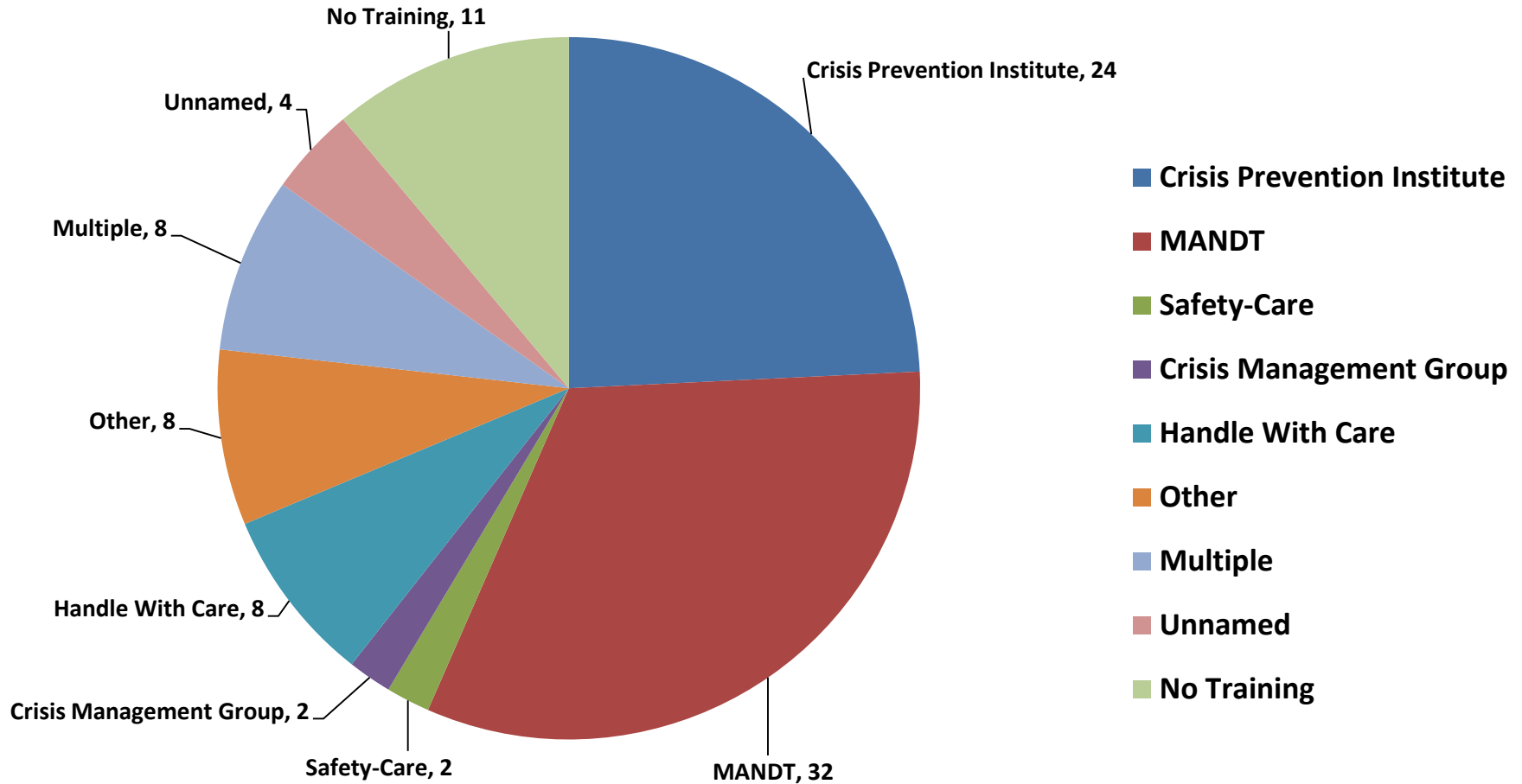


Does your division's policy:





De-escalation Training Programs Used



Key Findings from Interviews



- Currently, there are broad allowances for the use of seclusion and restraint.
- Excessive use of seclusion undermines IDEA's requirement for the provision of a free appropriate public education (FAPE).
- There is a lack of uniform standards on seclusion rooms.
- There is no baseline requirement to exhaust less restrictive means first.
- Seclusion and restraint can be written into a student's IEP.
- There are inconsistent reporting processes.

Key Findings from Interviews (cont.)



- Schools need flexibility to deal with students who exhibit dangerous behaviors to reduce the risk of injury to educators and other students.
- A majority of school divisions abide by the VSBA policy which only requires parental notification if seclusion results in “observed physical injury to student.”
 - Divisions have up to 15 school days to notify a parent or guardian in writing.
- The cost of training could offset by potential savings in other areas.
 - Training could be modeled after the *Standards for Paraprofessionals Assigned to Work with a Teacher Who Has Primary Oversight of Students with Autism Spectrum Disorders* developed by DOE’s Training and Technical Assistance Center (T/TAC) .



Virginia School Security Officer (SSO) Certification Program

- Pursuant to Va. Code § 9.1-102., SSOs are to be certified through the Virginia Department of Criminal Justice Services (DCJS)
- Among other requirements, training standards include:
 - relevant state and federal laws;
 - mediation and conflict resolution, disaster and emergency response; and
 - student behavioral dynamics.

Key Findings from Interviews (cont.)



- The use of restraints is included in compulsory minimum training standards for law enforcement officers (i.e., SROs).
- Departmental policies usually cover more specific guidance on handling juveniles or those with special needs.
- The Virginia Center for School Safety at DCJS conducts regular School Resource Officer (SRO) Basic Training and School Security Officer Certification Trainings.
 - Training goals are for SROs and SSOs to gain recognition of their positions within the school environment.
 - DCJS also hosts Autism Awareness Train-the-Instructor courses.



- Finalize the *Proposed Regulations Governing the Operation of Private Day Schools for Students with Disabilities*
 1. Request that the Governor finalize Virginia's *Proposed Regulations Governing the Operation of Private Day Schools for Students with Disabilities*.



- Regulate the Use of Seclusion and Restraint in Virginia's Public Schools
 1. Introduce legislation requiring the Board of Education to promulgate regulations on the use of seclusion and restraint in Virginia's public schools. These regulations will be consistent with the 2009 DOE Guidelines and the U.S. DOE 15 Principles on Seclusion & Restraint and address definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up.
 - or-
 2. Request BOE promulgate regulations on the use of seclusion and restraint in Virginia's public schools. These regulations will be consistent with the 2009 DOE Guidelines and the U.S. DOE 15 Principles on Seclusion & Restraint. These regulations will address definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up.



■ Regulate the Use of Seclusion and Restraint in Virginia's Public Schools (cont.)

3. Introduce legislation for the Board of Education to establish guidelines and model policies for the use of seclusion and restraint in Virginia's public schools. The guidelines and model policies shall include definitions, criteria for use, restrictions for use, training, notification requirements, reporting, and follow-up. School boards shall adopt and revise policies on the use of seclusion and restraint consistent with, but may be more stringent than, the guidelines of the Board of Education.

-or-

4. Introduce legislation requiring local school boards to establish guidelines and model policies for the use of seclusion and restraint in Virginia's public schools.



■ Encourage Training Efforts

1. Support DCJS efforts in training appropriate parties, including SROs and SSOs, in student development, de-escalation, and conflict mediation in the school setting.
2. Request DOE support local school divisions by providing resources and training on research-based appropriate behavioral management, prevention, de-escalation techniques to reduce the use of seclusion and restraint.