



1 **HB 1318 – Relating to adoption of restraint and seclusion policy by school districts**

2 **January 19, 2021**

3 Chairman Owens and members of the House Education Committee – My name is Dr. Russ Ziegler,
4 and I am the assistant director for the North Dakota Council of Educational Leaders. I am testifying
5 today in opposition to HB 1318.

6 It is always difficult to stand up here and testify in opposition to a bill that on face value looks like
7 it would be good for kids and easy to implement. Unfortunately, this is one of those times. NDCEL
8 believes that all students need to be treated with respect and dignity, and that students should never
9 be placed in any danger by school staff or other students. The intent of this bill does that, it places
10 the students first, which it should. However, there are parts of this bill that we simply do not
11 understand what the implication would be on students or their districts. There are a number of
12 school professionals that will visit with you about this bill and may be able to better answer specific
13 questions you may have.

14 If the intent of this legislation is to have every school in the state adopt a seclusion and restraint
15 policy, then we can all get behind that. When that policy is dictated and unclear with some aspects
16 then the waters get muddied. There are districts in the state that have spent numerous hours and
17 funds on writing a seclusion and restraint policy (Mainly the larger ones) that works for them.
18 Then there are other districts in the state that have adopted the Seclusion and Restraint policy that
19 was created by NDSBA. Would this policy have to be implemented in place of what they already
20 have? I do know that there are schools who have not adopted a seclusion and restraint policy.
21 However, the ND School Boards Association does have a policy that they could easily adopt. The
22 easiest solution to this quandary would be to have a bill that simply states that schools must adopt
23 a seclusion and restraint policy.

24 In my testimony I would also like to focus on the last paragraph of the bill. This paragraph states:

25 Requires school district personnel to receive annual professional development and training
26 in positive behavior interventions and trauma-informed practices, including crisis de-
27 escalation, restorative practices, and behavior management.

28 This is an area that is of great concern for NDCEL and member districts. The first question that
29 comes to my mind would be is this for all school district personnel including business managers,
30 kitchen staff, bus drivers, coaches, maintenance staff, administrative assistants, para-educators,
31 teachers, etc? It has been estimated it costs \$7.5 million to train just teachers for a day in North
32 Dakota. That cost would be considerably higher if you included all district personnel. The next
33 question that comes to my mind is how long should the training be? For example, Trauma-
34 informed practices could be a 4 day training just by itself, Crisis de-escalation (CPI) is a 2 day
35 training, restorative practices and behavior management training could also be lengthy. With this



36 policy how long would individuals be required to take which trainings to be compliant? Then
37 comes the question about who will do the training? Who makes that determination of what
38 trainings will count and which ones will not? Are there enough certified trainers in or around ND
39 to make this feasible, especially if the trainings are over multiple days? The final question that I
40 have is who will be paying for the training? We have noticed that there is not a fiscal note attached
41 to this bill, which is also a concern for the members of NDCEL.

42 It is for these reasons why I respectfully stand in opposition to HB 1318 as it currently stands.

43 Thank you for your time and I can stand for any questions.