

2019 SENATE EDUCATION COMMITTEE

SB 2266

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2266
2/6/2019
32319

- Subcommittee
 Conference Committee

Committee Clerk Signature: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the adoption of a restraint and seclusion policy by school districts, the prohibition of seclusion, the collection of data, and the reporting of incidents of restraint and seclusion; and to provide an appropriation.

Minutes:

Att. #1-Heckaman; Att. #2-McCleary; Att. #3-Jones; Att. #4-V. Johnson; Att. #5-Dvorak; Att. #6-Duncan; Att. #7-Jennifer Skjod; Att. #8-Peterson; Att. #9-Roehrich; Att. #10-Highley; Att. #11-Kehr; Att. #12-Nodland; Att. #13-Schuh; Att. #14-Morgan; Att. #15-Nett; Att. #16-Olson; Att. #17-Simonich; Att. #18-Jim Skjod; Att. #19-Orr; Att. #20-Romanick; Att. #21-Burkes; Att. #22-Thom; Att. #23-Jacobson; Att. #24-Jendro; Att. #25-Held; Att. #26-Barnum; Att. #27-A. Johnson; Att. #28-Stewart; Att. #29-Hoag; Att. #30-Wolsky; Att. #31-Ritterath; Att. #32-Meier; Att. #33-Copas; Att. #34-Stanton; Att. #35-Hanson; Att. #36-Baxley

Chairman Schaible: The will come back to order and will begin the hearing on SB 2266.

(0:45) **Senator Joan Heckaman, Dist. 23: See Att. #1.**

(5:16) **Carlotta McCleary, Exec. Director of Mental Health Advocacy Network: See Att. #2.**

(16:35) **Chris Jones, Exec. Director of Department of Human Services: See Att. #3.**

(19:02) **Victoria Johnson, parent: See Att. #4. See Att. #4.**

(22:59) **Terry Hamelton, parent:** We are here in support of SB 2266. Restraint, Segregation, Recording and Reporting incidences that take place in the school. My son, Tanner, is 13 and has attended one Middle School in Fargo and in the last three years, they have done three times to my son – held him down in a prone – on the floor – position exceeding 10 minutes twice, just a few minutes the other time. In doing so, caused injury, bodily injury to Tanner. I am confused how they are to put him into a safe hold and he ends up getting injured. That is something they have not been able to address or answer. We went to see Mr. Gundy, Superintendent of the District of the Fargo Schools. He was not aware that these incidences had taken place in the schools. They had not filed the proper paperwork or sent them to Mr. Gundy so he would be aware of these incidences. We brought them to his attention and he is now investigating them – we have not heard back. This is all come to play since the 29th of October. On the 29th of October was the last incident in the school that Tanner was

attending. We have since then moved him to another school because of the fear – the PTSD – the actions that the school and administration took against him scared him – to the point where he did not go to school – he had no safety in there. They are supposed to have what is called a safe room in these schools and they told us the beginning of the '18 school year that they were going to add three more rooms – eight weeks later, they still haven't added another room. The day of October 29th, and they knew we were coming into school on Monday- to follow up with this, they then informed us that they added three more rooms to their - but they failed to tell their faculty that they added these rooms. I asked them where these rooms were at and the principal, Mr. Shane Martin, said we'll go into one now. He had to take a key out of his pocket to get into it. These rooms are supposed to be open and available to all students for a time out or reset or calming down or calming period or a time to walk away before they escalate. They are not available to them. This is a policy the school is supposed to have in place and follow through with. We are here in support of SB 2266, talking to you guys today. As victims, I see us as victims as people these safety holds were used on, and the results of what they did in using these safety holds – the failure to followup when we went to the district to find out about these incidences. The district was not aware of these incidences. We also have what they say is 45 minutes of video. At the district office, we had Mr. Gundy, Dr. Robert Gross, and we had Patty Cummings – the director of special needs in the Fargo Public Schools System. Since we could not record the incidences video, we did it with audio and we had an audio recorder. I did a little stint on KVLV – Whistle Blowers Hotline – and we followed up with that – we were in Mr. Gundy's office watching everything. They only sent over 11 minutes of video of the 45 minutes of video that they took – there was a reason that sent over only 11 minutes – I've questioned that. It is one of the questions I have that hasn't been answered. It also shows the principal coming out of the shadows and striking my son three times. This is something we will address through the legal system. We are telling you guys this today because this is what is going on in the schools. This happened on the 29th, there was another incident on the 21st, prior to this. There was another incident on the 18th prior to this. Two to three times a week, they have lockdowns in these schools because of escalating students. The incident that led to the lockdown on the 29th, my son has an IEP. There is a laid out procedure they are supposed to follow with his IEP. They violated it, they didn't follow none of it. They didn't use it, look at it, or even any concern of it and they went after my son, Tanner. When I got the call, I am on the phone with a para – that they didn't realize that the para called me. I'm in Gardner, ND – twenty miles north of Fargo. I am driving a semi – I drove the semi back to Fargo, told my boss I had to go to the school – my son needs me. I went to the school – this is all still going on. They told me it lasted two to three minutes. Now, to drive twenty miles in a semi – to do all of this, get to the school – I got to the school 45 minutes later and it was still going on. Their reports and the message I am trying to convey today is their version of what took place and what actually took place aren't even close. They don't tell the truth; they don't document the truth nor do they share the truth with the people that are supposed to see the truth. They choose not to and I can't make them, but I am hoping you guys can by passing this bill. It is not only for us, there were three gym classes on the 29th when the incident took place. The gym teacher stood up and told the students, "You go home and tell all of your parents that you are afraid to go to this school and you cannot go to this school anymore because you are afraid because there is a young man named Tanner Hamelton in this school who attacks students, who attacks faculty, who attacks teachers. What I found out was there was nine teachers standing around my son. Screaming and hollering at him, telling him to settle down, calm down, behave himself, act normal. Well, if you took anybody and stood him into a room – a corner

or surrounded them, and they don't know what your intentions are, what are they going to do. They only have their hands their feet, and their mouths to work with. So when he broke the chain, when he got a gap in there, he took out of the gym and went outside. He is not supposed to go outside – but the only door available, he went outside. This is all recorded, it is all documented, it is on tape and the district has all of this stuff that took place. That is what we are here for today – to support SB 2266 and to explain to you guys the need of – the impact that it has on kids, on people. Not only the kids that have the disabilities, that are special needs students. They disrupted the class for three classrooms. There are other kids that do not have special needs or anything else. Their class, their right to an education was stopped by the action of the faculty and administration and what they done. In front of the SRO (student resource officer) which is a paid employee by the city of Fargo, he is a police officer, he was involved with taking my son down and holding him in a prone position on the floor. He – a year and a half earlier, witnessed the two principals taking Tanner down in a prone position on the floor. He was an accessory to the crime. My opinion. But questioning him about this – his response was when I get called to help in a situation where a child is escalating, I can do whatever I need to do or whatever I want to do and it all falls back to the school. The school is responsible for everything I do. I am not held accountable or responsible for what I do or injuries that I provide and I'll pass around a picture of him the last time they held him in a restraint. The first lady that talked about imminent danger – the definition of that is if you are going to have a loss of a limb, loss of a life, or bodily injury of some sort of that to yourself or someone else in the room. We asked them to look up imminent danger and what the means and every incident that my son was involved with never met the criteria of imminent danger. Thank you for listening to us today.

Tanner Hamelton: I wanted to say that as a eighth grader, I am not some puppet being tossed around. I am a human being and I did not go to school to be bullied by the principal. (Crying and difficult to understand.) He abused me. I have been abused since around seventh grade and I had moved to that school – a newer school because of that. I wrote something about it, which I didn't bring – about being abused like my dad told you. The picture with me after being put into a legal safety hold – Senator, please, I ask you make it stop.

(35:02) **Chairman Schaible:** Thank you.

(35:53) **Kristen Dvorak, Exec. Director of the Arc of ND:** See Att. # 5, Att. #6.

(42:00) **Jennifer Skjod, parent:** See Att. # 7.

(50:47) **Senator Davison:** What service do you think would have been beneficial to help you through the process? We have talked about the positive behavior supports and different tiers and MTSS. The first part of it seems to be to have the teacher have better skills, but outside of that, what kind of professional services would you have liked to had at that school.

Jennifer Skjod: We had a behavior plan, but a positive behavior plan makes a world of difference. It is how people interact with the child, how the child is taught to interact with others. When he was in Middle School, the teacher there was wonderful. She just asked him what was wrong. So many times, I would come to pick him up after he had been restrained, and they would be like, we just don't know what happened. He just all of the sudden just started freaking out and then we had to hold him down and then he fought harder and harder

and harder. I said, "Did you ask him, did you ask him what was bothering him. Did you ask why he was upset?" It was like that whole common sense piece is just mission. I don't know I don't know how to describe it. I think so much of it also has so much to do with how we treat each other as a society. Sometimes I hear the words that adults use to children and the tone of voice and I am like it just makes me cringe. I think, would you do that if your supervisor came up to you and talked to you in that tone of voice? We are trying to teach children to be respectful and we are trying – but we need to respect kids also. That is my simplified version, but there are tons and tons of resources. That document that the Department of Education puts out about positive behavior supports and alternatives to seclusion and restraint is just awesome. I have that link and would share that. Also to follow up on one of the questions. Senator Schaible you asked the question. I didn't draft this bill, but in my mind, it would make sense to hold the records at least until they are recorded at the Office of Civil Rights website. It would put ND in compliance and I think that is important.

(51:38) **Vicki Peterson, Family Consultant for Family Voices of ND. See Att. #8, #9, #10.**

(1:00:17) **Nicki Kehr, Parent: Att. #11.**

(1:10:46) **Beth Nodland, Parent: Att. #12**

(1:16:46) **Senator Davison:** Help us understand what supports you referenced which supports early on in kindergarten that were successful. What does that mean to us? What are supports, specialists in the class, training in the class, communication?

Beth Nodland: Yes, yes and yes. It was all of those things. We did a behavioral study and we came up with a behavioral plan. We have a very detailed IEP in what our goals are, we have a consultant who the district brings in on a regular basis.

Senator Davison: What is that expertise?

Beth Nodland: I believe it is special education.

Senator Davison: So is it a behavior analyst? A school psychologist?

Beth Nodland: A behavior analyst. We also have on our team the school psychologist, we have – it is about twenty people and we met for months. It was pretty intense.

Senator Davison: So your son is able to be in school and get the support as opposed to going outside of school the school and find those supports and bring him back into the school.

Beth Nodland: He has different classroom aides. He has a special ed. coordinator, he gets OT, PT and speech. We have worked out what his triggers are and what he should do in these situations. He has quite a large support network in the school district.

Senator Davison: That took you and your husband being really involved with your child and your school to work that plan out and work through that process. And they were receptive to that?

Beth Nodland: Yes, very much so. They have taken the model and replicated it to use in other schools for children. It has been a huge investment and in our case it worked.

Unidentified individual: See *Att. #13, #14, #15*. Mr. Chairman and members of the committee, a few of us came to read testimony for parents that couldn't be here. In light of time, is it ok if we just pass it around to the committee?

Chairman Schaible: Yes, that is very good.

(1:19:43) **Ashley Olsen, parent:** See *Att. #16*.

Senator Davison: In your story, you talked about a para that helped your son. You indicated your son was bipolar. Are you able to access services outside of the school to help your son?

Ashley Olsen: We don't have any in Casselton, ND. My son, after this incident gets an Applied Behavior Analysis (ABA) therapy at the autism center in Fargo. My mom had to quit her job and become my respite care staff and drive him to autism center to get ABA because they will not drive to Casselton. To get services for him to learn to be manage anger and implement these things to teach him. He leaves at 11:30, but he gets at school at 8:30. That is his day three days a week. He academically is getting nothing because he is being pulled from school to get ABA therapy. There is nothing in our school for it. We definitely need a behavioral analyst in our school. We have nothing but paras that apply and they get the job. They are not paired with our children. They don't know what the triggers are. When you have a para, you need to build that relationship to where picking anybody out of a room, they are always going to pick you because they trust you. You know them, they are not, they are being given they have and I'm being told trying to get a one-on-one para that, we don't have one.

(1:37:05) **Heather Simonich, Operations Director of PATH of Nexus:** See *Att. # 17*.

(1:40:51) **Sara Friesz:** I am in support SB 2266. I am speaking on behalf of my daughter who is in a secluded classroom with four other students in the West Fargo School District. She has anxiety disorder on top of a mood dysregulation. Because she doesn't fit in with other students, they kept her isolated. She is not able to make new friends even though she is a social, outgoing girl. She has a mood disorder that causes her to have extreme meltdowns. Because of those meltdown, they refuse to let her in a regular classroom or what they call a mainstream classroom. Even though she is assigned to one, she can go in there only when she can prove herself. She has these meltdowns where she will get anxiety and they will hover over her. She goes into a blackout moment where she doesn't know what she is doing. That causes them to isolate her even more and surround her which causes things to get out of hand. In October, there was an incident where it got to the point where this boy in her classroom who also has some issues, had started bullying on her. She had repeatedly said that this kid was picking on her. She is feeling ignored and they are not doing anything about it because they said his issues are his – you need to focus on yourself. So then she was having an extreme meltdown because she wasn't getting heard. Now she has got to the point where she is kicking on the floor. Her teaching got down to her and was kicked by my daughter and had a concussion and was put out for two months. They expelled my daughter and said she was no longer allowed back in school. They would rather put her in Ann Carlson Center for treatment than deal with the issue. Even today, she has not gotten an education

because of her behaviors, they said she needed to get treatment. This has been going on since first grade where she has been isolated and kept away. Anxiety issues have been getting worse and worse. She has a lot of sensory issues on top of it. If the teachers don't understand how to deal with these sensory issues, they will just be antagonizing the issue, not intentionally, but it does make things worse. Please, support SB2266.

(1:45:08) **Jim Skjod, parent: See Att. #18.**

(1:53:34) **Stephanie Orr, parent: See Att. #19.**

Senator Davison: When you get those calls every 15 minutes, who makes those calls?

Stephanie Orr: His case manager.

Senator Davison: Do you know what kind of training the case manager has?

Stephanie Orr: She is CPI trained.

Senator Davison: They have a certain team; they don't train everybody on CPI. Do all the schools in Bismarck have an online reporting process?

Stephanie Orr: I don't know that – I just know that Northridge does.

(2:06:04) **Roxane Romanick, representing Designer Genes: See Att. #20.**

(2:11:05) **Matthew McCleary, Youth Coordinator for the ND Federation of Families: See Att. #21, #22.** Read testimony from two individuals that could not be at the hearing.

(2:22:02) **Renee Wetstone: See Att. #23, #24, #25, #26, #27, #28.** I have been asked to read several testimonies, but because of time I will read only one, but ask the others be entered into the minutes.

(2:26:04) **Linda Hoag, Asst. Director of Special Education for Bismarck Public Schools: See Att. #29.**

Chairman Schaible: The data that is collected, how is it used as a reference to gather data statewide to see what changes are needed, how do you see that happening?

Linda Hoag: I can explain how that is done in Bismarck Public Schools (BPS) level. The data is collected at the building level – an electronic form has to be filled out for any restraint or seclusion. That goes to the teacher that is involved in the seclusion/restraint and through the principal. It is then electronically submitted to the Special Education office. There the data is collected and triangulated against data for incidence reports and injury reports. Then it is the job of the special coordinators to take that out to their buildings and have a discussion once a month. For example, here is something that might be discussed: Student L has 10 incidences of seclusion in the last month – that would be high. What are you doing? What is happening? What needs to be different? What kinds of supports do you need? That is what happens at BPS.

Chairman Schaible: So if you wanted to replicate that on a regional or state basis, how would you do that?

Linda Hoag: I am not so sure that could come out of the Department of Public Instruction level. I think that needs to be replicated at the local level.

Chairman Schaible: Like an REA or something like that?

Linda Hoag: I not even so sure that REAs could do it. It is a huge dilemma for rural districts. My heart just aches for these parents that don't have the supports. I think it would be difficult.

Senator Davison: The online system that you have is for all the schools in BPS?

Linda Hoag: All of the schools.

Senator Davison: Does Crisis Prevention Institute (CPI) have a software for it – have they developed a software for the reporting process?

Linda Hoag: Our technology department created the software for us.

Senator Davison: Does CPI allow you to train your teachers within the ...

Linda Hoag: We have the train the trainer model.

Senator Davison: Do they still have where you can't use the train the trainers on teachers from other districts?

Linda Hoag: We do have trainers that have been trained and are certified trainers for CPI.

Senator Davison: How do you define imminent danger?

Linda Hoag: I don't think I can define imminent danger, but it is a huge piece of this bill. How are we going to define that?

Senator Davison: Do you have a rating system when you send in on your – do you rate the level of your incident?

Linda Hoag: We do not, that is part of the debrief. We require what was the antecedent, what was the danger and what happened afterwards. Then in the debrief, if that wasn't dangerous behavior, that is discussed and changes occur.

Senator Davison: Do you have a definition of imminent danger in BPS? Do you use the word in your policy?

Linda Hoag: We use the words unsafe or dangerous to the safety of others or themselves.

Senator Davison: Or fleeing from school?

Linda Hoag: Only if fleeing from school creates a dangerous situation – running into a street.

Chairman Schaible: How low of a level do you report? Every one of them is reported?

Linda Hoag: Yes. And I will say our reporting has improved. We started reporting last year, this is our second year and the reporting has greatly improved.

Senator Davison: You implement positive behavior support (PBS)?

Linda Hoag: We do.

Senator Davison: Do you tie that into your multi-Tiered System of Supports (MTSS) model?

Linda Hoag: We do.

Senator Davison: How has that been working?

Linda Hoag: It is a work in progress. I am not going to say it is perfect. Our MTSS-B which is MTSS for behavior is probably our weakest area. The Positive Behavioral Interventions and Supports (PBIS) supports are part of that.

Senator Davison: Do you employ social workers in BPS?

Linda Hoag: Yes.

Senator Davison: Is that contact between the parents and the schools?

Linda Hoag: It depends – high schools and middle schools each have their own social worker. Elementary schools do share – two schools to one social worker. A lot of that, if it is Special Education, comes from the primary case manager (PCM).

Senator Davison: Are they licensed to a level where they can do Medicaid billing?

Linda Hoag: Yes, they are. Not social workers – OT, PT and Speech.

Senator Davison: But the level of licensure for your social worker is – do you hire the behavior analyst?

Linda Hoag: We have one behavioral analyst in BPS. We just hired this year and it has proven to be very successful.

Senator Davison: Do you Applied Behavior Analysis (ABA).

Linda Hoag: Yes, we do.

Senator Davison: Is there a workforce out there to do that? The affordability of that, what do we have to consider? Would say, to me in my mind, a lot of this testimony today isn't about restraints and seclusion – it is about how we are dealing with social and emotional

trauma in schools and how that ties to learning and ultimately what ends up happening is the seclusion and restraint side of things. We have heard stories about how it has worked when you have the right training, the right staff in place, etc. Did you hear the same thing that I heard this morning with that?

Linda Hoag: Oh, absolutely.

Senator Marcellais: You mentioned an intervention plan, what goes into the intervention plan?

Linda Hoag: Prevent, reinforce and teach strategies. So the first part of an intervention plan - let me back up. What is the function of the behavior? That is number one. Now that we know the function of the behavior, how do we prevent it? What are the strategies to prevent it? Number two, how do I teach the student something so that he can manage himself and self-regulate himself? Number three, how do I reinforce the student when that occurs?

Senator Davison: Can you give me an explanation – I know it is difficult because it is about each child – where the health care side of things starts and ends. How do determine that in the process? How has that evolved over the last couple-three years and trying to figure out at what level should those services be offered and how to do that?

Linda Hoag: Million-dollar question. I wish I had an answer. There are therapeutic needs for some students that the school district is just not equipped to handle. It's sitting down with the parents and the school team and deciding when that occurs. I don't think you can put that line on it. Because as you said, it is so individualized.

Senator Davison: If there were dollars available – whether it be through a third party billing system or Medicaid dollars, are the schools more willing to bring some of those services to the schools? Do you see yourself being more open to that?

Linda Hoag: School based mental health services? Absolutely. BPS has a committee right now working on school based mental health. We have incorporated some school based mental health services for high school. But there is a need for this all the way down to elementary.

Chairman Schaible: Thank you. Other testimony in opposition.

Ashly Wolsky, Special Education Coordinator for East Central Center for Exceptional Children: See Att. #30.

Senator Davison: If you could keep your Medicaid match from your billing – let's say it is \$50,000, what would be the first thing you would do with that?

Ashly Wolsky: Right now, my students that need to see a clinical counselor, typically miss over half of a day because they are traveling over an hour. I would have access to the mental health care right in the school system. Also, we are providing social work help, but we need more. Between our six districts and eight cities, she is traveling – there is a lot of windshield time. We need these people in our district. We can't have part time special ed teachers, we

can't have part time emotionally disturbed teachers. We can't say to our students you can only have a melt down on Tuesday mornings because our staff – we need full time teachers and we can make sure we that we have the proper training for everyone.

Senator Rust: It seems to me that there is a real tricky balance here. A balance between a child with needs – emotional or behavioral – they are born with certain things - I don't know why they are, but they are. At times they can do things to themselves, but they also do things to staff members – pokes, kicks. The same thing happens with other kids in the room. Do you have any kind of insight at all about how do you balance one over the other? Because both of those need to be safe. Any ideas?

Ashly Wolsky: The testimony that I heard about the positive line of communication and that relationship. I think that is what made me successful in my 13 years of teaching is that. I have families that are in this room that I was able to tell them every day what was going on. All of my students have ongoing communication, continual parent contact, but at the same time we have to be able to trust them and they have to be able trust us. Now, when I think about using restraints and seclusion, it is used in imminent danger. If the child is going to hurt themselves, if the child is going to hurt another child or a staff member, and I cringe to think about the time frames people describe, when I think about a restraint, it is minutes. It is brief, it is until that child is calm and in control. I think about when there is a crisis – say that there is a house fire – that is when we bring in supports. Support people come in – may it be the Red Cross – they get you to safety. We have to be able to get these children to safety so they are able to form friendships and they are able to have their crisis in a safe environment and may that be the resource room or – I invite my parents into my resource room and my calming down space. It is filled, it is bright colored, it has crash pads, it has ball pits. These are spaces that my kids see as a reward when their behavior is in the green zone as we would say through the Zones of Regulation. It is also a spot my students would use if they are in the blue zone or the red zone. To me, my biggest concern is those days when my room is closed and I would literally put the closed sign on the door because my room was trashed to the point of no recovery. To me, things are things, but at the same time, I, too, as a transition to this role and I also see my husband is also a farmer and I sometimes think – maybe I should switch careers. But I would say it has been three or four months – looking over my shoulder or locking the door thinking I was going to be attacked.

Senator Rust: That is the thing I wanted to talk to you about. It's that balance and it is the time – you know, when you talk about the incidents that happen and the reporting and the writing things up. As I find with a number of special education teachers – who I think are very, very caring and have a real soft spot in their heart and try to communicate often, I think almost every one of them could be accused of not communicating enough. Because sometimes there is not enough time in the day.

Ashly Wolsky: I do think the recording is being done.

Senator Rust: Like I said, I listened to the individuals who are here and I am trying to figure out where the balance is of saying you cannot do this at all to when can I employ this because it may be necessary. That is where I have a hard time trying to come up with a policy.

Ashly Wolsky: When I think about – and my district is very different, coming from Fargo to Kensel, ND – we don't need a policy where I come from. We have never used restraint or seclusion this year. Ever. We don't have to. Now what is that, I don't know. But I also came from a district that it was used frequently and I knew we had to – for safety. Sometimes, when I talk to staff and friends from back home, I can't pinpoint what that is. But there is a difference and I wouldn't say it is training either because we are in need of that. We are in need of training but at the same time there is a definite difference between mandating it for all districts and all units rather than keeping it at the school level because my unit doesn't need it. I would say that there is a rare complaint to the principal about behavior in my school. We just don't have behavioral problems.

Carly Retterath, Special Education Programs Coordinator for Morton-Sioux Special Education Unit: See Att. #31. I do want to process this that there is clearly a disconnect between what is being reported to the Office of Civil Rights and what I be taken every day for data in schools. To me, that is the question of how can we take the data and the things we are currently collecting on students – because there is a lot of it out there and how do we get that to appropriate people in a way that is meaningful that can impact student outcomes. I think it is really important at the district level and I can speak for the districts I am involved with of having a specific plan that are student driven that that data can really kind of really pinpoint what we are doing. I do think on a state level reporting out incidences from a grade level perspective, from location of school district perspective can help us pinpoint possibly some regional professional development or support that we could provide. If we are seeing at the secondary level huge issues with restraint and seclusion, maybe we need to look at how we are supporting all teachers at those levels. One thing I've seen a lot of is we have a teacher shortage. We all know we are putting people in the classroom with less and less experience and training – Gen Ed and Special Ed – a lot of this stems from a lack of experience and training for all teachers.

Amanda Meier, Principal of Lewis & Clark Elementary School, Mandan: See Att. # 32.

(2:59:32) **Senator Davison:** Tell me what you see the differences in access to services between being the superintendent in Wilton and now being a principal in Mandan? Access to mental and behavioral health services and how do we make some of these collaborations – I know each school is unique, but what are some things that can be done and for rural schools it might not work as well or bigger schools may have dollars for –

Amanda Meier: I see pros and cons in both places. In Wilton, we had a lot smaller student body and we were able to individualize for those students. We had more staff to student support, but the road time for them to get to some of those services was longer, whereas, where I am at now, parents can take their kid to a counseling session and get them back more quickly, so that is a pro. We have an ED and a behavioral strategist, so the instant access to problem solving is probably better in Mandan, but the needs are also greater, so I have 423 students that I need to support every day vs. 120.

Senator Davison: Do you see kids going out of school to get those services being detrimental to their education? As legislators should we be trying to get services to the schools as opposed to sending the kids out of school? Would that be more beneficial in a community like Wilton?

Amanda Meier: I think there are pros and cons there, too. The benefit of outside agencies and the school staff working together – they are experts in their fields, so we value them. If we had to put everything in to the schools, would we sacrifice their expertise? I don't know. If we could bring them into the building, obviously, the services would happen faster. Right now we have building level support teams. We meet with those parents, we know what their counseling sessions are, we know how long they will be gone, teachers plan around those things. I think it goes back to – I can't remember the gal's name from Northridge – obviously her system is working and I think the things she shared really attest to what could work if those supports are in place.

Aimee Copas Exec. Director of ND Council of School Leaders: See Att. #33.

Senator Rust: When we put something like this into law, it places individuals who are in the business of managing kids and managing behavior that when you look back at it that you might do something differently, but when you are in throws of it, you are just trying to get somethings under control. So when a law is written like this, you are automatically kind of making those teachers, schools, administrators on the “hook” so to speak for having to - I guess I see them being the object of having to justify everything they do and probably looked at as the bad person who is always doing something wrong.

Aimee Copas: That is absolutely is the case. I think that teachers in the classroom are continually defending their good work – almost every day. It doesn't matter what it is that is done, there is always going to be people that support how the approach and what we do and there is always going to be ones that question it. That is the natural case of human behavior. No question that I believe that in the last legislative session school boards came with data that far over 95% of our school districts currently have a policy or procedure in place with regard to this. Does it leave them defending what they do every day? Absolutely it does, but it also where in that same sincerio when we are attempting to defined low reading scores. Or attempting to defend almost anything else. There's probably one thing that is near and dear to everybody's heart in the US and that is the success of our children. We have some of the most dedicated individuals working in that world and probably some of the least compensated to do so. They are constantly under the microscope. I think often times about the teacher in Jamestown, two months ago that was stabbed with a pencil and had that stabbing gone in one inch lower, her lung would have been punctured in a self-contained ED classroom. I wonder if it was ok if that student was removed from that classroom or not after that took place and she spent the rest of the day in the hospital. I am not sure, but, you know what, she ultimately ended up having to defend how she reacted to being stabbed in the classroom. It does beget that – we are in a contentious arena when it comes to this. I don't know that there is a great answer as to what the exact appropriate response always should be. We know that CPI training, MTSS, all of these different things are guiding us toward the best possible scenario that we can come to right now. But I think I could visit with every person in this room and they would have a varying level of opinion of exactly what should be done.

Senator Rust: As I see it, one the one end, you have a child – that in itself conjurs up things like it is a child. On the other hand, you have an adult that is supposed to be all knowing at all times. I really see the problem at sometimes is that you are creating a situation where one party is always wrong and the other one is always right or excusable. That is atough position

for people to be in weighing that against the stories we hear here today of people and kids that have been – claim traumatized. But is a tough thing to try to decide, like I said, it appears to me that one is a child and excusable and the other is almost always wrong – especially when it is after the fact.

Aimee Copas: I think I can speak for all of us that have stood up here having difficulty being in opposition of something like this because our hearts ached for every single parent and child that got up and spoke. For every one of those kids, we wish for a different outcome. We probably also wished for preliminarily, a different behavior or a different way they could walk through life, or they weren't having the current struggles that they were. It is incredibly challenging, but you are right – hindsight is always twenty-twenty. I would bet that every single one of those teachers probably look back on the scenario and wish that they would've, maybe - shoulda - could've things differently. Maybe, maybe not. It is an incredibly challenging scenario because we are the adults in the room and we are always expected to uphold that 110% behavior. But sometimes in the moment, even these young children can be incredibly intimidating when in their most challenging sinerio. Often times, their behavioral plan lend to doing certain specific things. Having to go through those steps, it is never fun, never a wish of any parent. I am a parent myself. Good God, it would break my heart to be in the role of anyone of these folks. But we are in a tough situation between trying to figure out what is right for these kids and trying how we can actually manage this in a school system where we have teachers – often times with or without a para that have a classroom with 20-30 children that they are attempting to teach when these scenarios take place and it is trying to figure out the balance of - what is the right thing to do right now? How am I to help and support this individual student and also the other 24 students in my classroom that I have a duty to serve as well. Very challenging.

Senator Rust: I even have a problem – after I read the definitions – knowing what it is. To me, whenever you try to define something, it gets really, really difficult to really determine and even after you have a really good definition, if you put 25 people in a room, probably 25 people are going to perceive it just a little bit different than what you think the definition is, too. I even struggle with that a little bit, as far as you know, what exactly – where at one point are you okay and where do you cross the line? Where have you moved from you are doing what you need to do to where you are excessive? Where is that line? I have a hard time with that as well, even to define those two terms.

Aimee Copas: Often times the definitions are very challenging to understand and that is one of the things that the task force discussed. We uncovered through the Office of Civil Rights (OCR) report that there were pockets in the state where we had unusually high numbers of OCR incidents reported. We called those school districts specifically, one of them had interpreted the definition to mean seclusion meant if a student was getting tutoring support during recess was maybe missed recess because of or if they had to even for example they were having a hard time sitting with the students in the lunchroom if they came over and sat with another teacher, they were secluded from their students. There is varying ways that school districts – at least at that time – during that reporting cycle were reading that interpretation of the definition. You are right, it is terribly confusing sometimes – even after you read it to really understand what should be reported on, what is the consideration, does seclusion also then – the loss of that – take away from one of our most effective techniques that doesn't keep us from transferring students out and that is in school suspension? That

doesn't always is a result behavior. Restraint can also be – even part of a behavioral plan to be able to escort a student to their quite room if it is part of their behavioral plan, if for example you might hold their hand if they are a kindergartner along the way. That touch is also, technically, can be a part of that. We were trying to decipher some of those pieces during the taskforce. That is incredibly challenging, hard to understand – districts are interpreting it differently – even professionals – highly trained professionals around the room were interpreting it differently. So our work here is not even close to being done, whether or not this bill passes.

Barb Stanton, Psychologist - Submitted testimony: See Att. #34.

Emily Coler Hanson, Anne Carlson outpatient mental health therapist: See Att. 35.

(3:15:18) Alexis Baxley, Exec. Director, ND School Boards Association: See Att. #36.

Christine Hogan, Protection and Advocacy: I did write down the questions you asked about what happened with the congressional bill – 7124. It was introduced in November of 2018 and it did not get heard. So, it is a new session, so it will have to be reintroduced in order get heard. It is my understanding that is something that is on tap again – I can't say for sure, but that is my understanding. The other question that came up was does the statute provide for how long the records will be kept – it does not provide that. The school districts can provide their own policies. That is somewhat of a local control issue. This bill just puts some requirements in it, but in terms of the Department of Public Instruction, if they were to have the records they could establish their own procedures. In most businesses, legally, records are kept about seven years.

Hearing closed.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2266
2/12/2019
32596

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the adoption of a restraint and seclusion policy by school districts, the prohibition of seclusion, the collection of data, and the reporting of incidents of restraint and seclusion; and to provide an appropriation.

Minutes:

Att. #1 & #2- Schaefer

Chairman Schaible: I've asked Luke Schaefer to come in and give a presentation on the work that is being done across the state in supporting children in schools.

Luke Schaefer, Exec. Director of the Central REA, Project Director of the ND Multi-Tier Systems of Supports (NDMTSS): See Att. #1 & #2. The attachments cover all the work that is happening in ND that is happening within the system I am about to explain.

Senator Davison: For the sake of the committee, when we heard the earlier testimony from special education people testifying against SB 2266, and they talked about the work that was being done within the schools with interventions and how they are trying to work through that process – this is the process they are creating in their schools.

Luke Schaefer: Yes, thank you for setting this up. This is how we can intervene and instruct students before and be preventative – before we have to lead to a seclusion or restraint. All of this will lead up to describing what schools are doing around this area. It is a framework to provide all students with the best opportunities to succeed academically, socially, emotionally and behaviorally in school. We focus on instruction and intervention as you heard those interventions really very much a forgone conclusion that we spend a lot of time with interventions. What can we do when instruction isn't working? We want to make sure it is matched to student need. If we had to sum this up, very simply, if we want to try to get what kids need, when kids need it. We are trying to be preventive with everything a child may need understanding where they are at and getting them the support that they need. We know it is not something we do to kids, we do with them. It is not a certain time of the day, it isn't necessarily a place, we work with schools so that it is not just a program they do within their day, but it is a framework for how they handle business. And it is delivered by some teachers, so when special ed. teachers talk about interventions that they are providing, they are not the only ones within a fully multi-tiered system that are providing those supports. If we can

put it into a really tight ball, it is a continuous improvement process, so we look at what are the specific needs that we have, we plan to address those needs, we implement the plan and then we evaluate it. I will get close to how we handle it behaviorally and socially/emotionally in just a moment, but to make sure we have a clear understanding of this – what we do for kids, we have to make sure we provide supports for all kids – regardless of their needs. All kids need some of the same things. Academically, they all need to be able to read and write – hopefully, by the time they are in the third grade. Behaviorally, we want them to all be able to understand the expectations in the building and be able to follow the rules in the classroom. So, some kids aren't able to do that. What we have to do is build supports into the school day so that we can address those some kids that can't handle it. There are a very few that even with our best efforts, they need a lot more. One of the reasons we need to build a system is because it is very time, resource, and personnel intensive to help those very few kids that need a lot more supports. If we don't build a system with a school, so that a school can be best prepared when they realize a kid needs intensive supports, then they deal with one kid at a time. It would be like a faulty car – a lemon of a car – you don't deal with it until you find out you have a lemon. It is not the best way to handle the car industry – they look the best way to handle them all and hope the system fixes the majority. We talk about a pyramid of supports, but really what we like, but really what we like is a broad continuum of supports. Recognizing that some kids may have academic needs, some may have behavior needs, a kid that has a lot of behavior needs might be doing well academically. They may get everything they need academically, but they just can't handle themselves in the classroom. Alternatively, kids who can handle themselves quite well behaviorally, might have some trauma that happens to them – maybe a loved one dies or a pet dies or something like that and now that social trauma might cause some severe behavior issues, and that turns them into a possibly an intensive need kid for a little while. So, understanding this building of continuum for supports, is really important for a school. So, let's talk just a little bit about the stages of implementation that schools are at. Right now we have over 150 schools who are working within NDMTSS system. That means they are somewhere between exploration – understanding how it fits into their school – understanding how and what they might be able to do and trying to design some way that it can work in their school. Or, they are in installation which means they have figured out what it is that they need and they are going to build that so that it works for them in their building. Once they have done those two things, they are able to start implementing and that is when they can start putting the system in place with kids and managing the data that comes along with it so they can make good decisions. Finally, they get to full implementation where they can start innovating – after they have evaluated how it is working, they can start making it work even better. So, I told you all of that so that we can talk a little bit about specifically the behavior side of things. Because we work with schools academically, we work with schools behaviorally, we work with them socially and emotionally. I want to focus on the behavior and social/emotional side of things – just based on what you are discussing. Currently, this is the implementation of school wide behavior expectations, which I'll describe in just a minute. What we wanted to do is find out what is your current level of implementation? This is at the end of last school year, so of the 38 districts that moved through our system last year, we recognized that there were 40% of them that were implementing their expectations and tracking that behavior data to get a good understanding of what they can do with their kids. There are about 27% that have selected or identified those expectations and began implementing. We had about 35% who were still exploring the best things for them or hadn't quite implemented. This is really important because this isn't a quick, easy training for schools to go through. I just met with one large

school district yesterday who is in year two of a five-year behavior so they can embed this work into all of their schools.

Senator Oban: Of the 38 districts, is it all of their staff, part of their staff – how wide spread is the training with the 38 districts?

Luke Schaefer: We are very intentional about the way deliver this training. We develop it through a team so there is lead team that is trained. We then equip them with the tools to take back to their school to work with their individual teacher, paraprofessionals. We always require that an administrator is on board on that team, as well as a general ed teacher. It is very important that schools don't think that this is a special education initiative. It is not just for special ed. teacher; it is for all teachers in the school. We also teach them on coaching techniques, so that when they to work with their teachers, they know and have tools that they can work directly with them. It is a bit of a flow through. We also want to know what kind of commitment the staff has to behavior expectations and so this is a pre and post to understand prior to and after the training. On top you can see the percentage of staff who were committed to and enforcing school wide expectations. ON the bottom, you can see that that went up by 24% - those that were most or all that were committed. We got rid of all of the red, which was none of the staff were committed. One of the things that is a little complicated about this is everyone comes in with perception data – their own thoughts about what behavior should look like, so, we really focus on how do we get school wide expectations. I wanted to share with you in the first year when schools go through school wide expectations, the are the three days – this is the layout for them. We want to ensure we can get clear expectations and rules, a system for teaching appropriate behavior, a clear tier one – that means all students reward system and we spend a lot of time with effective discipline procedures. We will talk more about that in a bit because that is where one of the biggest rubs is in the training – the discipline side of things. Then on day three, we talk about not only engaging the community, but parents and how we can ensure move this forward. One of the things we ensure is that schools have expectations for their kids. Sometimes it is hard, especially as we have seen transiency increase in the last ten years. We used to assume that kids know what we expect of them in our schools. Now we suggest to schools that we need to be really explicit about what we expect in our students. We teach them how to build those expectations – not only in their classrooms, but in the hallway, lunchroom, the recess yard, the gym – all of those other places, because what is expected of you in the classroom may not be the same thing in the lunchroom. I'll tell you, that when we started to look at data from schools is that they go through this training – the most frequent problems we see is in the hallways, the commons area, the unstructured activity. It is something we teach when we teach classroom management – avoid all unstructured activity. We want to be sure that they are embedding these expectations into the academics. One of the things we do is help schools identify what are the behaviors that are happening in your school and what might you guess could happen in the future. This is a chart from middle school secondary – you can see we just had a listing of possible behaviors categories. What we want them to do is understand who is responsible for managing these behaviors, because sometimes, we expect our teachers to manage behaviors that maybe they shouldn't be handling. Sometimes, we don't tell our teachers which behaviors they should manage and which behaviors they should let the office manage. You can see, on some of those – alcohol, weapons, combustibles, forgeries, theft – those most likely most schools are going to decide are either office managed crisis managed. Tardy is a teacher managed. It is really important for schools to delineate the difference between

these though, because if teachers don't then they should send a child to the office or when they should handle it themselves. We spend quite a bit of time defining those behaviors. This is one of the specific activities – and I share it with you because expectations for the teachers are just as important as expectations for the students. When we have a team define what disrespect looks like in their building, we get some that get all the way down to chewing gum as disrespectful and others saying, no it is just fine. Some schools have a rule about disrespect, if you show disrespect, you are going to get into trouble. The trick is from room to room, disrespect is different. What we try to do is help schools understand how they can make everything so the children in the room can clearly understand what disrespect looks like and respect looks like – so that they can exhibit respect. All of this work is around school wide expectations – for all kids. If we can get a basis for all kids working really well, then the school can start to spend more of their time, resources and personnel on some and few of the kids that can't handle this. The way that we work with schools and the way –especially some of the strongest schools who are enacting this are focused- is around this idea of everybody wants something. When our kids are acting out, they want something – it is either to get something or get out of something. We call it the ABCs of motivation. Something is going to happen to that kid – they either know that gym is coming up and they hate gym, or we are about to move into reading and they can't read, or someone just flicked them on the back of the ear. Then we have behavior – whatever it is that happens when that antecedent started. What happens after that behavior, however the reactions occur, that is the consequence? Most often, the kids that are behaving negatively in class or disrupting in class, they are rewarded for their behavior and we don't even realize it. We work with teacher who don't understand that if they are looking for attention, if a student wants attention from their peers or from the adult in the room and they act out and even if the teacher starts getting upset and they say “Johnny, you need to refocus. Johnny come up here, Johnny come sit by me.” If they are seeking attention, they are getting exactly what they want. The behavior is actually rewarded. We have to work with teachers – especially the lead team – so they get a clear understanding of: What is the child trying to get – or get out of? This something we try to teach for all teachers to be able to do – get a clear understanding of are the kids trying to get, or what is it the kids are trying to get out of? When you get into the some and few students that can't handle themselves in class very well, it takes more than just the general ed. teacher. That is where – especially the special ed. teachers come in – whether it is speech path that handles this at a very early age or OT/PT up through intermediate or on into some of our behavioral specialists. That's our school wide expectations – where we take schools after that is something called: Prevent, Teach, Re-enforce (PTR). This is for when school wide and classroom techniques don't work. All of the things we planned for aren't working – so, what we have to do is teach many individual as specialists – whether it is- some of those special ed. folks administrators or classroom teachers with really good behavior classroom management under their belt. We start to teach them a specific five step process so we can prevent behavior from happening, teach a replacement behavior, and re-enforce that both with the adult and kids in the room. The first thing we do is teach them how they can work with their team. This is just knowing that Mike might have some serious behaviors that they are putting out there. This would be a team of somewhere between four and eight of the adults in Mike's school who need to get together to have these discussions and make these plans. What they know is that Mike screams, he hits, he also gets out of his seat all the time and he is constantly bossing his peers around. What they are going to look for, is how can we get Mike to move from whatever he is doing he likes to another activity he does not like. We also want him to express frustration with communication as opposed to screaming,

hitting, and others. We want him to show frustration with his words and we want to see him transition from things he doesn't like to things he does like. When we sit down, knowing what we just talked about, defining those behaviors, this gets even more explicit because they have to define what screaming is for Mike. For him, it is loud high pitched noise that you can hear outside the classroom. Not only is it disruptive to the kids in the class, but it is disruptive to everyone else. Hitting is touch peers or adults with an open hand, fist, foot or object while screaming. This is an actual case where Mike would start screaming because he didn't want to be doing the activity and then he would get out of his seat and start hitting people – with his foot or hand or anything else. What this group decided, you can see the two bold areas – they decided they wanted to work with screaming and hitting first. They will put up with getting out of his seat and bossing peers around so they can get the hitting and screaming under control. Now that we have defined that, now we need to observe the frequency of this happens. We need some base points to know if we are getting better. This is the type of skill we would put together, we would help schools to build their own behavior rating scale and in this case, you can see that screaming nine or more times would score him a five. If he only did it once or twice – remember it is screaming that can be heard outside of the classroom – if he only does it once or twice, he only gets one point. Hitting – if he only does it once, he only gets one point. These are the types of things they are going to track so they can determine how effective what they are about to engage with their intervention is. Now that they have set up how they are going to observe Mike during the day, they have to determine what skills can we give Mike so that we at least have a chance of getting over this problem behavior. We give them a slate of some options – just to think through – often times the teachers we are working with in this training already have a suitcase full of interventions at their disposal as well. But, we want to make sure they have some ideas just to get started. Very simple. When you look at these things – play skills, sharing objects, taking turns, losing gracefully – some of these seem really very simple, but we want to make it as simple as possible so they can see success. The team then has to make a plan as to when they will teach Mike these skills that he is going to use and how they are going to teach it. Then they get to the last piece of the puzzle – they have already decided what the behavior is, how they are going to track how much of the behavior is happening and specifically what they are going to teach him so that he has something to replace that behavior with – they have to figure out if it works. This is a system of fidelity – checking to make sure we did it the way we were supposed to. We teach these folks how can we check to see if it didn't work, how do we know if it is because whatever we chose didn't work or we didn't do it the way it was supposed to be done. We teach the team how to ask those questions – often with tools such as this. Was the intervention successful – if not, was it implemented as was planned? If not, then, the teacher needs to be retrained, the plan needs to be modified to make it more feasible, select new interventions. Most of the things in here say no more than three weeks. This is a very time intensive process and we have to move through these steps fairly rapidly. There are five steps and if we can't get through them in at least four weeks, then this child could go 10-12 weeks without seeing any improvements. I wish I could make all that I just explained simpler, but the trick is twelve days of training over the course of four years. It is a massive haul – Bismarck Public Schools began the process four years ago and they just now and they just now feel like they are getting to the point where they can really focus on those few kids at the top that need a lot of extra supports.

Senator Davison: This process sounds like a lot of work just to teach kids – and it is a lot of work. What we are hearing from schools is how effective it is if they do it right. It is just

amazing the schools – and I’ll use Wahpeton Public Schools – they will tell you that it changed their school district. If teachers buy into it and if they get the right leadership going in the school and they see success, it just snowballs. When those Special Education people testified the other day and one said they are working on implementing MTSS – they were new, but the Bismarck gal that came up was a little more aggressive and saying there is still work to be done, but we are doing well in some schools and we need work in others.

Luke Schaefer: Some of the things we used to do in schools don’t work anymore and it is because of the vast number of kids we have in school. At the beginning of a training, we share some facts – in 1908, the percentage of student that graduated was around 6%. In 1954, the number of students that graduated it was right around 54%. In ND, we are currently at 89%. When you start thinking about not only population increase, but the number of kids still in school, we have a whole lot more kids that we are trying to educate within our buildings. We also get more kids that need more intense supports. Throughout this process, one of the most important things we come back to is we don’t want to turn anything in to a monkey see, monkey do kind of thing – where you look at your neighbors and see that they have just bought into the “check-in/check-out”. We are going to use that too. Check-in/Check-out is a system where you have kids check in with an adult in the morning with a specific set of expectations throughout the day and at the end of the day, they check in with the adult to see how they did. That may work really great for a kid that is seeking adult interaction, but work really terrible for a kid that wants to avoid all interactions with adults. Ensuring that we are building our own system, rather than just picking up someone else’s and sticking it into our school is really critical. One of the facts is that when we see business, we see systems get built and work very well, we can learn from some of those. While we are working with humans – and systems are harder to build – we aren’t outputting yogurt, so we can’t just choose what we put in and what we don’t, but we can build a system that can support all kids.

Senator Rust: If you did a scatter gram of the state of ND, where would those 38 districts be located? Divided into NW, NE, SE, SW.

Luke Schaefer: There is a prevalence of this work happening on the east side of the state. The farther west you get, there is less of this that happens. I will say that New Town Public Schools, Williston Public Schools, Dickinson Public Schools have begun this work. Through Minot over to Stanley has started this, so, it has started to move towards the west. It would be a scatter gram though.

Senator Oban: I can’t help but wonder how much more effective it would be if parents were involved in following the same practices at home. Literally watching that is lessons in parenting 101. It starts with two-year olds – one-year olds. Are there any schools that are involving parents in these trainings that you are aware of?

Luke Schaefer: There are a couple of schools that do a really great job of involving parents. It is one thing that we recognize – as the people that help deliver the content and training. Schools don’t always work with parents as well as they might be able to. So we are looking at how we build those supports so schools have a better chance of working with the adults that are with their kids. There are a couple of schools that work phenomenally well with parents. Usually, those schools find the most success when the parents know on the forefront what are all the things that we can do to support your kids. When schools are just starting –

they maybe get into something that may seem punitive to a parent where they might take the kid out and work with them one on one on some things and they think “Why are you pulling my kid out?” Sometimes it is the communication that we didn’t do on the front end, so they communicate with parents right from the beginning – “here are all the great things we are going to be able to do. To support your kids this year and we will be in touch with you if there is ever for any of these supports so we can work together.”

Senator Oban: That seems to be such a natural partnership. If you are trying to create positive behaviors, you have to have similar expectations at home and at school because if one is significantly different than the other, I don’t see how a kid can even – kids need continuity and understanding of those expectations in both places. I ask because I had a conversation with some of the parents here supporting seclusion and restraint. At some point it is parent’s rights. I agree, but then you can’t be surprised when school districts are saying we need a separate building for kids that are really difficult – and they know that is not something I support – but there has to be this understanding in both places. What school districts are involving parents more than others?

Luke Schaefer: West Fargo does really remarkable work, especially at their elementary schools. They also have the luxury of a couple non-profits who can help with that process. To Senator Davison’s point, building this system, we see islands of excellence. One elementary school in West Fargo may be doing this incredibly well. It is up to the district, though, to figure out how can we get that island of excellence spread across all of our other schools? This system is how we can help build that. When parents work with the school, it makes everyone’s life much easier for the kid. The NDSU Extension Center has been really remarkable in some of the parenting classes utilizing some of the very same topics that we advocate for in our trainings in terms of what you can do as a parent that will then move into when they come into school.

Senator Fors: How young can you implement this program? Daycare?

Luke Schaefer: We are just starting with our work with early childhood. We are working with the Department of Public Instruction to bring on someone who can support the early childhood initiatives that are happening and start to meld that with this multi-tier system of support that the state has. Department of Public Instruction is leading a great charge with those efforts.

Senator Rust: How have the REAs, across the state, reacted to this or bought into this program?

Luke Schaefer: There is different levels of direct support from REAs. I would say that there are about five REAs that provide direct support – a staff person who delivers or coaches with different schools. The other REAs rely on the support those first five to provide. We have, between two REAs, two statewide coordinators who respond to the needs anyone that does not have a direct support within their REA.

Senator Rust: It would seem to me that this would be a tremendous professional development. Schools try to find something that is relevant, broad based and of appeals to K12.

Luke Schaefer: We do receive very high satisfaction rates for specifically our school expectations training and the PTR training because of how wide spread it can be. It applies to you whether you are a music teacher, kindergarten teacher or the administrator in the building. In one offering of this, it was August 3 and 4, we had over 150 teachers sign up for this workshop – not something the district said they had to go to this, but they recognized that if we can do something about this as teachers in the building about the behavior, we will do it. Off contract days and they showed up 150 strong. It is pretty remarkable and can be extremely power for the educators. A couple of pieces that have been really critical – especially in the last three years – is getting a better understanding of how trauma affects the kids that are in our buildings. We began an initiative with Department of Public Instruction in 2016 that has really charged across all of ND. With over 5,000 teachers trained in trauma sensitive schools, we have begun to understand that trauma is going to happen to kids in our schools. Some may handle it better than others and some may not. What we need to do is understand not only how we can help that kid, but what is that they might be going through so we that we can be better prepared for them in the future. As we have done this work, one of the first things we heard from educators was, “But what do we do about this? Now we get it, we see all of these kids who are going through trauma – whether it is the foster system or they have moved to a new building or a new town or a new state or a new country. What do we do about it? From that, we decided we better get some practices that we can work with schools on. This year we are piloting with multiple schools and a couple of school districts to bring about change in five specific trauma informed practices. We are working closely with the Department of Public Instruction, but also with PATH ND out of the Fargo area – specifically Heather Simonitch who has a wealth of knowledge in this. We recognize we need to enhance psychological safety. Kids have somewhere where they can go and they feel safe at school. We need to promote social/emotional learning so kids know how to interact with the people around them and how to understand their own feelings and supports as well as their goals. Implementing and maintaining alternative practices to Senator Davison’s point about being put in the corner – when I got into trouble I got put into the cooler – the little space between the two sets of doors where it is nice and cold. We need to find new alternative ways – one of the new ways is Restorative Justice – understanding how can we ensure that kids are accountable for their actions and understand how it affected the person that they may have harmed, so really getting better at that. Engaging families – something that we recognize schools have hard time doing. Some parents don’t want to engage. Some parents really, really do want to engage. How can we do a better job with that? Finally, collaborating with community partners – finding those folks in the community that do want to work on these issues and figuring out ways to work more closely with them. These are the things that we can do in schools in order to have a trauma informed school. I want to focus on social/emotional learning because this is a very big area for us. There are five main competencies that we recognize in schools. Many kids exhibiting misbehavior in the classroom – chances are along with that thing they are trying to get or get out of they are lacking some skills. We have broken it down into five main competencies – self-awareness, self-management, social awareness, relationship skills and responsible decision making. When we talk with folks from the business sector, and they talk about soft skills – whether it is communication or collaboration or showing up on time. When we start diving into these goals that are set for ND kids, we get a clear understanding of what it is that these folks are looking for in their employees. This is a training that is currently getting ready to be off loaded and put forward to schools and I wanted to point out self-management specifically. Especially

as you are considering the work you are considering. If we are trying to figure out how kids can self-manage, here is the kindergarten, first and second grade set of goals. In ND there are multiple people, multiple educators that are working with social/emotional learning. We brought those folks together to figure out what could we have for expectations for kids across all the different grades. They came up with not only a set of goals, but also a set of what we call scales or ways kids can figure out where am I at. If I want to be at a three, what do I need to be able to do? In Kindergarten, first and second grade some of the words they need to understand are self-control, expectation, what is stress, what are responsibilities, what is positive self-talk, and if they are getting better at it, but they are not quite there yet, they might be able to define what self-control is or use positive self-talk, but they may not be able to actually demonstrate self-control yet. When they get to a three, they can say, "I can show self-control with my behavior. I can set a goal and work to improve at my goal." This is what we are talking about for Kindergarten, first and second grade. Really important stuff. At a four, this is above expectations, but I can use self-management strategies outside of the school setting. Not just when there is an adult here to help me, but I can do it when I am outside of the school as well. If you shift that over to grades 9-12, you can see that it changes quite a bit. Their three – what we are hoping our kids can leave our schools with – is that they can manage their emotions, create a plan for managing stress, demonstrate a mindset in challenging situations and create a plan for working hard, monitor short and long term goals and consistently manage time independently. If they can do those things, then we feel like they have got the skills that they can succeed. This is just within self-management. What we recognize is that while these may be goals for our kids, they are pretty lofty right now – especially Kindergarten, first and second grade where many of our issues are coming. Working with them and teaching them about the five competencies and the skills that go along with them is something schools are just starting to do. A few of the larger districts are beginning to invest in curriculum that can support how we do this, but we have seen if students can learn to manage themselves – even with adult help – then often times there isn't a necessity for all of the other things that may come along with seclusion and restraint. It doesn't mean that there aren't times where a child begins hitting, screaming, kicking and – I tell you what, I have been in a part of those situations and it is hard to remove 25 kids twelve days in a row. Pull them out of the room – especially if it happens multiple times in a day. Working toward these things can help to mitigate the need to remove a child from a situation.

Senator Oban: Can you give us the names of some of the curriculum that is being used across the state. It is helpful for us to know some of the terms we are hearing and some of the programs that are being used.

Luke Schaefer: I could give you a huge list of different things that schools are using. Specifically, for social/emotional, at the elementary – Second Step has become very strong. It is a curriculum that general education teachers can utilize in the classroom and work on what are the skills that kids need. At the middle and high school levels, we start to hear more about Resiliency, another one called Why Try, another called Sources of Strength. These are different programs that are peer focused and work on how can I build my own resiliency so that when something goes wrong or something bad happens, I know what I can do. That is specific to social/emotional learning. On the behavior side, there is an enormity of different options – one called Champs and Tough Kids. These are specific to an organization out of Oregon that really focuses on how can we figure out which kids need the most help and help

them in the classroom before it moves on to the next level. I could get a list to you because I won't do it justice off the top of my head.

Senator Davison: They dragged me out one day to go to the Tough Kids training. It was absolutely incredible. They said, "Ok, we can leave now." and I said "I'm not leaving – I was just – the time just flew. It was just incredible training and what you learn. I can't explain – that is as high quality professional development that I have ever ben it.

Luke Schaefer: One of the things we don't want to do is turn teachers in to psychologists. We don't want to turn them into social workers, we want them to be teachers. We really focus on – what is it you can understand about these kids so that you can continue teaching and support them as much as they need it. Sometimes that is talking about neurobiology a little bit. From that training, how many times have you been walking in Target or Walmart or Scheels and you see someone and immediately you turn around because you don't want to talk to them. That is the front part of our brain saying, fight or flight – it is better for me to flight, then to fight with this person. Now, they are saying now, in men, we don't even fully develop that paart until we are 29 years old. It used to be 25, but apparently, Luke screwed that up somehow – We are trying to teach that these kids have the same thing happen to them. So, what can we do when they do when they have that fight or flight? How can we help them so they know what to do – because they don't have a fully developed brain yet and we have to keep on developing it with them.

Senator Oban: This may not be a fair question for you, but because you have been so involved in a couple of different capacities I am curious if there has been any sort of mapping of the state of what school districts and how many kids are at what stages – what are doing nothing – what schools are exhibiting concerning behavior because there is a reason why these conversations keep rising to the state level and none of us like to tell school districts what they have to do. If there are certain districts not providing the kinds of tools their teachers and kids need, then it gets brought to our attention. Then we feel like we have to pass some law that will cover all school districts. Have there been any efforts to try to see are there specific problem areas? How many kids are sort of being left behind for lack of better words.

Luke Schaefer: We don't necessarily get to the student level in terms of figuring out which students at different levels may be underserved. We do – as REAs – as the supports who build these trainings and try to figure out where we need to place them. Also being of that mind that we are a support – not dictating – we do our very best to find those areas that have been underserved or underutilized training and then be sure we put a training really close to that location. We can't always get them to come to the training, but often times if it is closer it makes it a little bit easier. I am certain we could find some of that data – just in terms of schools that have gone through the training in the training in the past. I think one thing as – the Department of Public Instruction two years ago when they did their strategic visioning they surveyed schools and disaggregated them by small – medium and large school districts. Behavior was off the charts for those medium and large school districts. Number one concern, number one thing they help with and number one thing they were looking for support in. Behavior was barely on the list for those schools that had less than 250 or less kids. One of the biggest reasons – in my professional opinion – is that in those smaller schools, you become a very tightknit community and the adults know each other very well, the kids know

each other very well and those expectations are built into the community – not just the school. It could be in some of those communities that they see some problems and they just don't report them, but it could also be that everyone works so closely together that those behaviors don't rise to the top of the list.

Senator Oban: It helps provide some context. Our committee met jointly with the Human Services committee to have an informal conversation with Pam Sagness. I grew up in a small town, she grew up in a small town, so, some of these things take a little bit longer to end up affecting small communities the way they affect large communities. My hope is that our smaller school districts are trying to get ahead of this and that they don't think this stuff is going to impact them, because sometimes it just takes a little bit longer. Pam's example was that when she was in school, if another parent saw her smoking a cigarette, they would call her parents and rat her out and she knew before she ever got home that she was going to get caught. I don't know that that's the same now, because people don't want to get in other people's business. I think it is certainly – not rising to the same level that it is in our larger school districts, but I would be hesitant to say that this is not happening in small towns.

Senator Rust: I would guess in these smaller communities if the smaller teacher-pupil ratio makes a difference. You need a certain number of people in a building to teach – regardless of if it is large or small and if you have a small number of kids, you have a smaller teacher-pupil ratio.

Luke Schaefer: Having come from a medium school and a small school, I would say that if you have one student out of five it is much easier to work with that one student more often than if you have one student out of twenty-five. That is the beauty of building the system for your school, because it takes all of those types of things into account. If you know that you have very few teachers in your building, but you also have very few kids so your ratio is one to twelve, you may not be able to do as many other interventions, but you may have more one on one time in the classroom time in the classroom. Really tailoring it for your building is very important for this.

Senator Davison: I know you have to go you have another commitment at Bismarck High, so thanks for coming. Can you just tell us about how this is funded and how it got off the ground and where it is right now as how the funding goes in order to get it out to more communities.

Luke Schaefer: This work began with the Department of Public Instruction and a federal grant they received called the state personnel development grant. It was first a three year grant and then a five year grant that ended two years ago. The focus was to build a system of framework in ND that can support schools and the work was done – a bit slowly at first because of some complications but really ramped up in 2015 and began wide spread across the state. In 2015, we knew we had one year remaining on that grant and so we worked diligently to make sure we had the capacity to deliver services after the grant was over. Once that happened, we were on our own as REAs to provide the services and the infrastructure to support all of these. Many of the trainings that used to be quite inexpensive, now had a full fee for service. Many of our systems training – the ones I described today are upwards of \$3,000 for a team of six to go through. We had to build those in and often times, we are writing our own grants to support the work and contributing our own dollars. Many times I've

had to say, “We are going to bring in this trainer, we are going to bring in this series of trainings for nine days and I’ll find the money somewhere, but we need this right now. This work has been so important; we know it is the work that we can’t let it go away. We have been very focused on finding funding to do this.

Senator Davison: Schools have put in money, they do pay the – they know how good the training is – they pony up the money, too. It has been very helpful. They use their Title dollars to do some of that work.

Luke Schaefer: This was written into ESSA and so there is a bit of funding that comes from the ESSA plan to support specifically the schools that are targeted, so there are roughly 27 schools that are targeted. So if they chose to go in this direction, they get direct support from this as well. Much of this is either self-funded from the REAs or funded through school fee for service model.

Chairman Schaible: Thank you Luke for coming. We will bring this up tomorrow.

2019 SENATE STANDING COMMITTEE MINUTES

Education Committee
Sheyenne River Room, State Capitol

SB 2266
2/13/2019
32652

- Subcommittee
 Conference Committee

Committee Clerk: Lynn Wolf

Explanation or reason for introduction of bill/resolution:

A bill relating to the adoption of a restraint and seclusion policy by school districts, the prohibition of seclusion, the collection of data, and the reporting of incidents of restraint and seclusion; and to provide an appropriation.

Minutes:

No Attachments.

Chairman Schaible: SB 2266.

Senator Davison: This is a tough topic. I am going to move Do Not Pass on SB 2266.

Senator Rust: Second.

Chairman Schaible: We have a motion and a second for Do Not Pass. Discussion.

Senator Oban: I have read through the testimony since I missed the hearing. Obviously, I would never claim that anybody on this committee wasn't moved by it or thinks that this is a very serious topic. I think it is really unfortunate that we keep having this conversation. I have been her for three sessions and this is the third session that there has been a bill in front of us to do something about this. Much like we just did with higher ed. this is giving definitions and telling school districts that they have to adopt a policy. I know that a policy isn't going to fix everything, but I would also call our attention to the fact that every hospital to be accredited has to have a policy that defines restraint and seclusion and tells people they can't use it. Right now schools can do more secluding and restraining than hospitals can do, that the Grafton School can do, than the state hospital can do and I think that is really unfortunate. I know this is not some first ditch effort that people make in a school to try to control a kid's behavior, but, I think we need to do something and I knew that likely changing this wasn't going to change anybody's mind about it. For that reason, I'm going to support it.

Chairman Schaible: I guess the two things this wants to do is create a policy with specific criteria and the other thing is creating a database for reporting requirements. A couple of problems we have are first of all the policy that we have – and I have talked to a couple of schools the past couple of days – they don't have policies for specific reasons, but they do

have procedures. If you find out how many schools – and say it is 90% that have a policy and then find out so many have procedures. I understand that and one of them being Mandan which is in my district, has procedures and not policies. Talking to them and asking why is that, they gave some pretty good reasons for it to be flexible enough to change and do that. I see that and the other thing about how you defined what seclusion is. There is real problems – is it just grabbing someone’s arm and taking them out of the classroom or is it a long list of other definitions? The problem is with the definitions and what you have in that and the other thing is the same thing with the reporting and the data you are trying to serve. Unless you have specific definitions of what it means and it has to mean in your school district or your region or your area, so you can compare viable data with stuff, you are not having a real look at it. Just to document and compare without reasonable information and useable data that you can actually do something with serves no purpose. Like we saw, there wasn’t anybody that wasn’t moved on this, these are cries for help and extremely good cries for help and it is well needed, but we also heard it wasn’t just cries for help from the kids that are being secluded and from their parents, it was cries for help from the schools and the teachers and everybody else. These things are a massive problem. This is looked at as a solution to that, which is certainly is not. The cries for help are is what can we do to help our schools. As we heard Luke Schaefer saying yesterday, those are the kinds of help we are looking for. This is my fifth session and I think we have making progress – although it is slow and we have islands of very good services, we still have a very long way to go. I don’t believe this is the movement we need to get that area to go out. I think SB 2300, which is Kyle’s bill, I think the one we heard with some of the other stuff, I think the money going into those other areas is the help we are looking for – we are addressing the problem as more of a – throughout all of our agencies – service agencies – including Human Services – trying to get help for that – getting money for that; trying to do more of our stuff like that. This is a bill that is looking for help, but I don’t see any help in this bill. I see it as unworkable with that – the taskforce that was developed three years ago had consensus on what the definitions would be, but this goes to the original version which the stakeholders at that time could not support for those definitions. I mean that is the thing is, it is just a – if they want to use that as a criterion – this goes really way beyond that. It puts unreasonable definitions with what it is and I don’t see this as the help that the schools, the kids, the teachers and families are looking for.

Senator Rust: One page two, starting with letter c, first tells them to develop a policy. Then, right after that, in c, and by the way, here are 12 things that this policy shall have in it. Almost all of them start with “prohibit” or “require.” That seems to be a pretty narrowing of shall develop a policy. It is almost dictating what the policy is. I find some of those – on the surface when you look at them, you probably think they look pretty good, but sometimes in the process and in the moment, maybe it is not exactly what you want. I understand the people that came here. The testimony we got was gripping. I understand the gripping testimony from the gal who came to testify in opposition. Her school and staff and other students and that was pretty gripping, too. I just think this is a little more than what I can give an yea to.

Senator Oban: The hard thing about some of these bills that we talk about is I don’t disagree with anything anyone else has said. But, we have had opportunities in the past to water this stuff down and the committee still doesn’t support it. I feel like at some point it is a bit of a cop out to say it is because of the definitions, because it dictates this. It is okay if you don’t feel like legislation is just the right way to do this. In the past, we have been offered opportunities to make this more simplified, to make it more narrow and generally speaking,

the committee still doesn't support it. So, I just thing that when hospitals can do this, can figure out how to make language on paper work – with the sickest of people in the hardest of situations – schools can figure this out, too. It is okay if we don't agree if this is the right vehicle to do it, but again, places where the sickest of people are and the most dangerous of people are – to claim that schools can't work with language on paper on policy that they have to adhere to, is not – I think it is just not accurate.

Chairman Schaible: And I'd have to say the schools are doing that, they are trying that. I think within the realm of what their wheel house really is they have gone way beyond the control of what is expected of them. There is not school out there that enjoys doing seclusion. That is the perception that we have here is that, we are trying to fix something that is being done wrong. There is no school out there – that I believe – wants to do this wrong. I think they are all trying to get there. By doing this, does that help them? In my mind, no. I don't think it does and I think it would put some undue burdens on them. I think we have to get them some help and a lot of that comes down to money and I think we are doing that. I think there is a lot of work with the coordination council, with efforts we are trying to do with Human Services, with the money we are trying to do that stuff. Trying to educate teachers to create more of a plan. And the work we have to do with the REAs to get these professional people into our schools. I don't see this bill doing any of that. That is my objection to it. You are looking for an answer and this isn't the answer. You can water it down and then pass it, but did you do any good to the thing – no, I don't think so. So, I think that rather than say we have to do this to help them, I say let's help them and do it with other things.

Senator Rust: Wouldn't those kind of things also be covered in their IEP?

Chairman Schaible: Well, sure they would be –

Senator Oban: If they are on an IEP.

Senator Rust: I can't imagine that children that we are talking about here aren't on some kind of a plan. Either an IEP or a 504 plan. I would think those kinds of things are covered in an IEP which is a contract between the school and parents.

Chairman Schaible: We heard situations where a student went to a school that was totally wrong and then moved to a different school and it was totally right. That is the thing, are services available for these children? We try to make appropriate services available the best we can and that it is used. I have seen some improvements over the years. Is it fast enough? I don't know. Can we do more? I hope so and I think we have bills that are trying to do that. Other discussion. Hearing none, we'll have the clerk take the roll. **This is for a Do Not Pass on SB 2266.**

Roll Call: 5 yeas; 2 Nays; 0 Absent.

Motion Carries.

Schaible will carry the bill.

Date: 2-13-19
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2266

Senate Education Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Sen Davison Seconded By Sen Rust

Senators	Yes	No	Senators	Yes	No
Chairman Schaible:	✓		Senator Marcellais:		✗
Vice-Chairman Fors:	✓		Senator Oban:		✗
Senator Davison	✓				
Senator Elkin:	✓				
Senator Rust:	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Schaible

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2266: Education Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2266 was placed on the Eleventh order on the calendar.

2019 TESTIMONY

SB 2266

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SENATE EDUCATION COMMITTEE

SB 2266

SENATOR JOAN HECKAMAN

Chairman Schaible and Members of the Committee: I am Senator Joan Heckaman, D-23, and am here today to introduce SB 2266 to you.

This bill is an old friend. Last session the Task Force on Seclusion and Restraint presented SB 2275 for your consideration. That bill came from stakeholders who were interested in the Interim Education Committee study of seclusion and restraint of students in our schools. The stakeholders met quarterly and worked on a consensus basis. Over 35 stakeholders met 5 full days over a span of 5 months. We had some directed presentations and many opportunities for general discussion to bring us to the point of introducing a bill to the 65th Assembly. Near the end of the meetings, the entire task force was not united in bringing recommendations forward, however, others on the task force felt that the issues were real and affecting students, families, educators, and administrators to the extent that some piece of legislation was needed to bring the discussion to the Assembly.

That bill had 8 supports that were agreed upon by the remaining Task Force members. They were:

1. School districts shall have a policy on seclusion and restraint by July 2018
2. Definitions of seclusion physical restraint, and mechanical restraint as defined by the Office of Civil Rights be incorporated in the policy.
3. The methods addressed in the policy must not restrict the breathing of the student.
4. The policy supports other safety policies in extreme instances.
5. A copy of the policy must be filed with the Superintendent of Public Instruction.
6. Schools shall report all incidents of restraint and seclusion to the Office of Civil Rights as required.
7. The Statewide Longitudinal System Committee shall include OCR data.
8. Schools shall provide annual training on seclusion and restraint adopted ^{un} _{an} the school policy.

That bill had an appropriation of \$500,000 from the Foundation Aid Stabilization Fund to provide training. That bill failed.

Now to the bill before us this session. The bill before us adds definitions in Section 1 that will be universal definitions all districts shall use in their policies. Included are definitions of chemical, mechanical and physical restraint. The entire Section 1 is more definitive in its prescription of the policy schools must have and use.

An important part of this bill is the requirement to notify parents of an instance of restraint used on their student. This includes all students, not just those receiving special services.

A training component is included as well as a funding mechanism.

Educators, administrators, parents and students are all in need of three basic things that are not available in all North Dakota schools today. They need 1) a well-trained staff available to provide interventions immediately, 2) funding for necessary training, and 3) space available to provide services to all students with behavioral needs and interventions.

Schools are doing their best to provide what they can with the funds available. But today as legislators, we need to provide the funding, staff, and space to provide an education to all students.

There are many bills in this session that meld interventions for children together. This is an opportunity to ensure that all students are treated in a manner that is consistent with the prescriptions from the Office of Civil Rights.

There will be someone following me who will provide a more in depth walk through the bill.

That concludes my testimony and I would answer any questions you may have.

Senator Joan Heckaman



**Senate Education Committee
Sixty-sixth Legislative Assembly of North Dakota
Senate Bill 2266
February 6, 2019
Honorable Donald Schaible, Chair**

Good afternoon, Chairman Schaible and Members of the Senate Education Committee: I am Carlotta McCleary, Executive Director of Mental Health America North Dakota and Executive Director of the North Dakota Federation of Families for Children's Mental Health. Today I speak on behalf of the Mental Health Advocacy Network (MHAN). MHAN advocates for a consumer/family driven mental health system of care that provides an array of service choices that are timely, responsive and effective.

We work extensively with students and their families who struggle with educational issues. Through our work with students and schools, it is evident that we have great schools. However, all too often our families tell us that seclusion and restraint of students with disabilities is occurring. Yet we know from research¹ that there is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently lead to the use of such techniques. We also know from research² and our own work with families that providing access to wraparound mental health services and providing positive behavior interventions and supports that focus on preventing the problem behaviors in the first place can produce very positive outcomes for those children so that restraint and seclusion techniques are unnecessary.

¹ U.S. Department of Education, "Restraint and Seclusion: Resource Document," (Washington D.C.: May 2012), iii <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf> (accessed February 1, 2019).

² Id. at p.3

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I am here today to support SB 2266, calling for the adoption of policies by school districts that will prohibit seclusion and help prevent physical restraint, along with the collection of data and reporting of incidents to the state Superintendent of Public Instruction and to the United States Department of Education, Office for Civil Rights (OCR), as federally required. My agencies also support training school district personnel regarding ways to prevent the *need* for use of restraint and seclusion by emphasizing the appropriate use of effective alternatives to physical restraint and seclusion such as positive behavioral interventions and supports.

The latest data from the Education Department are disturbing. The newest data collection from the US Department of Education's Office for Civil Rights reflects the experience of more than 50 million students in over 96,000 public schools across the country during the 2015-2016 school year. The figures show an estimated 122,000 students were restrained or secluded at school. The vast majority of these students had disabilities. The Education Department said children served under the IDEA represented 71% of those restrained and 66% of kids subjected to seclusion, even though they were only 12% of the student population.³ During the two school years (2011-2012, 2013-2014) North Dakota reported to the Office of Civil Rights, we uncovered the following:

- 2013-2014: 83.3% of all reported uses of seclusion and restraint were for students covered under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.⁴

³ Excerpted from *Disability Scoop* 1/18/2019 "Education Department Cracking Down on Restraint seclusion in Schools."

⁴ Excerpted from "2011 & 2013-14 Office for Civil Rights (OCR) Seclusion and Restraint Data-The Civil Rights Data Collection (CRDC)" Presentation to the Seclusion and Restraint Task Force (July 28, 2016), 10 <http://agree.org/data/upfiles/media/The%20Civil%20Rights%20Data%20Collection.pdf> (accessed February 1, 2019).

- 2013-2014: 79.2% of all reported uses of seclusion and restraint were for students in elementary schools.⁵
- 2013-2014: 79% of reported incidents of seclusion and restraint were in “Class A” schools.⁶
- Data collection regarding the use of seclusion and restraint in North Dakota is very weak, schools underreport or do not report at all despite incidents occurring.⁷

Data for 2015-2016 has been preliminarily available for national consumption, but a state-by-state breakdown has not yet been released.⁸

Even with the high number of reports of restraint and seclusion of students with disabilities, concerns have come to light that schools may be underreporting the practice. Last month, Education Secretary Betsy DeVos said the Department of Education will be conducting compliance reviews of school systems that may be inappropriately restraining or secluding students and will offer guidance on obligations under federal civil rights law.⁹

⁵ Excerpted from “2011 & 2013-14 Office for Civil Rights (OCR) Seclusion and Restraint Data-The Civil Rights Data Collection (CRDC)” Presentation to the Seclusion and Restraint Task Force (July 28, 2016), 11 <http://agree.org/data/upfiles/media/The%20Civil%20Rights%20Data%20Collection.pdf> (accessed February 1, 2019).

⁶ Excerpted from “2011 & 2013-14 Office for Civil Rights (OCR) Seclusion and Restraint Data-The Civil Rights Data Collection (CRDC)” Presentation to the Seclusion and Restraint Task Force (July 28, 2016), 12 <http://agree.org/data/upfiles/media/The%20Civil%20Rights%20Data%20Collection.pdf> (accessed February 1, 2019).

⁷ Excerpted from “2011 & 2013-14 Office for Civil Rights (OCR) Seclusion and Restraint Data-The Civil Rights Data Collection (CRDC)” Presentation to the Seclusion and Restraint Task Force (July 28, 2016), 9 <http://agree.org/data/upfiles/media/The%20Civil%20Rights%20Data%20Collection.pdf> (accessed February 1, 2019).

⁸ See U.S. Department of Education, Office for Civil Rights, “2015-2016 Civil Rights Data Collection: School Climate and Safety,” <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf> (accessed February 1, 2019); U.S. Department of Education, Office for Civil Rights “Civil Rights Data Collection: Estimates” <https://ocrdata.ed.gov/StateNationalEstimations> (accessed February 1, 2019).

⁹ U.S. Department of Education, “U.S. Department of Education Announce Initiative to Address the Inappropriate Use of Restraint and Seclusion to Protect Children with Disabilities, Ensure Compliance with Federal Laws” (January 17, 2019) <https://www.ed.gov/news/press-releases/us-department-education-announces-initiative-address-inappropriate-use-restraint-and-seclusion-protect-children-disabilities-ensure-compliance-federal-laws> (accessed February 1, 2019); Laura Meckler, “Betsy DeVos Takes Aim at

SB 2266 creates a new section to Chapter 15.1-19 of the North Dakota Century Code. The primary purpose of the Bill is to require each school district to adopt a written policy regarding the use of restraint and seclusion methods by school district personnel. The philosophy behind the Bill is to make clear that seclusion is prohibited and that physical restraint should never be used except in situations where a child's behavior poses a threat of imminent danger of serious physical harm to self or others, and should be avoided to the greatest extent possible without endangering the safety of students and staff.

The Bill is made up of three main sections—definitions, requirement of a policy and content of the policy, and an appropriation. The first section is definitions of the key terms used in the section. It is important for the terms related to restraint and seclusion to have clear, uniform definitions. I would note that the definition of seclusion in the Bill does not include a timeout. The term “timeout” is defined in the Bill.

The definitions used in the Bill are based on the definitions in the Department of Education’s Civil Rights Data Collection (CRDC) and on the definitions in H.R. 7124, the legislation introduced last session (November 2018) in Congress that would establish federal oversight of seclusion and restraint in schools. This proposed federal statute is known as the Keeping All Students Safe Act. There are plans to revive the legislation this session.

The next part of the Bill sets forth the requirement that each school must adopt a policy regarding use of restraint and seclusion methods. The policy must ensure that any use of physical restraint or seclusion does not occur, except when there is a threat of

Improper Restraint of Students with Disabilities,” *Washington Post* (January 17, 2019)
<https://washingtonpost.com/local/education/betsy-devos-takes-aim-at-improper-restraint-of-students-with-disabilities/2019/01/17/> (accessed February 1, 2019).

imminent danger of serious physical harm to a student, school personnel, or others, and that any use of restraint or seclusion occurs in a manner that protects the safety of all individuals present.

The Bill sets forth a list of the minimum provisions that the school district policy must contain. These minimum standards are based on the “15 principles” set forth in the U.S. Department of Education’s report entitled *Restraint and Seclusion: Resource Document*, published in May 2012. These provisions prohibit the use of seclusion, prohibit restraint methods known to be life-threatening, prohibit the use of prone or supine restraints, prohibit the use of mechanical or chemical restraints, and prohibit the use of restraints for punishment, noncompliance or discipline. The Bill also prohibits the use of any restraint that is contraindicated based on knowledge of an individual student’s disability, health care needs, or medical or psychiatric condition.

The Bill requires school district personnel to be certified and trained in the safe and effective use of physical restraints and trained in effective alternatives to physical restraint, such as comprehensive positive behavioral interventions and supports. Extensive research has documented these practices are effective in reducing the behaviors that lead to the use of restraint. (See footnotes 1 and 2, above.)

Additional provisions in the Bill require parent notification following each instance of restraint used on a student and require each instance of physical restraint or seclusion to be documented in writing and reported to the Superintendent of Public Instruction.

Finally, the bill calls for an appropriation in the amount of \$500,000 to the Department of Public Instruction for the purpose of training school district staff on the

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district policy and for the purpose of training staff on the prohibition of seclusion, the prevention of physical restraint, and the safe use of physical restraints in an emergency.

In conclusion, I am asking for your support for SB 2266. This Bill is a positive step forward to protect the rights of students with disabilities, who are more likely to be restrained or secluded than their peers without disabilities.

Mr. Chairman, thank you for your time. I'd be happy to answer any questions the committee may have.

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Testimony
Senate Bill 2266 - Department of Human Services
Senate Education Committee
Senator Donald Schaible, Chairman

February 6, 2019

Good afternoon, Chairman Schaible and Members of the Senate Education Committee. I am Chris Jones, Executive Director of the Department of Human Services. In my role, I am the Chair of the Children's Behavioral Health Task Force (CBHTF). It is in that role that I am here today to ask for your support of Senate Bill 2266 per the recommendation of the CBHTF.

The Children's Behavioral Health Task Force has established eleven areas of platform to focus efforts to eliminate service redundancies and efficiencies, fill in apparent service gaps, deploy program and professional best practices, and to promote health and well-being.

One platform area adopted by the Task Force addressed the Adoption of School Seclusion and Restraint Policy and Practices Guidelines for the state of North Dakota. The following is an excerpt taken from the Task Force's Platform Position and Strategy Statements document¹.

A. Adoption of School Seclusion and Restraint Policy and Practices Guidelines

The CBHTF identifies the need for the state, local school districts, and schools to adopt student seclusion and restraint policy and practices guidelines, including a requirement for all local school districts and schools to adopt and implement effective plans of action. The CBHTF expresses its commitment to advance the adoption and implementation of previously studied seclusion and restraint guidelines that adapt and incorporate national best-practice standards. These guidelines move schools forward in securing the safety and well-being of

¹ <https://www.nd.gov/dhs/services/mentalhealth/children-bh-taskforce/docs/cbhtf-platform-positions-strategies-draft-3-final.pdf>

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students and school staff, ensuring effective yet flexible expressions of best practices, eliminating the prospects of student or staff harm, coordinating data reporting, and reducing unnecessary legal exposure.

It is recognized that this would require additional training for educational personnel; therefore, the CBHTF supports the appropriation identified to address the necessary work within our state.

Thank you for your consideration. I'm happy to answer questions.

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Senate Education Committee

Senate Bill 2266

Honorable Donald Schaible

February 6, 2019

Chair Schaible and members of the Senate Education Committee. I am Victoria Johnson, and I have an 11-year-old son whose diagnoses include Autism Spectrum Disorder, Receptive & Expressive Language Disorder, ADHD and Anxiety Disorder. I am asking for your support for SB 2266 to keep my son and other children with disabilities safe.

In March of 2018 my son was put into a prone restraint lasting 26 minutes which could have ended his life. In addition to my son's disabilities he also suffers with asthma. In a prone restraint the child is on the floor and is being held down by adults. In my son's case it was two adult men restraining him. Prone restraints are not allowed under School District policy and yet it happened to my son and it happens to other children; given my son's asthma and the prone restraint, his breathing could have been obstructed and I could have lost my son.

The School District has a policy requiring documentation and reporting to parents about restraints. The school did not report the restraint to me leaving me unaware until my son called me. The school did not complete the required written documentation of the restraint either. It was not until I viewed the video of the restraint that I knew how dangerous the prone restraint was and the risk of harm and possible death my son experienced. I also did not know it was a 26-minute restraint.

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There is a link to a short piece of the video of the restraint included in my written testimony. This is a very brief portion of the 26-minute video. I hope that you will watch this video to see what happened to my son.

<https://www.valleynewslive.com/content/news/Video-shows-9-year-old-forcibly-restrained-at-Agassiz-489072351.html>

The School District has well written policies and procedures regarding restraints and the reporting and documentation requirements when a child is restrained. Those policies and procedures did not protect my son as he was restrained in the prone position nor did they result in the required reporting or documentation of the restraint.

My son is still traumatized from what happened to him and the nightmares may never go away. There are times in which he sleeps under his bed because he thinks the school staff may come to our house and hurt him and there are other times he asks if we can move so the school won't find us.

My son was restrained because he preferred to work with his general education teacher, who had never restrained him, rather than with his special education teacher who had restrained him previously.

I ask that each member of this committee support SB 2266 so that all students can be safe at school and no other child experiences the trauma my child suffers daily. Please consider that my son's School District has a policy on restraining, reporting and documenting but they failed to follow it and that is why SB 2266 is necessary.

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Thank you for permitting me to share my son's story.

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Senate Education Committee

SB 2266

February 6, 2018

Chairman Schaible and members of the committee, my name is Kirsten Dvorak, Executive Director of The Arc of North Dakota, which includes all six Arc chapters in North Dakota: Bismarck, Bowman, Dickinson, Fargo, Grand Forks, and Valley City. Our mission is to improve the quality of life of people with intellectual and developmental disabilities and actively support their full inclusion and participation in the community.

People with intellectual and/or developmental disabilities (I/DD) need supportive and caring relationships in order to develop full and active lives. Historically, people with intellectual and/or developmental disabilities across the age span have frequently been subjected to aversive procedures (i.e., electric shock, cold water sprays and deprivations like withholding food or visitation with friends and family) that may cause physical pain, discomfort and/or psychological harm. Children and adults with intellectual and/or developmental disabilities are frequently subjected to physical restraint, including the use of life-threatening prone restraint and seclusion for long periods of time.

Research indicates that aversive procedures such as deprivation, physical restraint and seclusion do not reduce challenging behaviors, and in fact can inhibit the development of appropriate skills and behaviors. These practices are dangerous, dehumanizing, resulting in a loss of dignity, and are unacceptable in a civilized society.

Schools are required by law to provide a free and appropriate education to all its students, which includes all children with disabilities. Many students with disabilities do not have access to quality supports or services necessary to participate as full members of their school communities. Administrators, educators, and support staff too often lack sufficient training and knowledge about the needs and abilities of students with disabilities. Paraprofessionals that support students are underpaid and do not always receive the necessary training to support students' needs in inclusive

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classrooms. Outdated, inaccurate beliefs about students with disabilities persist, leading to low expectations, segregated classrooms and a diminished sense of accountability for these students.

Lifelong education is essential for all individuals with I/DD to achieve the goals of the Individuals with Disabilities Education Act (IDEA) and to be able to pursue opportunities for rich lives where they contribute to the public good. "Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities." (IDEA, Individuals with Disabilities Education Act).

To ensure students with I/DD receive the education to which they are legally entitled, all those involved in the education of these students must work to fully implement our nation's civil rights and education laws and accomplish the following actions:

- Assure development and ongoing use of school-wide and system-wide intervention models, including school-wide positive behavioral supports and using the principles of universal design for learning (UDL) in designing curricula, materials, instruction, and assessments to create maximum access to learning environments for students with diverse abilities and learning styles.
- Prohibit the use of mechanical or chemical restraint, isolation, or aversives. Emergency, time-limited, monitored restraint may be used only by trained personnel and only when the student's behavior presents an imminent danger of serious physical harm to the student or others and less restrictive interventions are insufficient to mitigate the imminent danger of serious physical harm. Physical restraint which restricts airflow, including prone restraint, and mechanical restraint must be prohibited.
- Ensure that supports and strategies are planned and implemented to successfully reintegrate a student who has been restrained or secluded back into the school or classroom environment.

- Assure that students are not disciplined for the manifestation of their disabilities.

North Dakota Century Code addresses punishment, isolation, seclusion, and use of physical restraints, as well as other forms of punitive action in 25-01.2-09 and 25-01.2-10. This law expressly prohibits the use of isolation, seclusion or physical restraints on individuals with developmental disabilities, except in extreme emergency situations where there is risk of harm to self or others. And even then, there are stringent rules surrounding the use and monitoring of seclusion and restraint, as well as documentation and reporting processes. If North Dakota believes that all individuals with developmental disabilities who receive care from institutions, facilities, or individual settings, whether they are public or private agencies or settings should not be subjected to seclusion and restraint, then why is it okay for our schools to engage in such dangerous and dehumanizing practices?

We are asking that North Dakota put a law into place that protects our most valuable citizens, our children. We support the passage of SB 2266 and ask that you require all schools across North Dakota to have policies regarding seclusion and restraints, which includes the prohibition of seclusion, and appropriate reporting and data collection as part of the monitoring process. Please vote "do pass" on SB 2266. Thank you.



Kirsten Dvorak

Executive Director

Executive_Director@thearcofbismarck.org

701-222-1854

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2/03/2019

Dear Senate Committee,

My name is Cari Duncan. My husband and I live in Sawyer, ND and we have three children who each have varying degrees of abilities. Specifically, they each have autism. I am in support of SB2266 that support ND schools in regards to a policy on restraint and seclusion.

My story may be different than the ones you have read but I feel that it is important to add to your dialog when considering this bill.

First, I want to say that I personally feel restraints are overused. I know that children do well when they can. Kids with disabilities have deficits. If a child struggled with math or reading, we would expect a procedure to teach, practice, reinforce and repeat. Behavior needs to be treated the same way. Teach, practice, reinforce, and repeat. Yes, sometimes we add in low cost or free adaptations to make it easier to learn.

My family's story of restraint happened six years ago when two of my children rode the school bus home. I was during this time that I was made aware by my oldest child that his little brother, a 1st grader, was being physically restrained on the bus by another school age child. The bus driver had given this other boy the job of restraining my son. None of these children were of legal babysitting age. They weren't trained in proper restraint, verbal or any other de-escalation procedures, or how to implement proper supports or modifications. They weren't members of my child's IEP team and they did not have any training to understand positive behavior supports and sensory needs. Unfortunately, and some of you may have seen this coming, the other was so eager to do the job, that he threatened to punch my oldest child if he attempted an intervention.

I am truly thankful that neither of my sons attempted any fight or flight behaviors on a bus full of other children.

I am thankful that my oldest son was verbal and told us what was happening so I could begin conversations with other school staff personal, who said they were unaware.

In hindsight, I believe that if the bus driver had documented the restraint (even if he had restrained my son himself, rather than using another student) my son's teachers and support staff would have worked quickly to come up with solutions. In the case of my son's restraint there were many options to consider. We could have started with a social story, or something called video modeling. We could have discussed assigned seating, tried a weighted lap pad, or a sensory break before getting on the bus. Maybe a fidget item to keep his hands busy, noise cancelling headphones, a para.

Let me quickly divert and share with you that my youngest child, also autistic, responds very well to being allowed to have a transition item to go from point A to point B. Behaviors are reduced if he can just hold something in his hands. Sometimes a simple worksheet will do. It's strange, but it regulates him. I suppose it helps him feel less lost, similar to how you may feel if you forgot your purse, phone, briefcase or billfold at home. What I'm trying to say is that there certainly are options to be discussed before starting with restraint.

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I don't think I'll ever know why my son's bus driver unknowingly placed so many children or himself and other drivers at risk, but I think it starts with educating all individuals who work with children. I believe that ND can approach the matter based on data. Children and families who have loved ones with disabilities want to be supported just as much as any school staff member wants to be safe. There are so many things we can learn from each other.

Thank you for your time.

Cari Duncan

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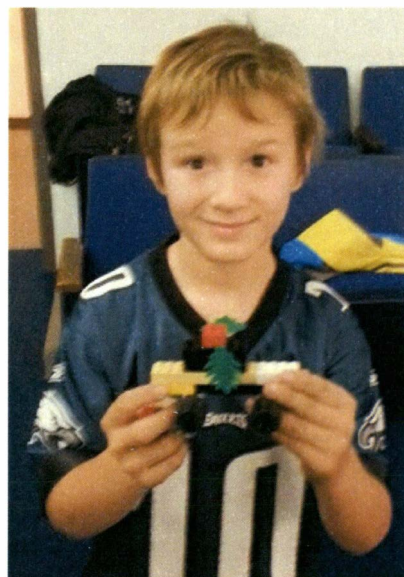
Testimony
Senate Bill 2266
February 6th, 2019

Senator Chairman Schaible and members of the Senate Education Committee:

My name is Jennifer Skjod, and I am the mother of a child with special needs who suffered greatly due to a lack of policy regarding seclusion and restraint in North Dakota. He is now 14 years old, and he has PTSD among other things as a result. Some may think to have no policy merely is allowing districts individual freedoms. It is not freedom for the child. It is never freedom for the child. States that have policies --46 of them -- believe children are worth protecting.

Our story started when our oldest child entered kindergarten. Think of a child at about age 5. Think about how small and vulnerable a child is at that age. How simple actions from adults can mold and change their lives forever --for good or bad.

The first time our child, now 14, remembers being restrained and secluded was during a time when the teacher tried to instruct her students on how to operate an iPad. He couldn't hear the teacher over the excitement of the students, and he desperately wanted to do this right. When he got his chance to try the device out he was frustrated that he didn't know how to operate it and began crying and pulling at his hair. The teacher called out to the Resource Room, and two other adults came out to escort him to that area. Transporting a child against his will for something so trivial became a routine thing. It damaged his self worth and it certainly tainted the view his peers had of him.



This same routine -- 1) fetch our child from his peers (or worse making them all leave so the adults could chase him around and tackle him), 2) bring him to the Resource Room where he was physically restrained for expressing frustration (and this never reduced his frustration or calmed him down) and 3) putting him in the "Quiet Room" alone where the door was held shut, happened on average two to three times per week throughout grade school.

He was transported in what many educators in North Dakota are trained in called, ironically, the Crisis Prevention Intervention Technique. It is supposed to keep the child and the educator both safe. The intent is to restrict movement and control the will of the child.

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The physical hold he was in lasted up to three hours in some instances. They would only release him when he calmed down --but the hold made it impossible for him to calm down. It put him into a deep sense of powerlessness and panic. Sometimes his nose would bleed, or he would suffer bruises from the hold. We as parents were rarely notified when this happened. I did finally get the school to call my husband or me at work after he had been in a hold for more than 45 minutes so we could come to get him.

We asked the school to send us a note home if he had been restrained that day and if so, what for. The school told us it was too much paperwork for them --even though the federal office of civil rights requires documentation. So if you go back to those years he was in grade school, and look up the number of instances of seclusion and restraint in that school on the Office of Civil Rights website, you will see zeros. I contacted the Department of Public Instruction to ask who in our state kept a record of that data, and they said no one. So basically, unless a citizen files a federal complaint with the Office of Civil Rights, this can go on in our state indefinitely. It's like saying, the speed limit is 65, but if there are not highway patrol on duty, we can all go 100.

His frustration grew to the point that if he saw a worksheet he didn't understand on his desk, instead of struggling to keep his anxiety under control so he would not be restrained, he would run to the restroom (and be fetched from there). In second grade, he began running away from school. The school would promptly call the police, and he would be chased down by an officer and issued a citation.

Our child was diagnosed with autism at age 7. I did a lot of research on how to best handle these panic situations with him --and learned how such interventions that had been used on him for years were illegal in other states. And for good reason —children had died as a result. Some had suffered permanent physical, mental, and in our case, emotional harm . Our child complained of not being able to breathe in a restraint at times. Some days he would come home limping as a result of restraint.

His physicians begged us to either move or homeschool him as this was harming his mental health. In hindsight, I greatly regret not taking their advice. A few reasons I didn't were

1. My mother herself had been a teacher for nearly 40 years, and I respect the profession. I grew up knowing the sacrifices they make and the genuine care they put into their work. Teachers, in my eye, could do no wrong.
2. Much of North Dakota has restricted enrollment to where you cannot choose what school to send your child to unless you have the means to send them to a private school. But then private schools do not have the same access to public special education services.
3. Due to limited enrollment, we would have to sell our home and move, and we loved our neighborhood.

We thought our child's troubles would end once he got to middle school and in some ways, they did, but not before they got much worse. The middle school was aware of his attempts to flee when he saw no way out of stressful situations. So someone would trail him at all times --when he asked for a bathroom pass he would even be followed into the bathroom. At one time I asked if he could step outside for a breath of air and then return, but if he attempted to walk toward the doors, two adults would throw themselves on him.

It got to the point that he would shake violently any time we drove past the middle school.

When we approached the district with our concerns (one of many many times), they offered the option for us to have him schooled in a secluded setting for three hours per week. Yes, you got that right. In North Dakota, you can do this as a district and call it an education --yet even homeschooling parents must educate their children for at least four hours per day. He was falling behind as a result.

For his educational benefit, we had to make the heartbreaking decision to send him to temporary residential care and fortunately significant changes were made at the school during his absence. An excellent teacher had been hired who knew appropriate ways to deal with his anxiety and that last year of middle school was tolerable for him.

There are effective, safe, and proven best practices on how schools can help students in situations of extreme anxiety. These practices are suitable for students and teachers alike and help reinforce positive ways for both to deal with stressful situations.

We seriously considered moving before the start of high school this year. All we wanted was one educational setting that he would not find threatening and I admittedly did not have much confidence in our district. The past year had been excellent. He had five students show up to a birthday party for the first time! Yet those years of hurt and distrust --harm that had come to our child in one of the few places we expected him to be safe --a place we were paying taxes to uphold --still left a deep wound in us all.

We gave him a choice on whether we would move or not --we owed him at least that much, but he wanted to make it work. The high school staff has been great, and he knows his limitations. He is a smart, compassionate, and hard-working kid. His dream is to become a special education teacher because he has seen how one person's acts of kindness can restore hope to others.

Jennifer Skjod
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Senate Bill 2266

Senate Education Committee

Wednesday, February 6th, 2019

Chairman Senator Schaible and Members of the Senate Education Committee.

My name is Vicki Peterson and I am a Family Consultant for Family Voices of ND. Family Voices of ND is the Family to Family Health Information Center in ND. I am also a single parent of a teenager with Autism and an Intellectual Disability along with chronic health conditions.

I am before you in support of Senate Bill 2266, a bill to adopt seclusion and restraint policy for school districts, to prohibit seclusion and appropriate funds for training for school personnel on seclusion and restraint policy.

My work includes working with families who have children and youth with disabilities, chronic health conditions and special needs. I also work with professionals in educating the overall health needs of persons with disabilities. Each year I receive calls from both parents and professionals regarding seclusion and restraint issues for a child. I see pictures of bruises, teachers in tears, parents horrified, and children traumatized. I was part of a Seclusion and Restraint Task Force from the 2015 Legislative Session, to study the use of Seclusion and Restraint in the school districts. During this time, I was working with a family in ND, that had moved here from another state , living in rural ND. There had been multiple incident reports of their youth with a disability on seclusion and restraint, along with bullying issues at school. This had been going on for over a year. Parents had been seeking help everywhere but were told it was in the hands of the local school. No help was to be found. After a year or so of torment , this

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youth decided life was too tough and committed suicide. The trauma was so severe on the mother, when she returned to her home in another state, she also committed suicide. Left was a father searching for answers. This should not be happening to anyone.

Every Human Services system; hospitals, mental health facilities, residential treatment facilities, juvenile justice and senior services facilities are controlled by federal legislation that seriously limits seclusion and restraint to emergency and imminent situations , EXCEPT in the public-school system. According to the Education Department data, 122,000 students across the country were subject to restraint and seclusion during the 2015-2016 academic year. 71% of those restrained and 66% of those secluded were in special education.(U.S. Department of Education January 2019).

Main points:

1. Both restraint and seclusion are dangerous practices. By nature , they involve physical contact between a staff member and student. A result that may end up in students and teachers getting hurt.
2. There is a myth that restraint and seclusion are necessary to keep our schools safer. In fact, many schools that report they have eliminated the use of seclusion and restraint, have reported significant declines in worker's compensation claims. (U.S. Department of Education , July 2018.)
3. For Behavior Management, restraint and seclusion can cause more harm than good. The physical confrontation, the being secluded in many times a small room alone, traumatizes the student, but also can traumatize school personnel, and other children watching or witness to an incident. There is evidence(National Child Traumatic Stress Network)

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that students as well as staff have an enhanced “flight- fright” response. It is noted that a “flight-fight” response is not a willful choice but is triggered biologically in the stressed person.

4. Impact on a child’s developing brain is both short and long term. The ACES study(Adverse Childhood Experiences)shows both long- and short-term effects include; (US Department of Justice and Education, 2018)

1. Social and health problems
2. Depression
3. Alcoholism
4. Drug use
5. Chronic disease
6. Suicide
7. Involvement within a Justice System

5. Behavior is a form of communication. The behaviors children display is often a manifestation of a disability. Most children who have communication deficits can learn and develop communication strategies, which in turn can diminish the behavioral (communication) issues. Supports and Services are needed to accomplish this. We need to think intervention not punishment. The need for seclusion and restraint is a result of insufficient investment in prevention.

Let’s work together and invest with the commitment of supports and services.

I thank you for your time and consideration for Senate Bill 2266.

Vicki L Peterson

Family Voices of ND/ Parent

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Senate Bill 2266
Senate Education Committee
February 5th, 2019

Chairman Senator Schaible and Members of the Senate Education Committee.

My name is Cindy Roehrich, and I am writing in support of SB 2266, Seclusion and Restraint Policy

I am writing to you today to talk about my son Marcus Roehrich. My son attends Lewis and Clark elementary school in Mandan, which he has attended since he was in Kindergarten. Shortly after Kindergarten started, I received emails from the teacher asking me things about Marcus. The teacher then stated Marcus wouldn't sit still and that he talks out of turn.

By the time Marcus was in first grade, the teacher requested we see our family Dr to see if Marcus had ADHD as he couldn't sit still and talked out of turn numerous times during the day. Shortly after 1st grade started, we made appointments with the Kids Therapy Center to see if OT would help give Marcus some tools in how to handle his body and make better choices.

Now in 2nd grade Marcus started showing more frustration when it came to reading. He was falling behind other students of his age. During second grade, Marcus started to receive numerous fix-it plans (red slips) from the school/teacher. Some of the slips pertained to how he played at recess and some were due to Marcus behavior (like refusing to do work). Since my sister is a teacher in the Bismarck school system, I looked to her for help. After we talked, she gave me suggestions on what Paul, and I could request from school. I asked the school if Marcus could be put on a 504 plan, which they wouldn't do until they had a Dr note saying he had some sort of disability. At this point, we were at a dead end with the school and had no options left but to see a Dr to find out if something else could be wrong with our son. At this time, our Dr diagnosed our son with ADHD, which got him on a 504 plan with the school. During Marcus time in 2nd grade even with the ADHD diagnosis, he continued to get into trouble if he got up off his seat, walked around, or just moved too much. The school even sent home an email stating Marcus couldn't attend field trips as they couldn't keep control of him. So, the only way Marcus could go on field trips was if Paul or I attended them. The school even got to the point where they called Paul and I to come get our son from school as they were sending him home for the day as he refused to do his school work.

By the time Marcus was in 3rd grade things got worse. I ended up calling a special meeting with the teacher and principle as Marcus had 5 red slips within the 1st 4 weeks of school. Marcus' 3rd grade teacher had no clue Marcus even had a 504 plan, which puzzled me as we had just completed this plan

towards the end of 2nd grade. Marcus 2nd grade teacher expected Marcus to do what she asked of him and if he refused, he needed to go to the Resource Room or a calming room. Not long after they school started this process, I found out the teacher was sending Marcus to detention if he had spent any time in the Resource Room or calming room. So, if Marcus spent 20 minutes in the Resource Room to calm down or just get away, Marcus would have to spend 20 minutes after school in detention. When I talked to my sister about this, she said I needed to call an emergency meeting as the Resource Room shouldn't be operated like this. At this meeting, we were able to get the detention removed. The effect of this detention enforcement has caused Marcus to refuse to go back to that Resource Room because he believes he will also get detention because of how the school made him do detention for needing extra time to cool down from a situation.

Once Marcus' 504 plan finally re-started back up in 3rd grade, Marcus seemed to improve but we still received numerous fix-it plans and phone calls to come get Marcus and take him home. Paul and I started to see a pattern with Marcus. If Marcus found something too hard or it was a subject, he didn't like (reading and writing) he just started to refuse to do the work. Once Marcus started to refuse to do what was asked of him, the teacher requested that he leave the room. They asked Marcus to go to the Resource Room or the calming room. Marcus did leave the classroom at 1st and head to the calming room but then he started moving objects in front of the door to block the teacher from getting in as he wasn't ready to talk to her. This didn't sit well with the school as Marcus should have been able to just be in the calming room without moving objects to block the door. With all the struggles continuing at school, we ended up moving away from the Kids Therapy Center over to Red Door as they dealt more with older kids. Red Door was helping Marcus figure out the size of a problem. Is it large, medium or small problem and then how to deal/handle these types of problems/situations? Red Door even helped Marcus learn how to tie his own shoes as he struggled to learn the technique. To this day Marcus still struggles with the simple task of learning how to ride a bike. With all the struggles Marcus' faces at school his reading has fallen way behind even though Paul and I had him read with us every night and he attended title at the school. Now that school is almost over, I reached out to the school to see if any of the teachers knew of a private reading tutor so we have Marcus go to over the summer so he wouldn't fall behind in reading. With no assistance from school I finally found a private tutor, which we have used over the summer months, so Marcus doesn't fall behind.

Today Marcus is currently in 4th grade. At the start of his school year, I notified Marcus' teacher right away about Marcus being on a 504 plan so the school year would start out better than it did the previous year. By the middle of September, Marcus started to refuse to do assignments in school and bring home fix-it plans. I called my sister once again and even spoke to Marcus' Dr. This time our family Dr requested that we see a Dr Mirzai due to all the phone calls to her office about Marcus and his behavior.

The Dr wanted us to see a Psychiatrist to make sure Marcus was taking the correct ADHD medication and we were doing everything correctly. Dr Mirzai confirmed that Marcus does have ADHD and now has Disruptive Mood Dysregulation Disorder. Even with the new diagnosis and our request to get Marcus on an IEP plan with an aide (per the Dr) we have been met with yet another road block. Marcus continues to struggle with reading, writing and spelling. When he is asked to re-do assignments

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that deal with these subjects, Marcus gets frustrated quickly and at times will refuse to do the work. Then Marcus is told if he doesn't get it done, his free time (like iPad time) will be taken away. Once this process starts, Marcus will then tend to get very angry. When asked to leave the room this triggers a larger issue as he now is totally angry to the point Marcus will tear up his assignment paper or even knock a desk down. When Marcus gets this angry, he even refuses to leave the classroom. With Marcus being this upset/angry Marcus now forgets all about the technique he has learned at OT. The calming room or the Resource room the teachers want Marcus to go to are places he will resist being sent to at all cost because of his earlier experience with detention. With Marcus refusing to do what the teachers ask of him, this has now caused a more serious approach. This school year was our 1st phone call from the Mandan Police Department. Lewis and Clark called them to come help with our son right before Christmas. I still struggle with why they had to be called as I am still trying to grasp how a math story problem developed into the police being called. I feel the school dropped the ball when they only called my cell phone to help provide assistance with Marcus. In that phone call, I was requested to call the school as soon as I listened to the message as I did. When I called the school back the front desk person said the teacher was unavailable and asked that I leave her a message, which I did. Next thing I know my cell phone is ringing again but this time as a private caller, which turned out to be the police department. What I don't understand as a parent, if the situation was so bad/dire why didn't the office or someone at the school try to call all my numbers or even try to call my husband. With my son being asked to go home numerous times just this school year and now with the police being called, Marcus is starting to fall way behind in school not to mention he thinks of himself as a bad kid, which is not true.

In closing, I am hoping this letter will shed some light on what our family has gone through since he started school in Mandan. No parent should have to go through so much just to get assistance for a child. The way our kids are treated at this young age will mold them for what they will be when they are older. If we keep telling our kids they are different or bad, this is something that will stay with them for their entire lives. If teachers were provided the proper training in how to deal with kids that move around a lot, show frustration, refuse to do work, or talk back, then the kids who are having trouble in these areas would get the help they so deserve. Teachers need to realize these kids are kids that need to be handled a little differently as they understand things in a different manner. Sending these kids home time after time isn't helping them deal with what is frustrating them or even how to handle things. This seems to be more of a reward than a solution! Since kids that are sent home are being taught that if you act up, you can go home. Starting this process so young is gearing my child to fail once he gets older and once Marcus enters Jr High or even High School. Marcus behavior may no longer be correctable due to what started in elementary school.

Parents: Cindy and Paul Roehrich
Child: Marcus Roehrich
Child Age: 9
Address: 1304 Johns Drive, Mandan ND

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Senate Bill 2266
Senate Education Committee
February 6th, 2019

Senator Chairman Schaible and members of the Senate Education Committee. My name is Gary Highley and I am here to testify in favor of Senate Bill 2266.

Regarding the North Dakota Seclusion and restraint bill enacting a new section to chapter 15.1-19 of the North Dakota Century Code relating to the adoption of a restraint and seclusion policy by school districts.

My name is Gary Highley and I reside at 12817 Prairie Lane in Watford City, ND which is in McKenzie County. My Wife, Sara, and I have three children, 9, 11, and 13 years old in the McKenzie County School District. Our youngest son, Brandon Highley, who is now in third grade has a complex medical diagnosis that includes significant autism impairment of his ability to regulate emotions.

The significant portion of our journey began just before Memorial Day in 2018, where after a year of working through medical doctors, pediatricians, Occupational therapists, Psychiatrists and other social services we ended up at a doctor appointment in Dickinson VA. Making the long story short, Brandon was in full psychiatric crises mode and CHI Alxeius healthcare emergency room in Dickinson, ND was unable to find ANY hospital in the region that could accept our child for treatment due to complications with autism. We ended up driving him to Denver Colorado where we walked him into, he emergency room the next day and he was subsequently admitted for a six-week duration of both inpatient and outpatient services which successfully got him out of crises mode and back into a well-regulated state. We had no further real issues with him until school started in August.

Prior to school starting we requested meetings with our school system to discuss his placement, services provided, and the training of the staff regarding our son's diagnosis and requirements. It was presented to us that he would be placed in a special education classroom with up to 6 other students where he could receive his instruction and would have resources available nearby if he needed a break. We

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were also assured that he would have a qualified Para professional assigned to him at all time and would be working with a qualified special education teacher who had been trained on handling autistic children and the ABA model of instruction. We were agreeable to this scenario. In retrospect, what we received was him being placed in a “resource room” which essentially was a method to isolate him from the rest of the school population. There were other troubled students who would continually be brought into that room for short periods of time for their “break” and the room was not really setup to be a special education room. It is important to note that through the course of the next two months that the school indicated our son was leaving the classroom much less frequently than he had been previously. Only later did we learn that the reason for this is that the doors were being locked to prevent anyone from leaving the room.

Two very significant incidents we have experience this year were the third day of school, where upon Brandon becoming very frustrated with his environment he began yelling at the teachers. Despite what we had told the staff as educated parents and information we received from eh Colorado Childrens Hospital, the staff allow the situation to escalate. At the end of the day, when Sara picked Brandon up from school, we were given a report that he had a little trouble in the morning but had finished his day on a better note. Brandon was visibly upset and disturbed when he was picked up to the point that we had not seen him since before his hospitalization. It was that afternoon that my wife noted bruises on his upper arms and a large bump on his head.

We later learned from Brandon that he had been locked in a quiet room and after much further insistence from us as parents and from child protection services we learned that Brandon had been physically dragged kicking and screaming to an isolation room where he proceeded to bang his head forcibly on the door as he tried to escape. This was all on his third day of school and I can only imagine how his level of trust in the school system and his outlook on school was affected by those actions when the school staff is dragging you and forcing you into isolation only to give the parents a report that he had a tough morning and a good afternoon.

Another instance was a result of Brandon leaving the classroom (after we had addressed the issue of locked doors) and wandering the halls. At one point the staff had grabbed him and tried to forcibly get him back into a classroom. This

resulted in him fighting and running from the teachers and staff. The school proceeded to call me and when I arrived, I found him outside of the school, pinned to the ground by three police officers as the staff had allowed the situation to escalate to the point, they had to call the local police for assistance. I can't imagine how a then 8-year old must feel after being chased by school staff, restrained, getting free and then being pinned on the ground outside by three police officers in a situation that started out as him trying to remove himself from a noisy classroom and find a quiet space, which is his coping strategy.

It is my belief as the parent of a troubled autistic child and having received quite an education from the Colorado Children's hospital staff, that had the staff been properly trained Brandon would not have escalated to the point the school felt a need to restrain and isolate him in a forceable manner. We should note that given a calm quiet environment with teachers that are trained to work with autistic children, that Brandon thrives, performs above his grade level, and is generally successful. But given a staff that is not well trained they default to actions of restraint and seclusion that only serve to worsen a child's mental state and outlook on school and results in low levels of learning. I believe that putting in place a policy such as the proposed legislation would help to force the school systems to find alternatives to isolation and to address the adequate training needs for their staffs. With these statements I am asking you to consider passage of this legislation and to make funds available, particularly in our case to the Western part of the state, to properly train school staff in dealing with special needs children and creating an environment that negates the needs for restraint and isolation.

Gary and Sarah Highley

gary.highley@gmail.com

1-701-609-3603

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Senator Chairman Schaible, and members of the Senate Education Committee.

My name is Nicki Kehr and I am here to testify in favor of Senate Bill 2266.

I am the mother of a child that has Sensory Processing Disorder. My son on many occasions has suffered and has been traumatized due to a lack of policy regarding seclusion and restraint in North Dakota. He is currently 11 years old and suffers with anxiety, self-esteem issues, self-confidence and most importantly self-worth as a result of his experiences in the school system. I have felt unless you have been in my shoes or other parents shoes who have gone thru this it is hard to explain to others that having little or no policy is like handing your child over to the schools and allowing them to do whatever they choose to your child and not being held accountable when it ends up hurting your child. My son should and deserves that choice, parents deserve that choice that right to protect our children.

My son started having issues in 3rd grade at the age of 9 years old. He was diagnosed with SPD. My son was scared and vulnerable because he did not know why he would get so upset over a pair of socks or hate wearing pants. The further I dug deep into SPD I learned there is so much more on a deeper level of his disability. It's not just about the senses, there can be aggression, meltdowns to the point my child self-harms himself because neurologically his levels are so dysregulated he doesn't know what's going on in the moment of a meltdown. Think of it as a blackout. It has been misjudged many times for a temper tantrum in the school systems. I met so many parents across the United States that have the same and sometimes worse battles with SPD then what I have but the level of stress is no greater or lesser than any other family.

I remember the first time my son had a meltdown it was the beginning of 5th grade. The police were called and I left work and drove as fast as I could to get out to the Lincoln school and I walked in to see my son cornered by 3 police officers and 4 school staff. I remember yelling and asking them to all back off that the one thing you cannot do to a child with SPD is corner them. My son was facing the wall with his hands crossed over and he was crying. I had to maintain my cool knowing my son was in so much pain. The school treated him as being a bad kid and he was punished for throwing things, cutting his shirt. Without my knowledge my son was placed in a small room the size a little bit bigger than a bathroom stall the next day. I had no idea and I became very angry fast and I fought the school. My son was treated on several other occasions like he was a convict like it almost felt to my family that they wanted him to look this way because it made the school system "look better" but what they were in turn doing was harming and not providing my child with a disability a "safe environment". He lost a lot of friends for how he was looked at by his peers. Many times he was followed by at least 5 people with walkie talkies, grabbed by his arms, cornered. If he needed a break he would be followed. He would do the "fight or flight" lock himself in a bathroom stall just because he was trying to calm himself down. He would be punished for that. When I would get there he begged me to not leave him. He said they will do it when you leave. I kept him home for a week and told the Elementary Superintendent I will not send him back until someone has come into the school and observed the situation. The Special Ed Coordinator did and backed me on what I had been trying to tell the school for over two years.

I filed a formal complaint and once the HR director investigated she met me many times and all she could do is cry and apologize and thank me for fighting so hard for my son because me coming forward made the Special Education Department aware that there is a huge gap for his disability and there is a lot of education that needs to be had and that they were not providing a safe place for my child instead punishing him and causing the escalation. Having a disability he doesn't have any control of? I appreciated that from her and the Special Ed coordinator.

Fast forward to Wachter he was doing great I felt confident because his aide was with him that I fought so hard to come with us. I felt with her there he would feel calmer and be more confident. I had issues with the case manager not willing to really learn my son, I kept pushing it and she just would say "new school new beginning". I felt when I got that response from her she thought she could do what she wanted. On October 25 it is so far been the most traumatizing I got a call that he was escalated and wasn't responding. I immediately left work and said please give him his space I am on my way. I drove from North Bismarck to Wachter. I remember just shaking and starting to cry and praying that my son is okay. I felt some relief knowing his aide I fought so hard to come to Wachter was with him, but she wasn't. She was kept away. I remember seeing my son put in the "quiet room", he had made himself throw up that was his way of screaming "I need help" "I need support". Instead later after my own investigation one of the case managers made the statement that my son's behaviors didn't warrant him getting a hug, getting anything. Once again the schools got it wrong. They treated his Sensory Meltdown as him just throwing a tantrum. He got no sort of support based on the statements of the two case managers. He didn't deserve it and the one person he needed they kept away from him. A school resource officer was called to assist with getting my son to my car. All the sudden 3 more police squad cars show up and they handcuff my son in back. I cried and told them to remove the handcuffs. He is an 11 year old child. He is my child. He is a child with a disability what right do they have to treat my son like a criminal. Their explanation is "we want him to calm down" and to a mother that knows and understands his disability you handcuffing my child behind his back will only make it a lot worse because he feels tied down he has lost any freedom he had to calm himself down. He feels the biggest sense of powerlessness and panic and anxiety. Once again the school system and the police did nothing but hurt my child more and traumatize him. Along with the school seeing this happen and still deal with rumors of "being arrested". And all I ask is why?? We went to the ER and after 2 hours of being poked and prodded my son finally was regulated and came out of his crisis meltdown and he cried for an hour straight because of all that happened to him. When your son asks you why did they have to hurt me like that why did they have to make me feel like I was a felon all because I have a disability I can't control. His wrists were all cut up. As a mother and the one that is to protect your child, I failed my son. I called the school and asked for a full report of start to finish of that day. It is now Feb 5th and I

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have yet to get anything, but what I did get is a traumatized child who is terrified to go back to school and fear that this will happen again. I promised him I will never let that ever happen to him again.

Why the school is not held accountable for their actions? Why is there no record of anything happening? Why is there not an immediate 3rd party coming in and investigating the incident? I ask sometimes too many questions because I have learned my rights and I have learned as my son's protector they won't stop me from fighting for my son's safety and health. I dealt with lies in trying to find out what occurred that day with my son. The school was caught in them lies but again no consequences. In fact the only one that suffered in the end was once again my child.

The seclusion and restraint has been proven in my son's experience to escalate my child's disability and traumatize him. As a result of that as a mother I have lost all faith because I have lived many sleepless nights worrying about my child and knowing he has to have his education. It's a battle you fight with over and over in your head. And the one feeling you feel is "my child isn't safe" like this.

One thing I have learned thru all of this is there needs to be better education and trainings. There are safer more effective practices on how schools can help students in cases of a crisis meltdown or extreme anxiety. Practices that parents feel safe with, and more suitable for children. I myself thru my sons IEP process has made it mandatory they understand my son and his disability. But along with that I shouldn't have to spell everything out that will NOT be done to my child like what the schools had done to my child which in return is why he now has high anxiety and fear. I feel that it's always a battle and this is not how a parent should feel. Because of the restraints and the seclusion done to my son he trusts no one. He doesn't feel safe. And he is scared. These are years he should have been able to just be a child he has lost that.

My son has the biggest heart you will ever find. He is that kid that will find the child sitting all alone and friend him. We cry and we talk about all he has gone thru during the last 2 years and that he should have just been able to be a child. A disability shouldn't have to define you, but to just be understood. My son is my HERO. My son has gone thru things he should never have had to go thru as a child.

Chairman Schaible and members I want to say thank you for allowing me the chance to share my story with you. If you have any questions I would be more than happy to answer.

Nicki Kehr (701) 989-1353.

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A#12
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Mr. Chairman, and Members of the committee,

My name is Beth Nodland, I would like to testify as a parent on behalf of Senate Bill 2266.

We have a son who is 10 years old, in 4th Grade in a Bismarck neighborhood elementary school. He has Down syndrome, is non-verbal, and is getting closer to being potty trained. He has also been diagnosed with Oppositional Defiant Disorder (ODD), and he loves books and animals. He is a funny jokester and he is better at video games than a lot of us will ever be.

For two years he attended Bismarck's Early Childhood Education Program and did very well with all the supports, however, once he got to Kindergarten, with fewer supports, things fell apart. At the start of first grade, he was in trouble. But his dad and I didn't know this, until one morning when I stopped by the school and a stranger rushed up to me in the school yard to ask if I could share ideas about how to control him. First, I asked who she was, (a substitute aide,) and then what was going on. She explained that five adults had been in a bathroom stall with my son, but they couldn't make him comply. You might ask: what were five adults doing in a boys' bathroom stall hovering over a six-year-old? Stripping him down? Holding him down? Holding him on the toilet, on the floor? Forcefully cleaning his privates? I understand they were trying to assist him, but how would **you** respond if five much larger adults forced you into a bathroom stall, stripped you, held you on the toilet, and cleaned you up?

His dad and I immediately called for a meeting with the school district's Special Education leadership. What we discovered, together, was that our son was spending a great deal of time every day in a "time out" room. In our school it was an emptied-out storage closet, cleaned up, with no furniture or window. Nothing, just carpet. For hours. We objected. In response, we worked for months with the district's Special Ed staff, the school staff, some outside behavioral consultants, and our community's family advocates to devise a plan and gather information. From the initial data, we discovered his triggers, and that he was engaged in the classroom for less than 10% of any school day, much of this time was in refusals. Our little six-year-old "perpetrator" was disruptive, he was inappropriate, he was sometimes aggressive, and he was "non-compliant." He was also a six-year-old isolated in a fixed-up storage closet for hours, and sometimes physically handled by five adults in the bathroom, and at other times when he was defiant. That's not right.

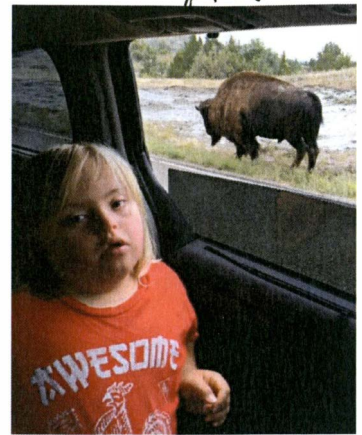
No one understood the extent of the problem, so we pushed to gather more data to create a plan, to tweak it, to train staff, and to give him the supports he needs. Within weeks of implementing the plan, because we measured carefully, we knew he had become engaged in the classroom 50% of the time, then 80%, then 90%, then 95%. (What 1st grader is engaged 95% of the time?) It held there, and it still holds. As we all learned, he learned, and we were able to back off the supports. Now, three years later, he still maintains at 90-95% engagement. He has begun to participate in gym again, and in music.

But of course, as a little "perpetrator" he is still occasionally disruptive and non-appropriate. Yesterday, unfortunately, he had a personal accident in the classroom. He got embarrassed and didn't want to get up and walk out. He wouldn't comply and threw his shoes - not at anyone or anything. But then, because staff knew what to do, it didn't escalate. With their support, he calmed himself, got himself changed, and was able to keep learning in the classroom for the rest of the day with his classmates. That's how it should be.

It happened that way because the school was able to get the resources they needed to study the problem, to gather data, figure out solutions, and implement them. With information, you can get at solutions. He's not been in the seclusion room since, and he's in the bathroom stall by himself.

I ask you to support this bill and please give the children, the schools, and the parents the resources we all need to figure out these problems and to succeed. I'd be glad to answer any questions. Thank you.

Beth Nodland, Bismarck, 701-527-7022, b.nodland@juniperenvironmental.com



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Mr. Chairman and members of the committee:

I am writing this testimony in support of SB 2266 as this topic is a very emotional topic for me and my family. My son, Brennen, is currently a 4th grader in one of the structured learning communities in a West Fargo Public School. He was diagnosed with Autism Spectrum Disorder and ADHD by the age of 7. Because of his disability school has not been easy for him as he struggles to maintain his emotional regulation and will act out.

Two years ago, my son was restrained and then secluded in a padded room while an administrator at the school held the door shut so he could not get out. Brennen was crying when he left the school and shared this information with my daycare lady who immediately informed me. I checked my email and his teacher stated that Brennen was transported back to the classroom's time out space and stayed there until he was calm for approximately 30 minutes. The email did not mention that he was put in a hold and it did not mention that they held the door shut for those 30 minutes. I had expressed in his IEP that I did not want him put in "calm down room." I thought that was enough and that they would follow my wishes. I had no idea that this was happening. Unfortunately that was not the first time that had happened to Brennen. That was just the first time I had heard of it.

The next day Brennen's Case Manager informed me that when he was locked in the room he started saying that he wanted to kill himself. My seven year old had never ever said those words before this incident. My biggest concern was the fact that they did not inform me of this until the next day. That was something I needed to know immediately so I could either get him

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assessed or keep a close eye on him. Because of this incident Brennen's psychiatrist and I agreed that we would take him out of school until school personnel and I could meet to discuss what we needed to see for Brennen to feel safe at school again. Because of the trauma, Brennen started sleeping with the lights on, refusing to be alone in a room, and was very anxious and fearful about going back to school.

While the school did everything they could to rectify the situation including removing the door to that room, my fear is other schools would not be so quick to say that they made a mistake. Teachers are human and working with kids with special needs can be quite stressful. This can happen to any child, from what my son told me locking kids in that room was a daily occurrence. He was so proud that I was able to get the door taken off so that "they can't hurt my friends anymore." Luckily the school's failure to report the incident to me didn't result in tragedy and my son is thriving in school with the right supports. My hope is that it doesn't take something worse to happen to get legislation for this bill passed. Parents need to know if these things are happening to their children. This is why I support SB 2266.

Sincerely

Lindsay Schuh

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Senate Education Committee**Senate Bill 2266**

Honorable Donald Schaible
February 6th, 2019

Mr. Chairman and members of the committee: On Thursday, November 1st, I received a call from my son's case manager around 3:50pm. She stated that my son had been in the reset room and had hit his head on the door. He had a goose egg and the nurse had checked him for a concussion, if we saw any signs of concussion and wanted to take him to the doctor to let her know.

I was shocked when I picked my son up from daycare, his injury was much worse than I expected from hitting his head one time on a door. *See attached picture*

His daily sheet reported that he was hitting his head on the door. This seemed to imply multiple hits, which lined up with the contusion on his head.

On Friday I spoke with the case manager and elementary school principal. I let them both know I was quite upset and that what I was told and what was written on his daily sheet were different. The principal told me that the case manager had told her that my son had hit his head twice on the door frame. She said she would look into it and get back to me. She did not talk to me again until Monday, when she had a different account about what happened.

On Monday I dropped my son off at school and told his case manager that my son was not to be put in the reset room until a camera had been installed. Which I know would not be done right away, there would be multiple steps involved to get a camera approved and installed. I also stated that I did not want my son with the para until we had an emergency team meeting to find out what really happened to my son and work to resolve the issue. If that would be a problem to let me or my husband know and we would pick him up early that day.

My husband received a call at 12:15 that day stating that our son would remain with the same para. Due to the issue of our son's safety I picked him up right away on Monday, and picked him up at noon on Tuesday. I continued to pick him up early from school for the next two weeks. It was not until I contacted the school board and set a meeting with the superintendent that plans for a different para were made for my son.

My son had been put in the reset room repeatedly as a punishment for swearing at his para. The para was not in the room with him and the door was shut. I do not feel that my child is safe with this para, and it makes me question how safe he is with almost every other para at the school. This para is still working at the school, although with another child, there were no consequences for her neglect of my child that resulted in his injury. There has been no training to prepare these staff members for working with children that have disabilities or behaviors.

I support SB 2266 to protect children like my son from neglect and harm. The staff that work with these children need to have special training to be able to cope with the needs and behaviors of special needs children.

Respectfully,
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Senate Education Committee

Senate Bill 2266

Honorable Donald Schaible

February 6th, 2019

Chair Schaible and members of the Senate Education Committee,

"I can't go back to school. I don't feel safe at school. I'm not afraid of the kids, I'm afraid of losing control. The teachers and staff don't know how to help me stay calm. They make me angry when I am controlling my rage, then I lose that control. Then I get in trouble and you or dad have to leave work and lose money and I get in trouble at home too."

This is what my son told me after his first full blown panic attack. It was the morning of his first day at his new WFPS school. We changed schools on the unanimous recommendation of his 2 advocates after my son was traumatized by use of unwarranted mechanical restraint and occasional physical restraint methods in the 2017-2018 school year. We were advised that my son was being triggered by staff nearly 50% of the time and was developing more maladaptive behaviors as a result. The following was the pivotal traumatic incident that led us to this point.

In November 2017, a para observed friendly finger poking among a small group of students messing around during music class. The students were directed to stop by the para. My son took 2 prompts more than the other students before he stopped. He did stop and there was no escalation or aggression among peers, they were just having fun.

Per my son's IEP, the undesired activity was noted on his daily point sheet and addressed at his end of day check-out with his case manager. The Special Ed case manager began the conversation by referring to an "incident" in music and referencing "a physical behavior" as well as stating this could be seen as "unsafe behavior". These are trigger words for my son and he became mildly dysregulated by the belief that he was now in big trouble for an uneventful social interaction he had enjoyed. He felt he had been included in a successful, positive peer interaction, (an area where my son struggles). I am aware that this is not an uncommon interaction among his peers, in spite of the "hands to self" rule. Upset by this, he pounded a fist on a table and turned his body away from the teacher to calm, using one of his taught strategies. Instead of allowing him time to calm, praising use of a tool and connecting before redirecting, the case manager advised since he was upset he could go home and they could meet to discuss it in the morning.

Such things are to be processed at end of day per his IEP due to slow emotional processing. That way, he can go home to calm and process after the correction. My son agreed to meet in the morning to review his point sheet, but stated there was "nothing to discuss about music because nothing happened."

By morning, the issue had been escalated to include the principal and I was summoned at drop off to join them. Again, this was mutual playful finger poking that did not escalate. The case manager began as before, using the trigger language stated above. My son stated in response, through gritted teeth but calmly, that "nothing happened". The principal then asked if he had been upset or angry when it happened. The case manager spoke up that they didn't think that. My son responded anyway with "No, we were just messing around, having fun. Nothing happened, duh!" Minutes of silence followed after which my son stood and walked to the door. I asked where he was going and in a calm voice, he said "to class, we're done here. This is stupid."

The principal stated, "See, this is what we are dealing with! We need to call him back down and hold him

accountable." The Case Manager said "Yeah. He still owes me that check out time, too." His check out time was 10 minutes and this had taken 30 minutes. I replied with a question. "Maybe you clarified with him before I joined you, but what did you need from him just now?" I was told "He needed to listen and say OK." I was familiar with the WFPS mantra of "listen, say OK and do it right away". Yet, he had listened and answered the question when asked. He had waited and left calmly. This issue was not addressed with the other students involved. There was no escalated incident or aggressive behavior. The rule "hands to self" should have simply been reviewed and the matter dropped.

I had to go to work and asked if they could just discuss the disrespect at his next check-in an hour later. The case manager replied "if he even comes to his check-in now". I mused silently but incredulously over why he might possibly not want to attend these check-ins. I reminded them his team was meeting the next day and could discuss it then and I rushed to work.

After I left, my son was told by the Student Teacher that I was in the office and he needed to come down. He knew I was at work so he refused, assuming this was still regarding the peer interaction, trying to stay calm and get through his day. Then the SRO was called and the classroom teacher was advised to take the class to the library and bring books as they needed to separate my son. Seeing the SRO, principal and case manager, my son attempted to stay with his class and go to the library. The staff blocked his way with their bodies. (If my son blocked others with his body that would be considered physical aggression, just for the record.) This was now in the presence of his peers.

He tried to push his way by the adults and was then placed in a hold against the wall. He continued to struggle and a soft lockdown was called for the whole school. (His peers correctly assumed it was about my son, adding to his social challenges.) He was then restrained on the floor with a knee in his back. My son then bit the SRO's wrist in full fight or flight mode as he tried to get away. He was carried, feet dragging, or transported to the OT room which is supposed to be his safe space for breaks to calm. There is a door with a window and per his plan, the protocol is to leave him in the room and allow him to calm with all focus on de-escalation. The SRO did not leave the room. My son screamed for him to leave, get out, go away, let him be, leave him alone... Failing that, he began throwing objects at the SRO.

My son's father arrived to this and knew nothing of the situation. The officer asked "cuff him?" and his father replied with uncertainty, "yes?" out of deference to authority. (This has damaged the relationship between my son and his father as well.) My son was then handcuffed, hands behind his back, face down on the floor in his safe space, sobbing until he threw up foam. No one has been able to tell me how long that lasted and no restraint form was filled out. These reports are not required when the SRO restrains a child. Mechanical restraints are not allowed for school staff, but are allowed for SROs. The SRO is neither expected nor required to uphold the IEP. No imminent danger existed. This was nowhere near the least toxic response. The SRO could and should have left the room and closed the door. There is a window in the door allowing for observation. My son has no history of self harm.

After this incident, anxiety became very notable. Fight or flight became a more rapid default response. He was ultimately placed in a self contained classroom (SLC) for only 4 hours per day with only 4 other students of various grades at the new school. He had a separate room from his peers with a door like a small office. He was not receiving academic instruction and only worked in his math workbook independently without instruction and on the Odysseyware program on a computer. He is 97-99th percentile academically but he completely shut down at school. "What's the point anyway, I don't get to meet other kids, make friends, go to lunch, recess or gym. We almost never leave the room!" This was not an appropriate or engaging learning environment for my son. We finished the school year working from home. He has lost his love for learning. My

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son is 11 now and I am homeschooling him for a healing break, with the hope that he will eventually return to public school.

Please inform yourselves and those who work with our children in this way about the detrimental effects of physical restraint, seclusion and taking away lunch and recess. Please learn and teach those adults about the science of brain neuroplasticity and what negative impact fear and punishment or "poking the lizard", (engaging the primitive or reptilian brain of a child during an emotional outburst) have on developing brains. I highly recommend Dr. Ross Greene and his CPS method or Dr. Daniel Siegel, No Drama Discipline. Either of these strategies can be, and in some places already are, readily utilized with children like mine in school.

Thank you for hearing our story.

Respectfully,
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Dear Mr. Chairman and members of the committee,

My name is Ashley Olson and I reside at 14883 Fork St. Wheatland, ND 58079 along with my husband Nate and our 3 children Morgan 16, Drasyn 8, and Aspyn 5. I have come here today to give my testimony as to why I am for the proposed bill Restraint and Seclusion Policy SB 2266.

School started on August 30, 2018. He really enjoyed going to school. We held his IEP just over a week later on September 9th. At the meeting it was addressed that Drasyn goes to the resource room to reset himself when he gets upset or frustrated. A timer is placed near him for 5 minutes each time and when the timer goes off he can get up and go back to class or he can choose to have more time.

On October 1st I received a call from the Principle stating that Drasyn had hit a girl on the playground and that he was really struggling during his afternoon recess. She told me that she decided that Drasyn would no longer be allowed to go outside for afternoon recess and they would find something for him to do indoors. The following day Drasyn started recess inside and began going to the sensory gym.

On October 25, 2018 our 8 yr old son Drasyn who is verbal, Bipolar, and has high functioning autism informed his in-home behavioral support staff that, "he just doesn't like it when they hurt me and grab my arms at school!" Staff gave Nate and I the name of the Para Drasyn had mentioned and encouraged us to look into the allegations. I called Drasyn's 2nd grade teacher and asked if she had ever witnessed anyone (specifically this Para) grabbing or pulling on Drasyn's wrists or arms. She said she hadn't seen anyone doing this to him but mentioned he was really having a hard time in class the last few days. She went on to tell me that 2 days prior her and another Para had to do an arm and arm transport to the Resource room and after arrival she had to put her arms over his arms and give him a hug. I couldn't believe what I was hearing since I had never had a phone call or email explaining behavior that would require that kind of intervention. After talking with my husband about it, I decided to send her a message the following morning. I explained that I would be sending an email to the special Ed teacher and the principle informing them that I would like to be notified if anyone has to place their hands on Drasyn and some detail as to why he needed a "hug" or to be escorted to the resource room. I went on to explain that if I was more informed I could have discussions at home with Drasyn on what is acceptable and unacceptable on both his and the staffs part. Later that afternoon I received Drasyn's daily report. It stated he struggled in ELA. It escalated to where she called the resource room to have someone come and get him. She said in the message, "if Drasyn is becoming upset in the classroom or won't do what he is supposed to be doing and wants to keep getting my attention, I will call the resource room for help and have someone come get him". She also provided me with some detail as to why she felt Drasyn needed a "hug" a few days prior. "He was hitting and swinging his arms at the Para and when we got into the resource room I could tell by the look on his face that he needed a "hug", that's when I hugged him and told him it's ok and we talked about being angry." I would have never known any of this information if Drasyn had never mentioned it to his staff. Where was the documentation of the hold? Where was the documentation of the arm and arm transport? I never received any notification at all. The small documentation I receive says something like this, "became upset and worked in resource room, he reset and came back to class". I see these comments on a daily basis if not multiple times in the same day, yet there is never any detail provided on the events. I had so many unanswered questions like; If they call because he isn't doing what he is suppose to be doing and wanting the teachers attention, does the para coming to get him scold him, or do they realize he may need extra assistance or may be over stimulated. What does it look like when someone comes to get him? Is he angry because he knows someone is coming? Does he go willingly? Does he hit the para or refuse to go? If he refuses is this when they are pulling on his arms like he had stated?

On October 30th, 5 days after Drasyn's initial complaint to his support staff, I picked Drasyn up from school for an appointment. I asked him how his day went and he immediately flipped out. He said the "reset room" makes people cry and that he's never going in there ever again. I pushed for more answers and that's when he told me several names of other children that have to go in the reset room. I finally understood that we were not talking about the same room. Eventually I had a drawing on a piece of paper sitting in front of me with every detail of a door with a curtain over the small window, the door knob shape and color, if the door locks, how big the room

was, and what was usually inside, which was a beanbag and sometimes a weighted blanket. THIS was where Drasyn goes to reset, NOT the "RESOURCE room" like we were led to believe during his IEP meeting back in September. The reset room was a small room within the resource room. Our son had been occupying this small reset room up to 3 times a day for almost 2 months! On that particular day of October 30th was a day Drasyn went to the reset room 3 times. He told me every detail as to which Paras were in the resource room when his teacher dropped him off, which students were in the room and what everyone was doing. He said he walked into the room and started walking directly to the reset room. A para was standing there holding onto the door waiting for him to enter, and as he walked past her she gave him a push on the back and shut the door. She then pulled the curtain over the window and held the door closed. On all 3 occasions it was the same para that held the door, on all 3 occasions a timer was never set. Drasyn told me that he was in the reset room for about 20 minutes. I called Drasyn's teacher and asked questions. She said she stopped at the door when she dropped him off so she doesn't know what happens after that. I asked how long Drasyn was gone before he returned to her room. She said she wasn't sure about all 3 times but she did know he was gone at least 15 minutes the 3rd time not quite 30 minutes. She said Drasyn had hit her pretty hard and she needed a break and to let her know 15 min PRIOR to sending him back. So that proved that Drasyn was correct about how long he spent in there. I sent his teacher a message asking if it was safe to say that Drasyn has to go to the reset room once each day. Her response was, "at least one time per day". I felt sick. This room was not being used for the child's own safety or the safety of others; it was being used as punishment and a form of discipline. It's an easy fix, a temporary solution. At this point my trust was broken, I felt so betrayed. We didn't feel comfortable sending Drasyn to school nor felt it was fair to him to be treated this way. Being so upset and not knowing what to do, we kept Drasyn home the next Day. After much thought and an email sent to Drasyn's teacher, the special Ed director, and the principle, we chose to send Drasyn back the following Day, November 1st. My email expressed that Drasyn is to stay out of the resource room due to his extreme anger revolving around that room and that we DO NOT give consent for Drasyn to utilize the reset room. I also requested very detailed documentation and explanation for his day. Each day I had a very in-depth report from the principle of how Drasyn's day went. They weren't going well, Drasyn was angry and they weren't allowed to place him in the reset room. They didn't know what to do now, the piece of control they once had was now gone. 5 days later on November 6th I got a call at work from the principle explaining that I needed to come to the school and pick Drasyn up because they could no longer have him there. I went to pick him up and that's when she asked me to sit down and visit for a minute. She looked at me and said Drasyn cannot be at school with the behaviors he is displaying and until they can figure out a way to better handle them, he cannot be there. She said she needs to keep the other students safe along with her staff and school is not the place for Drasyn to be right now. She also mentioned that the next day the students would be going to a play at MSUM and felt it wasn't a good choice for Drasyn to attend. She also mentioned that she didn't think there would be a para available to accompany him anyways. I had very little to say other than, "How do we build a multimillion dollar school, have a reset room built into the construction and not have a policy and procedure in place?" "If I don't hold the door shut on my child at home, why would you guys think it would be ok to do here at school?" The response was, "I don't know."

I was never given any options as to when Drasyn could go back to school or what happens next, it was left open ended. The next day while at home with I got in touch with our regional special Ed coordinator John Porter. He was aware of the situation.

On November 9th we were able to have an emergency meeting to start a behavior plan so that Drasyn could go back to school. They claim they never kicked him out of school, yet I was told I couldn't bring him back. At the meeting we implemented many changes including data collection for a FBA. To be honest, if my child was utilizing the reset room on a daily basis, a FBA should have been put in place at the onset of use of the room. But when you are kept in the dark and are unaware, you can't fix it if you don't know it's broken.

This horrible experience has affected our entire family. Drasyn would stand in the hallway outside the bathroom and pee his pants because he was afraid to walk into the dark bathroom to flip the light on. He will no longer sleep without night lights on. We could not close any doors even if he was taking a bath or using the bathroom. He was terrified to be alone, I'd have to sit on his bed in the morning while he dressed because I couldn't walk out of the room, same thing while he was brushing his teeth. He will now wander around the house but not

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without one of the dogs with him. Our youngest Aspyr started mimicking Drasyn's behaviors to try to get more attention. Our oldest Morgan started to become jealous and resentful because Drasyn in one way or another was taking up all of our time. My husband and I are trying to let go of the resentment and little by little trying to trust our school system again. Relationships are built and based on trust, and we are placing our most precious gift in our education systems possession.

I hope we have your support for the proposed bill Restraint and Seclusion SB 2266. Every parent should be informed of what is happening within their children's school, especially when it affects their child's education and their future. Thank you

Respectfully,
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**Testimony
Senate Bill 2266
Senate Education Committee
Donald Schaible, Chairman
February 6, 2019**

Chairman Schaible, members of the Senate Education Committee, I am Heather Simonich, Operations Director of PATH of Nexus. PATH of Nexus provides child welfare and behavioral health services from nine offices throughout North Dakota. We are here today to testify in support of SB2266, relating to the adoption of a restraint and seclusion policy by school districts, the prohibition of seclusion, the collection of data, and the reporting of incidents of restraint and seclusion; and to provide an appropriation to the Department of Public Instruction to assure adequate training.

In the 2015-2017 biennium, PATH partnered with the Mid-Dakota Education Cooperative and the Department of Public Instruction to develop and disseminate a professional development curriculum for educators on trauma-sensitive schools. This 6-hour curriculum provided education regarding the impact of childhood trauma, how it manifests in the school setting, and practical strategies for educators to support the behavioral health needs of their students. To date, training has been provided to over 7,000 ND education professionals representing 82 school districts.

In this curriculum, we emphasize the need for all students to feel safe and supported at school. We tease out the difference between physical and psychological safety and help educators understand that what helps them feel safe is often different from what helps their students feel safe. We teach them that it is our innate biological stress response system that actually backfires on children when it is activated too often or for profound periods during childhood. This hyper-aroused or overactive "fight or flight" system ultimately derails healthy brain development in our children. We also encourage administrators to review current practices and policies through their "trauma lenses" and urge them to make changes where there is

policy/practice that contradicts this new learning. SB2266 is one example of courageous policy change that reflects our increased understanding of how childhood trauma and adversity affect the developing child and their ability to function well in school. The research is clear that seclusion and restraint are not effective in changing behavior. Strategies that are far more effective include the adoption and implementation of consistent social emotional learning curriculum in our schools, lower student-teacher ratios, increased efforts to support and engage families, and the integration of more behavioral health services in our schools for children and families.

The response from our relentless and deeply caring educators to this trauma-sensitive school curriculum has been overwhelmingly positive. They are ready and willing for a different way. However, as we move to reduce seclusion and restraint we must not overlook the need for alternative strategies. Many of our school administrators are urgently seeking creative partnerships to increase access to high-quality services and supports for students and their families that will ultimately help prevent the need for seclusion and restraint.

Adopting SB 2266 to ensure that every student in every school in North Dakota is safe and protected from being unnecessarily or inappropriately restrained or secluded is a critical step towards increasing the resilience of our most vulnerable children and we urge your support.

Thank you for the opportunity to testify before your committee today. I am happy to answer any questions you may have.

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Testimony
Senate Bill 2266
February 6th, 2019

Senator Chairman Schaible and members of the Senate Education Committee:

My name is Jim Skjod and I am the very proud parent of a 14 year old special needs son with Autism. This is not the most comfortable environment I've ever been in, here testifying in front of legislature concerning a measure, I'm not a public speaker nor does my job demand that I give presentations in front of crowds. I'm here on behalf and in support of our son, our family and the many families throughout our great state that have been impacted by seclusion and restraint in our public schools. Due to my experiences I feel I owe my family as well as families across our state who are in the midst of a similar journey to ours. Many of these families that go unheard or unseen due to taking alternative measures to educate their young ones vs risking their child's exposure to seclusion and restraint as seen in our public schools.

With that, I guess the least important reason I'm here on a personal level is the guilt I harbor while on the daily routine task most parents take in dropping our son off at a public school. Yes, that's right. Now you may be asking yourself why I carry this guilt. So parenting is a tough and sometime scary job, right. Many tough decisions need to be made to raise our children in the best manner we know how. For me the scariest decision I've made over our son's academic years is whether or not to drop him off at our public school. Astonishingly to me it turns out the hardest decisions I've made are not if I should allow him to be at the park alone, drop him off at a friends house for an overnight or let him ride his bike to the zoo, but rather each morning's feeling of fear I've had for his safety at our public school once he leaves my vehicle. By simply dropping him off what am I exposing him to. Could I do more, could I be a better advocate for my son, what ways can I prevent this sort of treatment are all thoughts of guilt that resonate throughout my day as I worry about getting "the call".

You see, being I have been in the closest proximity to our son's schools over his academic career I have usually been the first family member to get "the call" from the school. Fortunately my place of employment is quite flexible, being I can safely say over the last 9 years I have received "the call" in the neighborhood of 50 times. Therefore, I have first hand knowledge and have witnessed what sort of seclusion and restraint practices that have been used on our son. And due to an absence of policy in reporting seclusion and restraint, these would be the only ones to this day I am actually aware of. Over his 9 years in our public school system, I have come upon situations to where our son has been held and laid upon by school staff, put into a full body arm and leg locks until he bruised, bleeding and scratched. Along with this he has been forced into seclusion rooms, rooms no larger than a walk in closet with a plexiglass window. School administrators have been quoted as "not having seclusion rooms, but "quiet areas" that are used for education and small group instruction," but I have witnessed seclusion rooms in these same schools that are absent of books, desks or any classmates to have these "small group discussions" in. These are rather 4 walls, a plexiglass window and a door, many of the time being held shut when I have arrived. Now if I would parent our son using these very

same methods of placing him in a closet and holding the door closed or tackling him to the ground in a wrestling hold this surely would warrant a call from social services.

You see, for those of you who aren't familiar with Autistic children, most have a tendency to wander and would rather roam than be secluded to one area or be confined. So common sense would tell us the least beneficial location a person with special needs should be confined to would be these glorified closets or held in a constraint on the ground. In fact a small confined area or being in a hold by an adult does quite the contrary in actually escalating the anxiety of an autistic child.

On social media as I read stories of seclusion and restraint, one word is commonly used to describe these techniques, "barbaric". Many parents who in hearing of these techniques often comment that they had no idea this sort of thing was going on in public schools.

In our case we have reached out to every resource and advocacy group we know of in the state to assist in our desire to provide a public education for our young man. If the current scenario doesn't work out we have two options: 1.) Either myself or my wife quits his/her job and home schools. 2.) We move out of state. And in being a 52 year resident of North Dakota this would break my heart, to leave the city and state I love so much. But in order to protect my son from the use of seclusion and restraint as well as avoid the lack of standards and documentation regarding it, the only option we may have left is to leave.

Thankfully our son is in a good place, mainly due to his diligent hard work and in finding educators that are open to flexibility in a public school environment. School administrators and teachers aren't in a cookie cutter profession, if you've met one Autistic child you've met one Autistic child. Being open to utilizing progressive methods and common sense techniques furthers the chances of success vs putting our sons or daughters in these glorified closets or wrestling holds subjecting them to both physical and psychological damage. After all, these are not rehabilitation facilities, these are not jails where confinement might be a necessity, these are public schools where parents and kids have one expectation, to provide our children a safe environment to receive proper public education.

The least of a parent's fears should be the unknown of what our special needs children are being exposed to in a public school. North Dakota is one of only four states in the nation without regulations in place. Forty six states have mandatory public school seclusion and restraint regulations aimed at what has been deemed by many as unacceptable "barbaric" seclusion and restraint practices. Please pass this bill and make it unacceptable in our great state as well.

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Senate Education Committee

Senate Bill 2266

Honorable Donald Schaible
February 6th, 2019

Mr. Chairman and members of the committee:

My name is Stephanie Orr and I am speaking in favor of Senate Bill 2266. I have an 8-year-old son named Brevin and he attends 2nd grade at Northridge Elementary in Bismarck. Brevin was diagnosed in 2013 with Pediatric Acute-Onset Neuropsychiatric Syndrome, or PANS. He has a faulty immune system that causes swelling on the brain. Some of the many symptoms of PANS include OCD, anxiety, rage, defiance, and vocal or physical tics. These are symptoms that he cannot control any more than you or I could control a cough when we have a cold. Sometimes it gets better, sometimes it gets worse; you can try to suppress it with various medications, but it's still there. He has extreme difficulty transitioning from one activity to the next and changes in schedule or unexpected events can cause very serious meltdowns. These episodes can include self-harm, throwing chairs and other objects, kicking, punching, and/or running away. He is secluded and/or restrained in school, on average, about once per week. I want to be clear that seclusion, in my son's case, is a "time out" as defined by this bill.

As a parent, sending your child to school on the first day of Kindergarten always stirs up some nerves. When your child has special healthcare needs or a disability, those nerves are amplified tenfold because of the uncertainties surrounding how your child will be cared for. We are in what most would consider a "unique" and "lucky" situation in this state. Our school is wonderful regarding their seclusion and restraint policies. It's unsettling for me to think that not everyone has these same experiences. Seclusion and restraint are not easy topics and there certainly have been times when it has been traumatic to a degree for our family. It isn't a perfect system; however, I believe that a well-formulated plan is in place at Northridge and we are comfortable with it.

My wish for this legislation is to see our situation become the norm rather than the exception. This bill is important so that every child in this state can have a positive and safe experience in school. We will never be able to completely rid schools of seclusion and restraint because there are cases, such as Brevin's, where it is necessary for safety reasons. However, we can work to ensure that it is done responsibly to avoid the stress and trauma that is being seen by so many students, parents and school staff.

My son has an IEP, a Behavior Plan and a Crisis Prevention Plan – all of which are reviewed and updated on a regular basis to accommodate the way he grows and changes, and as we find things that work or do not work. It is incredibly helpful for the school staff and parents to build a relationship and keep lines open and honest to determine what is best for the child. We hold meetings on a regular basis with the school staff and sometimes, in the case of a major incident, the meetings are held more urgently.

Transparency is also vital when it comes to seclusion and restraint policies. It is important that seclusion is never used as a form of punishment. It is only used to keep my son and those around him safe and to encourage him to calm down. If my son is taken to an alternate space, called the "calming room" at our school, the staff must notify me or my husband if he is still in there after 15 minutes. He is also never left alone in the room. Staff may stand outside the door if he is being physically aggressive, but he is never left unattended. If he is restrained in any other way or he was in the alternate space for less than 15 minutes, staff must notify me as soon as possible but before the end of the day. His case manager discusses with me the details of what happened and what the trigger was so that we can determine if there might be a way to learn and improve on a process to avoid a similar situation in the future. Any seclusion or restraint incidents are also documented in a log and we receive a copy of that log at the end of each week.

The last and possibly most important thing I'd like to address is the issue of accountability. There are two specific items that give me comfort, as a parent, that the school is taking these policies seriously and demonstrating accountability. One is the fact that Northridge has several staff members that are trained in CPI techniques. CPI stands for Crisis Prevention Institute. According to their website, they are "an international training organization that specializes in the

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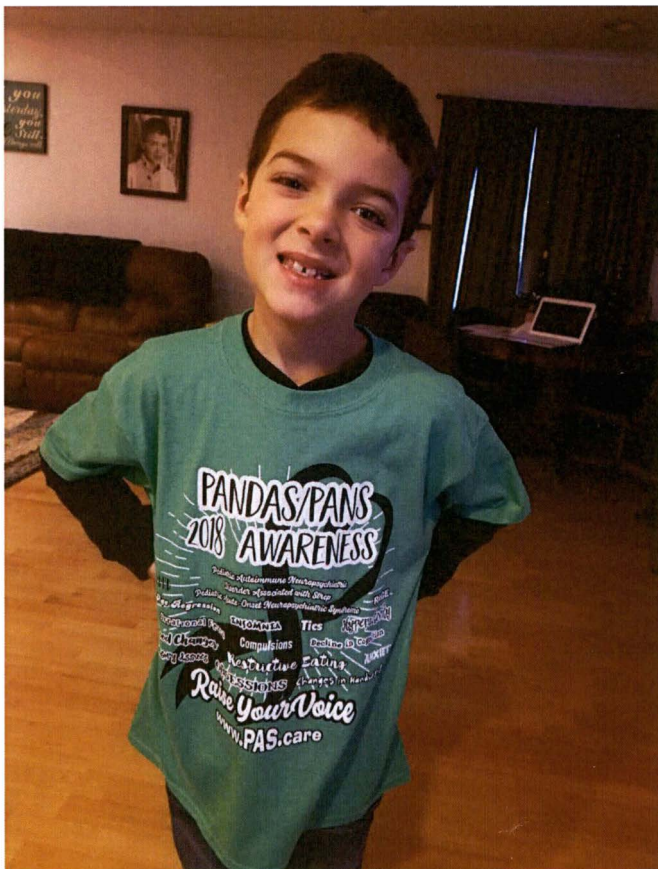
safe management of disruptive and assaultive behavior.” If my son needs to be escorted or restrained in any way, the CPI team is called. No one else is allowed to physically restrain or move my son unless it is an emergency. The second element that demonstrates accountability is reporting to the district. Northridge reports all instances of restraint and/or seclusion to the district. Staff members fill out an electronic form. That form goes to the principal and then it is sent to district administration. All instances at Northridge are discussed at a specialist team meeting once per month. In the meeting, they look for patterns and discuss what additional supports are needed for the students and the staff. This legislation would help hold all schools accountable in a similar way by requiring training in safe and effective use of physical restraints and reporting of all instances of seclusion and/or restraint.

I can't begin to tell you how difficult it is to see your child struggle in a way that sometimes requires him to be secluded and/or restrained. Even when you know it is necessary, it is still incredibly hard for everyone involved – the child, the parents and the school staff. I believe all families in this state deserve to feel secure about sending their children to school and training can help teachers & staff feel well-prepared. Some of the stories I have heard from other parents have left me with so much sadness in my heart. By passing this bill, we can ensure that all kids are safe and treated well. If children are unnecessarily secluded or restrained, the effects can be life-long and detrimental. However, if given the right tools, guidance and support, the sky's the limit. We all have heard stories from around the country where children have been seriously hurt, or even killed, because of a lack of training and/or protective policies. We have the chance to do better. We can be prepared. Let's keep North Dakota from being part of those statistics.

I am asking you to vote in favor of Senate Bill 2266. Please help us protect our children.

Thank you for your time and consideration.

Stephanie Orr
136 Estevan Dr
Bismarck, ND 58503
701-471-4591



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SB 2266
Senate Education
Wednesday, February 6, 2019

Chairman Schaible and Members of the Senate Education Committee:

My name is Roxane Romanick and I'm representing Designer Genes of ND, Inc., as their Executive Director. Designer Genes' membership represents 220 individuals with Down syndrome that either live in our state or are represented by family members in North Dakota. Designer Genes' mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

We ask for a "do pass" on SB 2266 from this committee. Our organization is often called upon to support parents who are struggling with behavioral issues. Individuals with Down syndrome have made many strides in living in their homes, schools, and communities because of educational advances, public policy, and advocacy efforts. The language in SB 2266 represents a critical tool available to North Dakota students with Down syndrome and other disabilities in accessing a quality education experience.

Dr. David Stein, a leading expert in positive behavioral supports for children with Down syndrome, states that one in three children with Down syndrome experience a behavior problem "serious enough to be diagnosed by a professional (<http://tdsn.org/wp-content/uploads/2017/02/Behavior-Guide-for-Down-Syndrome.pdf>). Health issues, executive functioning challenges, sensory concerns, expressive communication delays, and impulse control factors can add together to result in significant behavioral issues for individuals with Down syndrome.

Why are school policies as described in SB 2266 important to parents and students? Because policies can provide a level of guarantee that parents can turn to when relinquishing care and control over to the school for their child. I'd like to point out a characteristic of parenting a child with behavioral concerns that is often not addressed or discussed. Parents have little choice but to trust the adults in their children's schools and yet they are often operating with very little information to do so. Our children are generally very poor self-reporters and access to information for parents with children with diagnoses like Down syndrome typically find themselves information-deficient. Due to most safety protocols and physical barriers, parents wait outside of the school to pick up their child and don't interact

with educational staff. Often, instructional aides who may be the one to walk the child out or into school do not have permission to speak with parents. Teachers are sincerely busy and so parent communication may be reduced to only reporting behavioral incidents or unwanted behavior, leaving parents guessing what the antecedents or full extent of the consequences looked like. Permission to accompany or observe your child is difficult to obtain. I describe this as being in a “communication bubble”, a true breeding ground for distrust and break-down of relationships. Policies that insure training, consistent approaches, and communication help everybody on a student’s team.

The language in this bill in many ways mirrors the language of SCR 4004 that you passed in the Senate. SCR 4004 wants safe schools, safe from violence that happens amongst the members of a school community and SB 2266 wants the very same thing. I have had the privilege of observing public school teams tackle some of the most entrenched and undesirable behavioral output from students with Down syndrome. At the core of that work were solid functional behavioral assessments, dedicated resources, ongoing communication and dialogue with the parents, and most importantly, a belief that there was a place at that school for the student.

In mid-January of 2013, Ethan Saylor, a young man living with Down syndrome, lost his life in a movie theater because of a prone restraint. He wanted to stay for a second viewing of the movie he had just watched but didn’t have a ticket. His support staff had stepped away to go buy tickets for them. He could not communicate this to the movie theater staff or the security officers that were called in to have him removed. His mother, Patti Saylor, has made it her life work to tell his story and to ask all professionals encountering undesirable behavioral communication to stop for a moment and instead of seeing the individuals as the problem to be solved, ask the question: “What is the problem that this individual needs solving and how can we help them?” SB 2266 is a statement that our legislative body has asked this question and is providing guidance to our public schools.

Thank you for your time and I will take any questions that you may have.

Roxane Romanick
Executive Director
Designer Genes of ND, Inc.
701-391-7421 info@designergenesnd.com

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SB 2266 Testimony
Senate Education Committee
Senator Donald Schaible, Chairman
February 6, 2019

Chairman Schaible and members of the committee, my name is Brady Burkes. I was born and raised in Grand Forks, North Dakota. When I was 3 years old when I started with the lifelong struggle of dealing with mental health problems. Throughout my life I have been diagnosed with my mom calls, "alphabet soup." I have been given many labels and diagnoses over my 25 years, such as ADD, ADHD, OCD, Depression/Anxiety disorder, intermittent explosive disorder, emotional/behavioral disorder, and the list could go on.

I tell you the list of disorders I have been plagued with; in order to explain what my life was like as a child and the difficulties I faced in the public school system. I lived through the worst times of my life in the public school system and most of it was due to the use of seclusion and restraint that I was subjected to on a daily basis. I am writing this to let you know that I strongly oppose the use of seclusion and restraint in the classroom and throughout the public school system. Let me share with you, one day of my life as a child in the public school system.

When I was 7 years old, I remember arriving at school and the teachers would automatically assume what my mood was or what I was thinking based on my expression and body language, which often did not match what was going on in my mind. If I was quiet, they thought I was in a bad mood. When they would question me about being in a bad mood, I wouldn't reply and they would keep asking me, which did provoke me to become upset. Then I would be threatened with the "quiet room," (which was a small room within the classroom, that was wall to wall carpeting, and nothing else) instead of letting me have control of my emotions, the way my mom had told them to do. She knew my triggers and what would provoke me into a fit of rage. This would happen when I felt badgered and threatened. I would then become angry, kick desks, yell at other kids, and

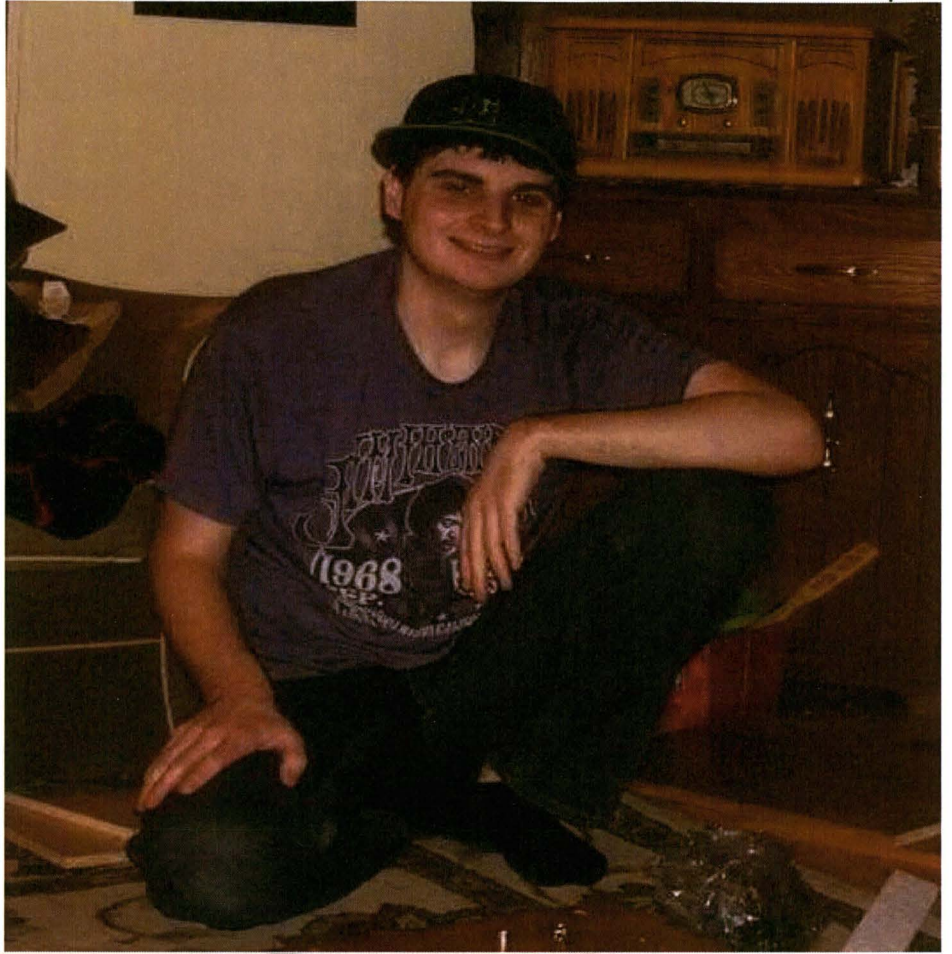
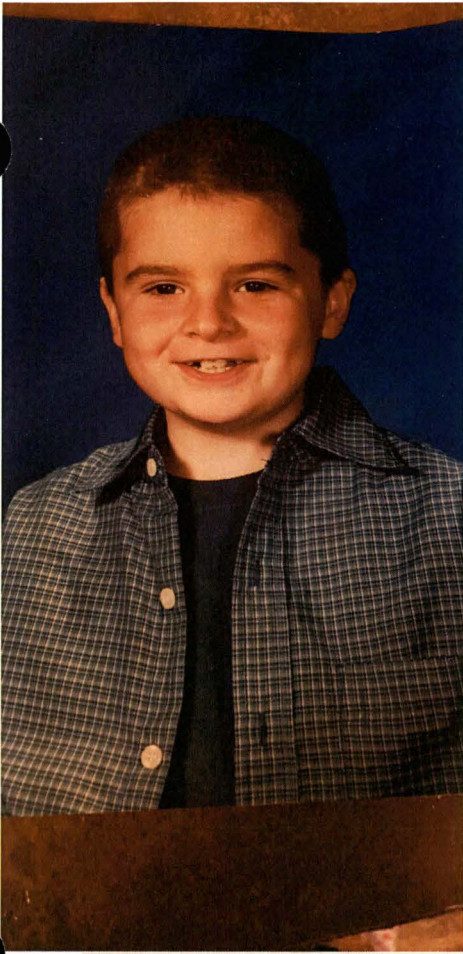
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teachers, which put me in the “quiet room,” This use of seclusion they justified by saying that the door did not have a lock on it and the child inside was safe. The truth of this was, an adult would stand at the door and hold it shut while I was fighting to get out. I felt like a caged animal in there and it only excelled my rage. I would kick, scream, fight to get out of that room until my body was exhausted and I crumbled on the floor and cried. I was confused, mad, sad, scared all at the same time. NO child should EVER be locked in a room like an animal. This only caused me to become untrusting of adults and scared that every emotion I had would result in the seclusion. When the seclusion didn’t achieve whatever goal it was they had, I would be restrained, so I would not run away from the school.

When you are trying to work with a child that has emotional disorders, the last thing that should be done is to seclude or restrain that child. What I want people to understand is the mind of the child. The anger overtakes the body, and the mind. By using force it only intensifies the turmoil the child is experiencing. I always “came out of the episode” confused, not really knowing what had just taken place, other then I was so sad and so scared. I lived this everyday of my life while I was in school. I trusted very few people and I lived in fear of being punished and misunderstood and to be locked up or held down in some terrible way. I strongly oppose the use of seclusion and restraint in the schools; it scars a child well into adulthood, and caused me to drop out of school when I turned 16. I was not able to continue dealing with the bias and hatred I felt around me.

Thank you for your time in listening to this brief opposition of the use of seclusion and restraint. I beg you to please do the right thing, protect the children; they are being abused everyday in our schools. Abuse that would have them removed from their homes, but seems to be acceptable in the public school system. Please support SB 2266.

Brady Burkes
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Senate Education Committee

Senate Bill 2266
Honorable Donald Schaible
February 6, 2019

Chair Schaible and members of the Senate Education Committee. I am Falyn Thom, and I have an 18-year-old son whose diagnoses include Autism Spectrum Disorder and Intellectual Disability. I am asking for your support for SB 2266 to keep my son and other children with disabilities safe.

Our family is residing within the 13th District of ND, attending today with the ND Federation of Families in support of my disabled son, who has fell victim to seclusion and restraint at his previous public school, this past year.

Respectfully, I am present today to support the adoption of the seclusion and restraint bill, SB 2266.

After an incident involving my son at his school in May 2018, an investigation was completed by ND Protection and Advocacy that concluded abuse in its findings.

Justin is kind, laid back, soft spoken and has never done any harm to himself or anyone else. Because my son was not going fast enough on a treadmill during P.E. his phone was taken away from him. He uses his phone to sooth him with music during his work out or when he feels stressed. With his autism, having his phone taken away was not something that helped matters. Therefore, when he began his next class without his phone, he started to write on his desk and not work. He was then escorted out of class and put into a "Study Carrel", which is a small closet like room with a desk. There is no ventilation and space is only limited

to stand or sit in one place. He had a mental break down crying while confined but no parent notification was ever made.

Almost four hours went by when school was out and my son never came out the building. I went into the office to see if they could help me find him. They looked at each other in fault, they forgot about him. While he was in the "Study Carrel", he had cried himself to sleep. He stepped out and his face was red and he was very sweaty. Even though he had reached the age of 18, he did not understand he could leave on his own free will or open the door. In his mind, that door was locked.

I told the principal it was unacceptable, and I should have been notified there was an issue. Her response was this wasn't the first time they put him in confinement. I had never known this had happened in the past and I still will never know how many times this happened to him. The office secretary told me it was no big deal since he was transferring to another school anyway. It is a big deal! Not just for Justin but for any other child that has gone through something like this. School should be a place to learn and a place to feel safe. Parents should also be notified right away if something like this happens.

We never received an apology in regards to what happened and the principal of the school still stands firm that they did nothing wrong. As a former educator that worked with children with disabilities, this is wrong, and we need to help strengthen our school systems in educating them on how to handle these situations. There is a lack of knowledge with mental illness and how to prevent situations from escalating when it happens. I am for our education system, working together and making it better!

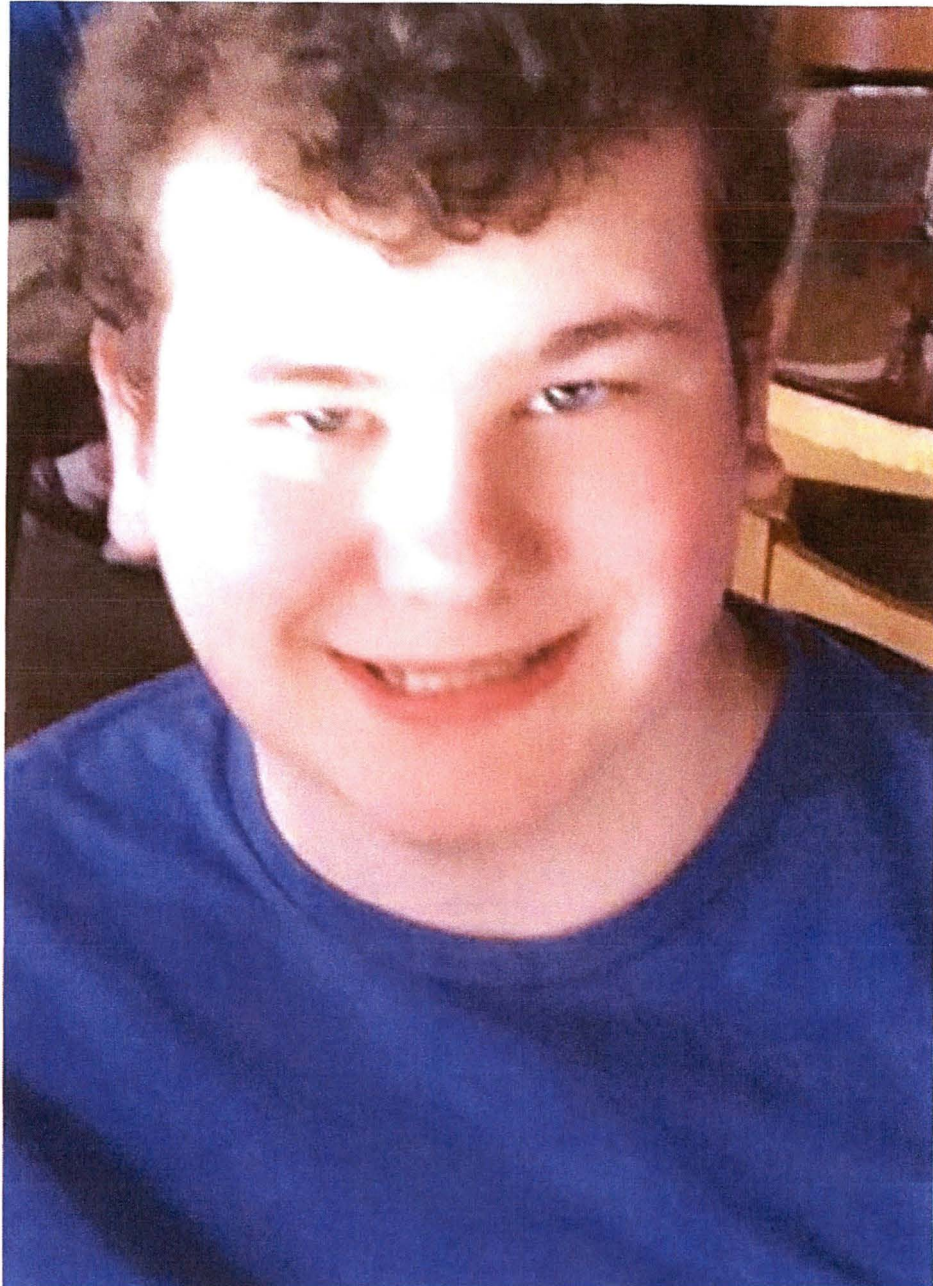
In conclusion, I appreciate you taking the time to hear my testimony today.

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Thank You!

Falyn Thom
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Senate Education Committee

Senate Bill 2266
Honorable Donald Schaible
February 6, 2019

Chair Schaible and members of the Senate education Committee. I am Jennilyn Jacobson, and I have an 8-year-old daughter who has been diagnosed with ADD/ADHD, Anxiety Disorder, Mental Illness, and other social/emotional needs. I am asking for your support for SB 2266 to keep my daughter safe at school.

I am unable to come to Bismarck and testify today so I have asked that my testimony be read to you by another person. The needs of my daughter prevent me from having others care for her. These needs are not only her disabilities but are due to her being restrained and secluded at school. Due to being restrained and secluded at school my daughter now has PTSD and experiences trauma daily.

My daughter Jasmine was an outgoing and active little girl who attended daycare full-time and never had any behavior issues until she started Kindergarten in the public school. After she attended school for 2 weeks I had frequent phone calls from the school about her behavior. She struggles with sitting still and focusing and she doesn't always express herself. The school started to restrain her every day and put her in the seclusion room.

During the next two school years Jasmine was restrained and secluded and I started to see the symptoms of trauma more the second year because she came home every night having outbursts and crying. She continuously said she wanted to kill herself and told me the school staff squeezed her so hard she thought she was going to have a heart attack. She refused to go to activities and appointments and started to wander away all the time. She began to isolate herself at home and

refused to do any fun activities. She always wanted to make a small cardboard box to sit in. She was in dance since she was 3 years old and she had a passion for it. After being restrained and secluded she stopped going to dance, refusing to participate in an activity she always loved. Jasmine has lost her motivation and self-worth. She now struggles with socializing with her peers and has attachment issues.

One day the school put her in the seclusion room the whole day and they never contacted me to report the seclusion. I went to school and the paraprofessional was outside the door while my daughter had taken off her pants as she had urinated in them. I had to use her snow pants to cover her up. She told me they refused to let her use the restroom and she was so thirsty drinking a lot of water when I got her home.

Every day is a struggle to get her to go to school and when I walk into the school with her she holds my arm and hides behind me. If I leave her side she wanders through the school to find me. One morning she woke up and said she had a nightmare about being in the tiny closet sized room at school. She never wants to go to school again. I took her out of school early towards the end of last school year due to her trauma and PTSD.

During the summer I decided to move into a new school district because I knew my daughter would never be able to go into that school again. She now attends a school that does not seclude her. She had a rough start at first due to the trauma, but after coming up with a new IEP she goes to school every day with no issues because the teachers keep and make her feel safe. She still has her days that she struggles, but she's gradually improving with lots of therapy and a better school environment. I respectfully urge you and the members of this committee to

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support this very important legislation. SB 2266 will help keep children safe in school and prevent the trauma and PTSD my daughter now faces.

Thank You

Jennilyn Jacobson

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P.4054



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Senate Bill 2266
Testimony for Public Hearing
Education Committee

Deborah Jendro
2709 Elm Street
Fargo ND 58102

Good morning Education Committee Members. I am in favor of Senate Bill 2266 in regards to the state adopting seclusion and restraint policies for ND School Districts. My name is Deborah Jendro. I am a parent, grandparent and concerned citizen from Fargo ND. I would like to address the issue of seclusion and restraint in our schools and the lack of reasonable protection for our children who are exposed to their use.

As I am writing this, I struggle with thoughts of little children wrestling with the world to overcome their fears and anxieties. I have come here for a purpose. To make aware the necessity of rules, regulations, and policy in regards to the smallest of us and the use of adverse measures for discipline and control except in extreme circumstances.

I am haunted by visions of my own child, sitting alone in a small room at the school. Tears dripping off of his little freckled nose. Between the redness of his hair and the swollen redness of his eyes, he looked like a little boy on fire. He was just a little boy. Ever since he was tiny, he exhibited issues of anxiety.

Difficulty with separation from family and the comfort of his own home. When it came time for school, his anxiety escalated. There were many painful days of leaving him in the kindergarten room, kicking and screaming as a kind, well-meaning teacher would hold him back as I walked away with my own tear and a little boy tearing at my heart strings. This will get better they said, he just has to get used to it. After all he is just a little boy. Time will help.

We marched through elementary school, there were times when separation and school anxiety would get the best of him. There were days he would lock himself in the bathroom and refuse to come out. There was the day he jumped out of the moving car. There was the day he put his fist through the dining room window and we went to the E.R. instead of school. There was the day he told his teacher he had an appointment and his mother was picking him up. No one checked and he was allowed to leave the school. The reality was, no one was even home and my 2nd grader was home alone the better part of the day. Now we know why a kid needs a note to get out of class!!

With the help of professionals, the decision was made to have a case aide come to our home every morning and get him to school. I would have to leave before he was awakened or he would cling and beg to stay home. There were days when this would

work and then there were the other days when I would get called to the school and find him sitting alone in seclusion.

As a parent, I was frustrated and confused. The law said he must be educated. I must get him to school or face the dreaded call from social services yelling neglect in my face. So we pushed on. Between school avoidance, and the bullying he had to put with there, we knew middle school would never work.

We pulled him from public school and put him in an independent learning center. Forgoing our free public education, we paid \$375 a month to get him an education. They were patient and kind. No seclusion, no bullying, no crowds or large groups to test his anxiety. Small numbers, narrower focus, working on 2 classes instead of 5. No homework. More one on one attention to maintain focus.

Eventually he did well and was maintaining a B average. Then the bomb came. The learning center was closing its doors. He had one more year left of study. We contemplated returning to public school in an alternative setting, but ND would not accept his credits. They said the Learning Center was not accredited in ND even though it was in Minnesota his credits would not transfer.. The result: a high school dropout. Eventually, he got his GED. He spent several years floundering. Living at home. Difficulty holding a job. Sleeping days and wandering the house at night. Little social life.

Fast forward to today. For the past year has been confined to his little efficiency apartment with a type of anxiety disorder in which you fear and often avoid places or situations that might cause you to panic and make you feel trapped, helpless or embarrassed. (Agoraphobia). He is a gifted young man. He excelled in Math and the Arts. We applaud every step he takes toward his independence and hope someday he will gather the energy to pursue his life's dreams.

Now, we have talked about memories I try hard to suppress and my son will not talk about. I have brought them forward today, not for your sympathy but to make a point of the importance of protecting our children from negative consequences that can affect them the rest of their life. It is time to write the rules!! Accentuate the positive. Insist on documentation. Keep data. Keep parents informed. Educate school personnel to equip them with the tool to determine when and if seclusion and restraint is necessary. Require schools to provide training on alternative approaches such as Positive Behavioral Interventions and Supports, crisis prevention, intervention and de-escalation. Let us work on bringing ND into the here and now in the name of the children. Thank you

Deborah Jendro

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plrf

2/5/2019

Lana Held
5695 1st Ave. SE
Moffit, ND 58560
701-782-4188 or 701-202-9291

RE: SB 2266

Chairman Schaible and members of the committee;

I am writing this testimony in support of SB 2266 on Seclusion and Restraint.

August 2012 my son Lucas Held age 4 entered Shilo Christian preschool. He was nervous and scared like most children at that age. We were assured that he would be ok and well taken care of. We didn't know it at the time, but Lucas had a sensory problem to music. When the music played, he would act out. The teacher separated him from the students and made him stay in the corner for acting out. Different situations occurred and each time our son was separated from the other students. Finally, the teacher and principal stated we needed to take him to Red Door and have him checked out and he could no longer attend Shilo.

Martin Luther School in Bismarck was referred to us and fortunately they had an opening. Lucas had a preschool teacher there that understood the sensory issues and had an active classroom for the children. She saw Lucas had trauma with attending school elsewhere and began working with him. He did very well with this teacher, however when he entered Kindergarten he began to act out when the teacher raised her voice and singled him out by putting him in the corner. One day I was outside the door and she raised her voice at Lucas and grabbed his hand with force and directed him to his seat. The entire year was very traumatizing to Lucas. He suffered through Kindergarten always being sent to the principal and being put in the corner away from other students. Kindergarten graduation was another situation where Lucas was taken by his hand with force and put by himself off to the side due to him swaying and touching other students. When the names were called for graduating his name was not called. He thought he didn't graduate. After everyone left, he was given his diploma. Long story short, when Lucas entered first grade the teacher said she could not teach him. (this is a teacher of 20 years) The school called me in and said we had to leave.

We moved Lucas from Martin Luther School on a Friday and he began on Monday at Hazelton Moffit Braddock Public School. Three days into this school he acted out and restraints were used with force. I was told he could not come back to school without seeing a doctor and getting on medication. I paid for testing myself and found my child has Autism and ADHD. I had to home school Lucas for a year and a half before he could go full time at Hazelton Moffit Braddock School. Our doctor said he had to work through the trauma that was caused at school before he could have a healthy education in the classroom environment. Lucas is now in 4th grade and doing much better in school.

Please feel free to contact me if you have any questions for me.

Respectfully submitted by Lana Held

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Senate Education Committee

Senate Bill 2266

Honorable Donald Schaible

February 6th, 2019

Chair Schaible and members of the Senate Education Committee, I am a mom with a 6-year-old son who is on the autism spectrum. We live in Fargo and he attends public school. My son struggles with many of the social aspects of his school day and interacting with his peers. Recess and gym can be particularly challenging for him as well as other times in the day when they do group activities and games. He doesn't do well with situations that are unpredictable. He's a smart little boy and has always been eager to learn. He loves numbers and writing. When things get challenging for my son, he tends to run out of the room to escape from the situation. He became anxious at lunch one day at the beginning of this school year and he tipped his lunch tray over and ran out of the lunch room. He came home that day and told me that the next day he would have to eat lunch in the "student office". The student office is a small, empty room located in the office area of the school where students are placed when they can't be around others. He was really upset about this because although it can be challenging for him to be around large, noisy groups of kids he wants to be with other kids and wants to have friends. He doesn't want to be singled out and be made to eat lunch by himself.

A few months into school, my son became upset when completing a project with clay. He's a bit of a perfectionist and instead of talking to him about what he felt was wrong with this clay and how he felt it could be better, his paraprofessional tried to reassure him it was just fine. In my son's mind, it wasn't fine. He needed someone to listen to him and acknowledge his feelings instead of quickly dismissing them. Then his paraprofessional restrained him along with help from his general education teacher. His para sat behind him, crossed his arms over his chest and held them tight across his body. His teacher took his shoes off and held his legs down so he couldn't move. Eventually I was called to go pick him up because he was so upset, however I wasn't told until over 24 hours later that he had been restrained (school policy is to inform the parent the same day). His teacher is NOT trained in Crisis Prevention Institute training, which is required by the school for those who perform restraints on students. I wasn't not immediately told that his teacher wasn't trained to perform this restraint, however after directly asking the principal I was informed that she is not trained. Since the day his teacher held his legs down, my son has not spent much more than 30 minutes of his school day in the classroom. Prior to this, he was in the classroom for the entire day, only leaving for 30 minutes per day. My son now thinks his teacher does not like him.

Just two weeks after that restraint, school personnel including his paraprofessional, the principal and the principal intern restrained my son 5 more times in 2 days. One of these restraints happened when he was in a large empty room with just a couple desks and a crash pad that he was jumping onto. This room is considered a "safe space" for my son in which he can run, jump and roll when his body needs a break from sitting still in class. I'm still not sure why the paraprofessional felt she needed to physically hold my son down in a large, open room that is considered a safe area. My son is now asking to be homeschooled. He refuses to go to school every morning and it takes a lot of convincing to get him into the building. He no longer feels safe at school. He has not been in the classroom with his peers since the beginning of December and he's not receiving the same academic instruction as his peers who are not on an IEP. He doesn't know who he can trust at the school and is afraid the adults are going to hold him down again. He tells me he's afraid the adults at school will hurt him. Because of his fear of being

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restrained, he now runs away from the adults when he's upset. The use of restraints has caused a new level of challenges at school and is greatly impacting his education. Just being around his teacher now appears to trigger him and makes him upset. I feel that their relationship was ruined when she was involved in restraining him. We are now looking at moving him to a different classroom half way through the school year because he refuses to go back into her classroom.

I do not feel that seclusion and restraints on children with disabilities in school is in anyone's best interested. It certainly did not help my son and in fact is having long-lasting, negative impact on him. I don't believe that the school personnel like performing restraints on children. And it is scary and confusing for his classmates to witness. Providing more training on autism spectrum disorders and how to effectively work with children like my son would have a positive impact on my child and everyone involved. The best approach for everyone is to focus on being proactive with children and not reactive.

Thank you for your time and consideration. Please support SB 2266.

Katy Barnum
3696 Polk St S
Fargo, ND 58104
608-215-5042



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2-6-19
HH #21

To whom it may concern:

My 9-year-old, Ronnie, has severe autism and spent three years in the Williston public school system before moving to West Fargo.

In the fall of 2017 I realized that his Williston school could no longer handle his violent outbursts. I requested that he be moved to a different school within the district.

After several unsuccessful months at the new school I enlisted the help of Protection and Advocacy and succeeded in facilitating a contract between the Wil-Mac Special Education Unit and a private agency to secure in-school Applied Behavior Analysis therapy.

The very first day the private agency behavior technician observed Ronald in school she witnessed three school staff place him in a hold that included:

- on the ground placement
- three staff restraining different body parts at the same time
- Ronald's hands crossed across his chest

This hold was reported to Protection and Advocacy and Williams County Social Services.

Neither agency found grounds to investigate, based on the different standards of private agencies and public schools. I was told that the situation was in "murky waters".

But the incident brought into light the following:

- the possibility that such holds had been administered without my knowledge multiple times
- proper documentation of such holds never occurred
- school staff was not proficient in proper restraint procedures
- special education administrators failed to ensure that staff had proper training, even when they knew my child could become violent in the school setting

Please protect North Dakotans with special needs. Issue a do pass recommendation on SB 2266.

Alexa Johnson
District 16
1827 12 St. E
West Fargo, ND
701.793.7450

Alexa Johnson
701.793.7450

To whom it may concern:

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2-6-19
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Senate Education Committee

Senate Bill 2266

Honorable Donald Schaible

February 6th, 2019

Mr. Chairman and members of the Senate Education Committee,

My name is Samantha Stewart. I am an administrator for the group North Dakota for Integration and Inclusion. I am also work full time as a Recruiting and Public Relations Specialist at Pediatric Partners. My husband, Anthony and I, live in Fargo and have two small children Chevelle and Phayme who attend elementary school, grades 1st and 2nd. Our son Chevelle is diagnosed with Autism and Sensory Processing Disorder and is on an IEP. We have been working hard to advocate with parents and for children in the Fargo/West Fargo/Grand Forks area to ensure they are integrated into their schools appropriately and getting the services they need to be successful and living their best life.

This effort came to my attention after getting a heartbreaking call from a parent whose child, who is on an IEP and has an Autism diagnosis, had been restrained so many times and with such disregard for his safety that he was too traumatized to continue at school. He couldn't walk into a school building without a severe physiological reaction of fear and anxiety. He will undergo many hours of therapy just to be able to walk into a school building again. Seclusion and restraint should not happen to our children, and I think over and over it has been proven that it just doesn't work.

I urge you to listen to the stories of these families, their struggles, their lives. Understand it takes courage to tell these stories and do your best to put yourself in not only their shoes, but the shoes of those small children that are being restrained and secluded, and feel very unsafe in their school environments. Please open your minds and hearts to this issue and help us ensure that children are safe and parents' minds at ease.

School should be a safe place for children and parents. We need to ensure this happens and that safeguards are in place for our most vulnerable students!

Please support SB 2266 and provide ND families with the peace of mind they deserve.

Thank you for your time and consideration,

Samantha Stewart

1307 13 1/2 St S Apt #1

Fargo, ND 58103

701-405-4344



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TESTIMONY ON SENATE BILL 2266

SENATE EDUCATION COMMITTEE

February 6, 2019

By: Linda M. Hoag, Assistant Director of Special Education

Bismarck Public Schools

701-323-4002

Chairman Schaible and Members of the Committee:

My name is Linda Hoag, and I am the Assistant Director of Special Education for Bismarck Public Schools. I am here today to offer my thoughts in regards to Senate Bill #2266. As educational leaders, our first responsibility must be to ensure that schools foster learning in a safe and healthy environment for all our children, teachers, and staff. Every effort should be made to prevent the need for the use of restraint and seclusion and any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.

The US Department of Education has a resource document concerning restraint and seclusion. In the document they endorse 15 principles for restraint and seclusion in schools. Bismarck Public Schools endorses these principles. SB 2266 does address some of these 15 principles.

It rejects the use chemical and mechanical restraint; so does BPS policy.

It requires that each school district have a policy regarding the use of restraint and seclusion; BPS has a policy.

It requires that restraint and seclusion are used as a manner of protecting the safety of others; so does BPS policy.

It rejects the use of physical restraint methods known to be life threatening including prone or supine restraints; so does BPS policy.

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It rejects the use of restraint and seclusion for discipline; so does BPS policy.

It requires school district personnel to be certified and trained on the safe use of physical restraint and seclusion and effective alternatives; so does BPS policy.

It requires that parents are notified when restraint and/or seclusion is used; as does BPS policy

It requires documentation of instances of restraint and seclusion; as does BPS policy.

We would request that you consider the following changes to the proposed bill

1. Training for school personnel be required biennially vs. annually. Training staff annually could add considerable cost for school districts.
2. Restraint and seclusion data be kept at the district level and on the OCR report. The importance of data collection lies in analyzing the data and using it to make changes, not in reporting a number. Reporting numbers to DPI is unlikely to result in change at the local level.
3. The definition of seclusion needs to be more clearly stated to determine if we would support the prohibition of it.
4. If the definition of seclusion remains as is, we would support the removal of language that prohibits seclusion in schools. There are instances in which the use of appropriate seclusion that allows the student time to calm and "re-set" promotes the student being able to remain in school.
5. Allow the use of restraint and seclusion as part of an intervention plan in which imminent danger is a known factor.

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Plot 2

TESTIMONY
SENATE BILL No. 2266
2/6/2019

Ashly Wolsky, Special Education Coordinator
701-412-4360
East Central Center for Exceptional Children

Mr. Chairman and members of the committee:

My name is Ashly Wolsky and I am the Special Education Coordinator for East Central Center for Exceptional Children in New Rockford, North Dakota. East Central serves the surrounding communities of Carrington, Fessenden-Bowdon, Kensal, New Rockford-Sheyenne, Oberon, and Pingree-Buchanan. This is my first year serving as Coordinator for East Central Center for Exceptional Children, previously I taught in Fargo Public Schools for 13 years as a special education teacher for students with emotional disturbance. I am here to provide information regarding restraint and seclusion, Senate Bill No. 2266 in North Dakota.

I do not support the state mandating that local districts adopt a restraint and seclusion policy. Rather, I believe that if the district believes they need a policy they will choose to adopt one and they are the entities best informed to make this decision. I do not believe restraint and seclusion is being utilized inappropriately by our teachers and administration. In the case that restraint or seclusion is being utilized inappropriately, a policy is likely not going to change the inappropriate utilization. Currently there are laws that are already in place to protect the safety and well-being of our students; parents have the right to contact authorities if they believe their child was mistreated at school.

The definitions included in this bill have limitations that may impede some of the work we are required to do as special educators. For example, the bill prohibits the use of mechanical restraints. The definition of mechanical restraints included (to

control the behavior or restrict the movement of an individual) in the bill does not include the flexibility for a district to use mechanical restraints that would be used in much of our orthopedic equipment, help support students with physical mobility issues to be more involved in the regular education curriculum, or child car seat restraints that are used to transport 3-year-old preschool students. The bill does offer the opportunity for a district to use the definitions for restraint and seclusion offered by the United States Department of Education Office of Civil Rights, which does allow for the use of mechanical restraints for the previous mentioned examples. However, it is typically not good practice for a district to adopt a policy that conflicts with definitions that are provided within North Dakota Century Code.

Seclusion can have multiple definitions. For example, in-school suspension could be determined to be a seclusion. If in-school suspension were to be determined to be seclusion than that would likely lead to more out of school suspensions which would be a concern. Also, prohibiting seclusion could also result in more physical restraints which also is not a desired outcome.

In the end, we all want kids and staff to be safe, mandating legislation requiring policies is not going to make that happen. As a coordinator I feel that training will improve positive methods to prevent behavior, but I do not believe the fiscal note of \$500,000 would cover the level of annual training this bill would require.

Morton - Sioux Special Education Unit

GREAT STUDENTS. GREAT SCHOOLS. GREAT EDUCATORS.

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2-6-19
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P 1 of 2

901 Division St. NW | Mandan, North Dakota 58554 | Telephone: 751-6500 | DIRECTOR, TRACY KLEIN

SB 2266- Opposed

Chairman Schaible, Vice Chairman Fors and Members of the Education Committee,

For the record my name is Carly Retterath, I am a Special Education Programs Coordinator for MSSEU which encompasses Mandan Public Schools and six School Districts in Morton and Sioux Counties.

I would like to begin by stating student safety, and well-being is the highest priority for our unit and the numerous school districts that comprise it! In my position as a special education coordinator, I see first-hand teachers, administrators, and school staff who work tirelessly to ensure that all students receive the education they deserve in a safe and healthy environment. However, a restrictive statewide policy like the one proposed in this bill would not enhance our ability to meet individual student needs. There is a high probability it may, in fact, have a negative effect in serving the student in their least restrictive environment, when as a result of this prescriptive policy, administrators and staff feel they can no longer ensure a safe school environment for all. As a special education unit, we already are providing per request at the district level, staff training in Non-violent Crisis Intervention, appropriate building level data collection tools for when restraint and/or seclusion is used, and staff resources impacting positive behavior support and programming to develop behavior regulation skills in our students.

I request your opposition to this bill for the following reasons:

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- A state-mandated policy removes the local district's control to develop a policy or procedure that meets their unique school resources and community needs. The process for developing school district policies and procedures should be left to the local school board and administration.
- Restraint, seclusion, and time-out are all part of an appropriate continuum of positive behavior support currently used sparingly by well-trained staff. The appropriate use of these supports allows a school district to keep students in their neighborhood schools, communities or regions to the extent possible by avoiding deeper end residential placements which result in kids being removed from their families.
- The prescriptive nature of this bill would result in the unnecessary burden of repetitive data collection already prescribed by Civil Rights Data Collection-CRDC and paperwork for school staff. The time spent on this would not enhance the outcomes for students. The redundant requirements of this bill would take time away from student-teacher contact that would be better spent on building positive adult relationships, developing pro-social skills and providing targeted academic instruction.

Carly Retterath
Special Education Programs Coordinator
Morton Sioux Special Education Unit
901 Division St. NW
Mandan, ND 58554
(701)751-6500
(701)751-6683 fax



Lewis & Clark Elementary

600 14th Street NW Mandan, ND 58554
Phone (701) 751-6505 Fax (701) 751-6681
Mrs. Amanda Meier, Principal
Christina Kelly & Marlis Grove, Secretaries

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SB Bill No. 2266 – **Opposed**

Chairman Schaible and Members of the Education Committee,

My name is Amanda Meier, I briefly served as a Superintendent and now serve as the principal at Lewis and Clark Elementary School and am representing Mandan Public Schools.

I wish to start by making it clear, I agree with the essence of the bill. Safety in our schools is a personal priority, and I work diligently every day to ensure students are in their least restrictive environment while keeping learning at the forefront. With that being said, I do not believe century code and mandates are the answer. We have local procedures in place that meet our staff, students, and family needs. We have highly qualified and trained staff working with our students. In addition, we have a crisis response team that meets regularly and is trained through Non-Violent Crisis Intervention. This bill does not provide any new positive impacts at the building, classroom or student level. Nor does it create any further opportunity to provide individualized programming for students in our school. We already offer training multiple time each year to staff to ensure they have the skills and knowledge to work with our students. I maintain, this bill does not change current practices but instead takes the decision making out of the hands of people who are working with children each and every day. As a standard practice, we currently have safe places in each classroom, a defined process and specific actions for when a student is in crisis and procedures for how our team will respond including providing de-escalation strategies, a safe space for students to take a directed or assisted time-out, sensory tools, and self-regulation opportunities. We routinely communicate with parents when necessary and document actions taken to support their children.

I request your **opposition** of this bill for the following reasons:

- 1.) This is a bill legally motivated not student-centered.
- 2.) It outlines training in excess of what is required by the nationally recognized Crisis Prevention Institute.
- 3.) It mandates a state-wide blanket approach to supporting students and minimizes much needed flexibility to help staff and students in real time at the building level.

This bill limits local control and the opportunity to work collaboratively at the building level to individualize for students where procedures used are student-centered and allow my staff and I to keep our kids in our local schools. The ability to program and meet student needs at the building level is vital, and I fear that with state-mandated policies, it limits our ability to keep kids in our schools and communities while ensuring safety and dignity for them.



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SB2266 – Seclusion and Restraint

NDCEL – Testimony in Opposition 2/6/2019

Chairman Schaible and members of the Senate Education Committee, I am here today representing NDCEL and our ND School Leaders in opposition to this bill that requires a very specific seclusion and restraint policy with specific limitations in place, as well as redundant state reporting (beyond the federal reporting is already required by OCR of all schools). Further, there is a training requirement in the bill that is underfunded by at least \$7.5 million to train all teachers and significantly more if we are talking also about ancillary staff in our state.

I have with me here today a number of school professionals that will visit with you about this bill – and those individuals may be able to better answer specific questions you may have about this issue within our schools.

In 2017, the Senate Education SB 2275 committee heard a *very* similar bill which was given a do not pass recommendation and was defeated on the floor by a vote of 10-36. Prior to this bill there was a group of individuals from all sides (Parent and Advocacy, legislators, individuals from the schools, department of corrections, Special Education Directors, NDCEL, etc.) who met with the consensus council to work through some of the issues. Some of the things that were agreed upon have found their way into this bill – many things in this bill were not a part of those areas of agreement.

Let's talk about what we did agree to:

In 2016, this group very clearly did NOT agree on everything nor did we arrive at a consensus, however in our final wrap-up document, we had agreed to the following:

- The Task Force supports all ND school districts being required to have a written policy regarding seclusion and restraint.
- The Task Force supports the seclusion and restraint policy be developed at the local level. *The things included in that policy should be locally decided, not mandated.*

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Executive Director: Aimee Copas-----Assistant Director: Russ Ziegler



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- The Task Force supports prohibition of any restraint that could impede breathing.
- The Task Force supports biannual reporting of select data, **gleaned from already mandatory OCR reporting**, to Legislative Management. This data would be produced by SLDS. (This means NO new school reporting – it is already done in the OCR report)
- 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.

This bill includes many things that were not agreed upon and that go against the very premise of the concept that a policy should be developed locally so that it can support professionals who are highly qualified and trained in the areas such as CPI (Crisis Prevention Institute Training).

In 2017, ND School Boards Association data showed that nearly all schools have a seclusion and restraint policy in place making the necessity of the bill come into question.

We respectfully request a do not pass recommendation on SB 2266.

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Senate Bill 2266

Senate Education Committee

Donald Schaible, Chairman

February 6, 2019

Senator Schaible and members of the Education Committee:

I am Barb Stanton. I hold a PhD in Counseling Psychology. I am a Licensed Professional Clinical Counselor and Licensed Marriage and Family Therapist in the State of North Dakota. I currently work at Anne Carlsen as an outpatient mental health therapist. I work primarily with children on the autism spectrum and their families. I am also involved with our Intensive Outpatient Program that we operate for children who have very challenging behaviors. Children come to our program for a half-day and then return to their school for the afternoon. The goal is that they will successfully transition to full school days.

I am submitting testimony in favor of SB 2266. I am sorry that I cannot be there to provide testimony in person today. With the recent bad weather, we needed to reschedule too many people and simply did not have the time to come to Bismarck despite the importance of this topic and the significance of this bill.

Although seclusion can have equally devastating results as the use of a restraint, my testimony is going to focus on my experience of working with children who have been put in restraints in school.

Restraint is a high-risk procedure used in situations that are perceived to be dangerous. At best it is a negative action that can keep someone safe. At worst, it can have lethal consequences. There is professional literature documenting the impact that restraint can have on a child. The literature supports my personal experience. I am happy to provide these references upon request.

Currently, several children in my practice have had significantly traumatic experiences due to the inappropriate use of restraint in school. Often, we the parent and I, were not made aware of the restraint until days or weeks after they had occurred. This left us to wonder why children were exhibiting specific symptoms or behaviors that we had not observed before. The lack of communication between the school and parent resulted in delay of critical treatment for these children.

As someone who has worked and continues to work with children who have extremely challenging behaviors, I have found that there are more effective and responsible ways to manage children's behavior. Too often restraint is used as a response by an adult who is frustrated, angry, under trained, or in a power struggle with a child and not in response to an imminently dangerous situation. Statistics show the majority of children who are put in restraint or seclusion are children who have been identified with special needs such as autism, trauma or other mental health issues. When a child is having a meltdown, they are in a state in which they are highly vulnerable despite their aggressive behavior. As adults, we often misinterpret these behaviors as intentional and a desire to harm others. In fact, often the aggressive behaviors are the child's way to communicate that they need to be left alone or they have another need or lacking skill that we have not identified.

The results of restraint are devastating. I've diagnosed a number of children with posttraumatic stress disorder as a result of being placed in restraints. Children have frequently told me that they felt that they were going to die when they were in the restraint. This is heartbreaking. One result of trauma is a child who is consistently in fight or flight mode which begins a dangerous cycle of reaction and inappropriate interventions. You cannot provide trauma therapy to a child who remains in an unsafe situation. This presents a unique dilemma. Children are required to attend school. These children need trauma therapy. Until we are assured that the school is a safe place, which it often isn't, we cannot proceed with therapy. So these children are not able to access the therapy necessary for their healing.

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But, restraint affects people beyond the child who was restrained. Other children who witness, adults who witness, and the staff who are involved in restraining a child are also negatively impacted. Most schools do not have procedures or protocol in place to manage the emotional consequences to those who witness or participate in the restraint.

The use of restraint to ensure someone's safety can be necessary in rare situations. However, it is been my experience that the definition of "imminent risk" is vague and can be misapplied. I would encourage this committee to be more specific in this language found in 2a (1) and (2).

SB 2266 is necessary to provide an educational setting that is safe for all children. I strongly encourage you to pass SB 2266. Thank you for your time.

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Senate Bill 2266

Senate Education Committee

Donald Schaible, Chairman

February 6, 2019

Senator Schaible and members of the Education Committee:

I am Emily Coler Hanson. I hold a master's degree in Child Development and Family Science. I am a Licensed Marriage and Family Therapist in the State of North Dakota. I currently work at Anne Carlsen as an outpatient mental health therapist. I have also worked in settings with very high needs children and adolescents, such as an in-patient psychiatric hospital and mental day-treatment.

I am submitting testimony strongly in favor of SB 2266.

"A boy was upset, then some teachers dragged him out and the police came, and we never saw him again". These are the words of an 8-year-old girl that I recently interviewed during an intake. She was referred to me for therapy due to high levels of anxiety and school refusal. Restraints and seclusions in class impact not only the child in the restraint, but any child who witnesses this happen to friends and classmates. If it was this horrifying for a child to witness, consider the impact on the child who was taken away. This act has traumatized her to the point that she now needs ongoing mental health therapy.

I have also worked with children who report spending countless hours "in a closet", "being wrestled and pinned down", or "locked up". Children do not understand the use of adult force to control their behavior, and rightly so. Children in public school settings deserve better than this. Using seclusion or restraint denies a child a teachable moment to learn to manage challenging behaviors and emotions and creates risk of negative outcomes for all involved. When an adult chooses to engage in a restraint, they take on the significant risk of physical

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harm to themselves and others. I am happy to provide research supporting this testimony upon request.

Currently, schools are not required to have any sort of de-escalation protocol prior to using a seclusion or restraint. Staff are not trained in verbal de-escalation or other techniques used to manage challenging behaviors prior to implementing seclusion or restraint. This bill currently does not define what an imminent risk is. This should be clearly defined and included in the bill. There is currently no procedure used for tracking seclusions or restraints, no requirement notifying caregivers that it happened, and no debriefing with those who witnessed this happen.

SB 2266 is necessary to increase the safety of schools for children and staff. I strongly encourage you to pass SB 2266 that includes a definition of imminent risk. And strongly recommend that verbal de-escalation training be an annual requirement as well.

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NDLA, S EDU - Wolf, Lynn

From: Alexis Baxley <alexis.baxley@ndsba.org>
Sent: Thursday, February 07, 2019 9:21 AM
To: NDLA, S EDU - Wolf, Lynn
Subject: SB 2266

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Testimony on SB 2266
Alexis Baxley
February 6, 2019
Opposed

NDSBA recognizes that student behavioral health is a systemic concern. It impacts students who need services and students who do not. It raises issues of safety and security for all students and staff. It is a challenge for families and communities alike. But we also believe a bill requiring a policy is not the answer. NDSBA believes a policy does not alleviate, mitigate, or even begin to address the student behavioral health challenges that many of our districts face every day.

In fact, testimony today has illustrated that simply having a policy does not ensure specific responses to behaviors do or do not take place. We need to work together on training, resources and best practices. We need to actively pursue solutions that will ensure access to services and a collective and coordinated approach to addressing the behavioral health issues that students are facing.

NDSBA also has some specific concerns with SB 2266. First, the threshold for use of restraints (imminent danger of serious bodily harm) is a high bar, and requiring a teacher or other staff to determine if the level of injury will meet this bar before deciding to intervene is not workable. The bill also does not reference a threat of property damage. If only an imminent threat of physical harm to a person is included, local school boards could easily see a situation in which a student must be allowed to destroy a classroom, which could result in significant expense to the district.

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The bill also contains total prohibitions on the use of certain types of restraints or seclusion. Such total prohibition fails to recognize the need to be able to respond to certain unanticipated circumstances that threaten the safety and welfare of others.

With respect to the training requirement, NDSBA urges the Committee to ensure that any requirement for training and certification be structured in a manner that is reasonable, affordable and effective. A state mandated policy that would establish training requirements and/or certification for ALL school personnel or even all within a certain category of employees or even major segments of staff fails to recognize the uniqueness of the various operational environments of schools in ND and would result in the unnecessary expenditure of already very limited funds. While the bill has an appropriation to DPI for training and certification, it is unlikely that the appropriation would be sufficient to train and certify all school district personnel as is required by the current bill language. The bill also neglects to provide districts with any additional professional development days or with the dollars necessary to pay the teachers, aides, bus drivers, janitors, cooks, etc., while they underwent the training.

NDSBA also urges the Committee to ensure that data reporting requirements are efficient and take full advantage of existing reporting and data collection requirements to the maximum extent possible. We believe the study contained in SCR 4004 will go a long way in helping us obtain data on how to protect ALL students and staff.

Finally, the Committee should be aware that most school districts already have a detailed policy on the use of restraint and seclusion in their schools. NDSBA has long had a template policy for our member school boards to work from and tailor to their specific schools needs and environments.

Mandating the adoption and implementation of the policy as outlined in SB 2266 would take away the flexibility of local school districts to adopt and implement a policy that is legal and tailored to their operational environment.



Dr. John D. Barge, State School Superintendent
"Making Education Work for All Georgians"

Addressing Climate, Safety, and Discipline in Georgia Schools

School-wide Positive Behavioral Interventions
and Supports

June 2013

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Discipline: *Training expected to produce a specific character or pattern of behavior, especially training that produces moral or mental improvement by instruction and practice.*

(Derived from the Latin word *disciplina* meaning pupil.)¹

Purpose Statement

The purpose of this report is to provide a plan and framework for proactively addressing school climate, safety, and discipline in Georgia schools through school-wide Positive Behavioral Interventions and Supports (PBIS). This report has been generated by the PBIS Team at Georgia Department of Education (GaDOE) with input and support from Heather Peshak George, Ph.D., Research Partner with the federally-funded OSEP Technical Assistance Center for PBIS; Dr. George is the PBIS Resource Agent for Alabama, Florida, Georgia, Mississippi, Nevada, Puerto Rico, and Texas. This report provides an overview of the need for schools in Georgia to adopt proactive disciplinary approaches, a plan for scaling up implementation of PBIS in Georgia schools, and an evidence-based approach for meeting this need through the PBIS framework.

Why Should Georgia Assist Schools Choosing to Implement PBIS?

As first appeared in *Education Week* (2013) Georgia's high school graduation rate is near the bottom of the nation. Nearly one-third of Georgia's students fail to finish high school in four years. Currently, Georgia's graduation rate is 67.4%, the third lowest in the nation, followed only by Nevada and New Mexico. When comparing graduation rates, Georgia also ranks near the bottom nationally for students with disabilities (30%), economically disadvantaged students (59%), black students (60%), students with limited English proficiency (32%) and white students (72%) (Education Week, 2013).

In 2010, roughly 8% of Georgia's students were suspended at least once (Walz, 2011). In 2010, Georgia students lost more than 1.8 million days of instruction due to suspension. The Georgia Appleseed Center for Law and Justice, in cooperation with the Atlanta office of a Big Four Accounting Firm, reviewed and assessed student discipline data collected by school districts and compiled by GaDOE for seven years (school years 2003-04 through 2009-10). The key findings include the following:

- In School Year 2009-10, 8.1% of students in Georgia's K-12 public school system received at least one out-of-school suspension (OSS) disciplinary action. This reflects an overall reduction from the 9.3 to 9.5% rates experienced in the first five years¹ of the period under review.

¹ Discipline [Def.1]. (n.d.). *American heritage dictionary of the English language online*. Retrieved from <http://www.thefreedictionary.com/discipline>, May 14, 2013.

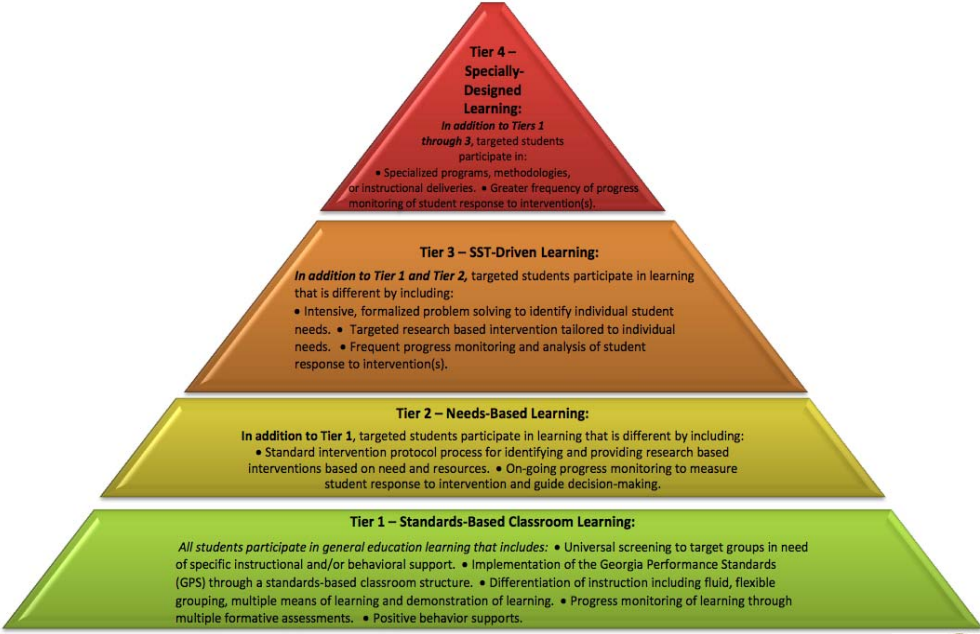
- During the most recent school year for which credible national data are available (2005-06), Georgia ranked tenth highest among all the states and the District of Columbia in the rate of OSS discipline.
- Use of exclusionary discipline is highly variable among the school districts in Georgia. In some districts, its use is rare. Other school districts consistently impose OSS on more than 20% of the school population annually. In some individual schools, the percentage of OSS actions can effect up to 40% of the student population per year.
- During the 2009-10 school year, 69% of the OSS actions were imposed for nonviolent behaviors. A very substantial percentage of the incidents were not described with specificity but were categorized as “other discipline incident.”
- Male students received two-thirds of the OSS actions and three quarters of the expulsions during the period under review.
- African-American students were consistently more than three times as likely to receive an OSS as students of other racial classifications. Poor African Americans were markedly more likely to receive OSS than more affluent African American students.
- Students eligible for the free and reduced meal program (children in poverty) and English Language Learner (ELL) students were subject to OSS discipline at a rate more than twice as high as students who were not in these subgroups.
- Students with disabilities received OSS at a rate slightly higher than 1.5 times the rate experienced by general education students.

What is PBIS?

School-wide Positive Behavioral Interventions and Supports (PBIS) is a systematic framework that is designed to enhance academic and social-behavior outcomes by implementing a continuum of evidence-based interventions. (Sugai et al. 2000; Horner et al. 2009; Sugai & Simonsen, 2012)

PBIS is not a curriculum, intervention, program or practice, but rather a data-based decision making framework that guides selection, integration, and implementation of evidence-based practices to improve student outcomes. A particularly important feature of PBIS is the focus on developing and sustaining a proactive and preventive system, which is rooted in the public health and disease control model. This three-tiered prevention model applies to both academic and behavior instruction and intervention to meet the needs of all students in a school (Sugai & Simonsen, 2012; Childs, K. E., Kincaid, D., & George, H., 2007-2008). Georgia’s application of this model occurs at four levels that are fluid and that are analyzed through structured problem solving to inform the needs of students, before interventions are developed, monitored, and altered based upon the need(s) of the students (see figure below).

Georgia Student Achievement Pyramid of Interventions Academic and Behavior Supports



- Tier 1:** All students, in all settings are provided with standards-based instruction, universal screening, progress monitoring, and direct behavioral instruction to prevent the development of academic and/or behavior problems. Tier I support should meet the needs of at least 80% of all students in a given school.
- Tier 2:** Systems of support are designed to provide additional interventions to students who have access to Tier 1 supports but are not responding to them. Approximately 10-15% of the students within a given school may need Tier 2 supports.
- Tier 3:** The most intensive/individualized support system is provided for students who exhibit patterns of severe or extreme problem behavior. Student’s needs are discussed at a structured meeting of the Student Support Team (SST), which oversees the intervention process. Almost 5% of students within a school will require this type of support.
- Tier 4:** If a student does not respond to intensive/individualized support, the SST makes an appropriate referral for consideration of placement of the student in an appropriate Tier 4 program (i.e., Special Education, English to Speakers of Other Languages [ESOL], Gifted, or other program).

Problem-solving behavior occurs across all tiers of intervention, and supports are provided based upon the results of a student's response to instruction/intervention. For example, a student who does not respond well to Tier 1 behavioral instruction and interventions may also require supplemental behavioral interventions at Tier 2 and/or intensive individualized interventions at Tier 3. However, a student receiving intensive interventions at Tier 4 must also continue to be provided access to the school-wide Tier 1 behavioral instruction/interventions (i.e., core instruction) and may still benefit from some Tier 2 and/or Tier 3 supports. While the level of intervention is not considered a linear progression (as students may move throughout the continuum of supports as needed), the need to use data to match supports for students and decrease or increase the level of intervention intensity based upon how a student responds is critical (Childs, George, Kincaid, & Yampolskaya, in review). This tiered prevention model applies to both academic and behavior instruction and intervention to meet the needs of all students in a school.

How does PBIS improve student outcomes?

The framework of PBIS empowers school stakeholders to identify the needs of all students, match the level of support to the severity of the academic and/or behavior need, and then assess the students' responses to the intervention (Batsche, et. al, 2008). When schools develop a tiered framework with interventions aligned to each tier, they are able to organize a continuum of resources that are more effective and efficient in meeting the needs of all students. Therefore, implementation of school-wide PBIS improves school climate and culture, as well as the capacity of schools, families, and communities to design effective, safe environments for our schools.

At Tier I, PBIS consists of the development and implementation of a proactive and preventive school-wide discipline plan. The table below compares the core characteristics of PBIS to traditional school discipline practices.

In a school with PBIS...	In a school with traditional discipline...
A positive school environment is evident.	Staff and students are reactive and negative toward inappropriate behavior.
Educators teach, monitor, and acknowledge appropriate behavior before relying on punishment.	Parents and students are provided with the Code of Conduct and the consequences if students violate the rules.
Adhering to school-wide expectations and rules are taught and recognized.	Inappropriate behavior is more likely to be acknowledged than positive behavior.
A predictable, consistent, fair, and equitable disciplinary system is the norm.	Disciplinary practices, which are not based on data or research, are inconsistent. Consequences often lead to ISS/OSS (loss of instruction).
The school has a tiered support system to meet the needs of all students.	A system for providing students with a continuum of support is not present.

Source: adapted from School-wide Positive Behavior Supports: A Plan for Pennsylvania

Instead of waiting for children to violate rules (i.e., engage in problem behavior) or act out, PBIS creates an atmosphere that is conducive to learning and makes schools a place where behaving appropriately is encouraged and presented as the norm and where behavioral expectations are clearly taught and articulated as the norm on campus. PBIS serves as an alternative to traditional punitive, reactive approaches to discipline and has been shown to lead to dramatic positive outcomes. Schools that implement PBIS with high fidelity have shown to improve academic performance, reduce disciplinary problems, increase the sense of safety on campus, increase parent satisfaction and parent participation, and increase attendance. Some schools have realized up to a 60% reduction in disciplinary incidents following the first year of school-wide PBIS implementation (Bazelon Center for Mental Health Law Fact Sheet #1, 2009).

How does PBIS address specific concerns?

1. School Discipline Issues

Current literature on school-wide discipline places an emphasis on school-wide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behavior. The implementation of PBIS creates school environments where positive behavior is actively enforced while, simultaneously, students are helped to correct problem behaviors. PBIS provides a framework for schools to provide more intensive or targeted interventions to students who do not respond to primary intervention strategies.

“PBIS has created a more positive atmosphere at our school.”
6th grade teacher, Newton County, GA Schools

2. Mental Health Concerns

PBIS provides an outstanding framework from which to enhance mental health promotion and intervention. Foundational to this work is a shared agenda in which families, schools, mental health systems, and other youth serving community systems work together to build a full continuum of multi-tiered programs and services for students and their families in both general and special education. These programs and services reflect integrated strategies to promote student wellness and success in school and to reduce both academic and non-academic barriers to learning and school success.

3. Juvenile Justice

The Child Protection and Public Safety Act (SB 127 & HB 641), or the “Juvenile Code Rewrite,” will go into effect in Georgia on January 1, 2014. Advocates for reform have long argued for more effective ways to intervene with youth, and this legislation focuses on early intervention and effective alternatives to automatic detention. Under the new law, youth charged with status offenses will no longer be held in the state’s detention centers; and complaints filed by school officials must be dismissed unless the school has already attempted to resolve the problem through educational approaches.

- Twenty-seven percent of the youth currently placed in a Youth Development Campus (YDC) and Regional Youth Detention Center (RYDC) are identified as students with disabilities.²
- Forty-four percent of youth in YDC and 38% of youth in RYDC are served on a mental health caseload.³

Many of these students will be returning to their local schools and will require additional supports. PBIS provides the framework, interventions, and progress monitoring that is essential to meet these requirements and becomes the school’s mechanism for providing the supports needed by this population.

4. Bullying Prevention & Intervention

In 2012, the Georgia legislature passed the Bullying Law (O.C.G.A. 20-2-751.4), which focused on the prevention of bullying in Georgia schools by requiring schools to adopt policies to prevent and respond to bullying behavior.

From a PBIS perspective, successful prevention of bullying behavior is linked directly to teaching adults and students (a) what bullying looks like, (b) what to do before and when bullying behavior is observed, (c) how to teach others what to do, and (d) how to establish a positive and preventive environment that reduces the effectiveness of bullying behavior (Ross, Horner, & Stiller, 2009).

² C. Doyle (Personal Communication, April 17, 2013)

³ K. Gore (Personal Communication, April 18, 2013)

What Does PBIS Cost?

The Georgia DOE PBIS team provides training and technical assistance at no cost for districts that want to help their schools implement PBIS with fidelity. The current yearly operational budget for GaPBIS is an estimate and ***does not reflect a 100% dedication to the PBIS effort. It is estimated that the state coordinator devotes 60% of time towards PBIS while each specialist dedicates up to 70% toward PBIS.*** A summary of the operations budget is as follows:

- Approximate yearly budget = \$700,000
- \$700,000 = 5 employees: 4 program specialists, 1 program manager
- Training outcomes from 4 specialists since 2008:
 - More than 350 Georgia schools and programs trained
 - 350 represents 15% of the schools in Georgia

Future Budgetary Considerations to Reach Goals

In order for the GaPBIS team to increase training and technical assistance with high fidelity outcomes by 50% within a 5 year timeframe, the full-time equivalent (FTE) or percent of time allotted to PBIS support for both the program manager and the four assigned program specialists will need to increase to 100%. The PBIS Team will also need to consider an expansion of personnel to meet critical areas of program evaluation and district/school training and coaching. These needs would equate up to three program specialists at full-time equivalent work devoted to PBIS.

What are the financial considerations at the District/School level?

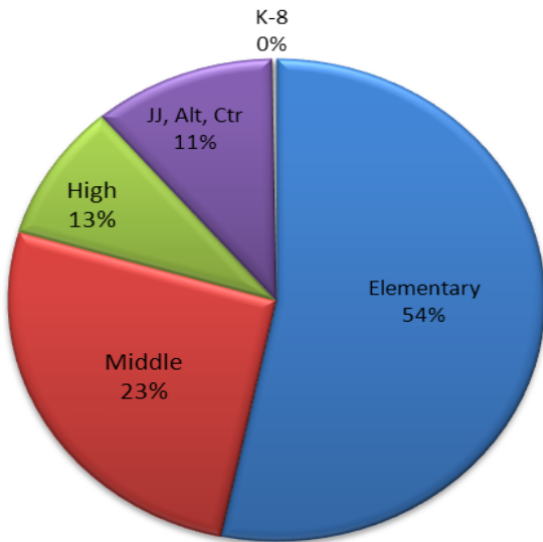
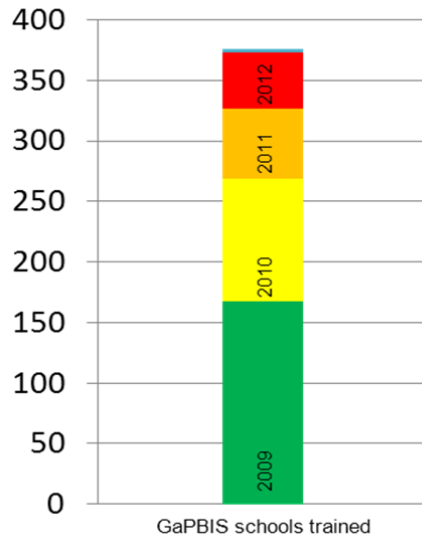
At the district and school level, funding for implementing PBIS can vary. Costs are determined by number of schools in the district participating, personnel needs (assigning or reallocating job responsibilities such as district coordinator, and/or coach), need for substitute teachers, improvements to local data management system, and PBIS materials. Applying for grants may supplement or pay for the implementation costs.

What is the current status of PBIS in Georgia?

Since 2008, Georgia has been an active PBIS state as recognized by the national Technical Assistance Center on PBIS. The goal at the Georgia Department of Education (GaDOE) is to support high fidelity implementation of PBIS in schools across the state. The GaDOE PBIS team facilitates district-level planning and provides school team training, technical assistance and ongoing coaching to district coordinators in order to build capacity and support the PBIS process.

Schools Trained

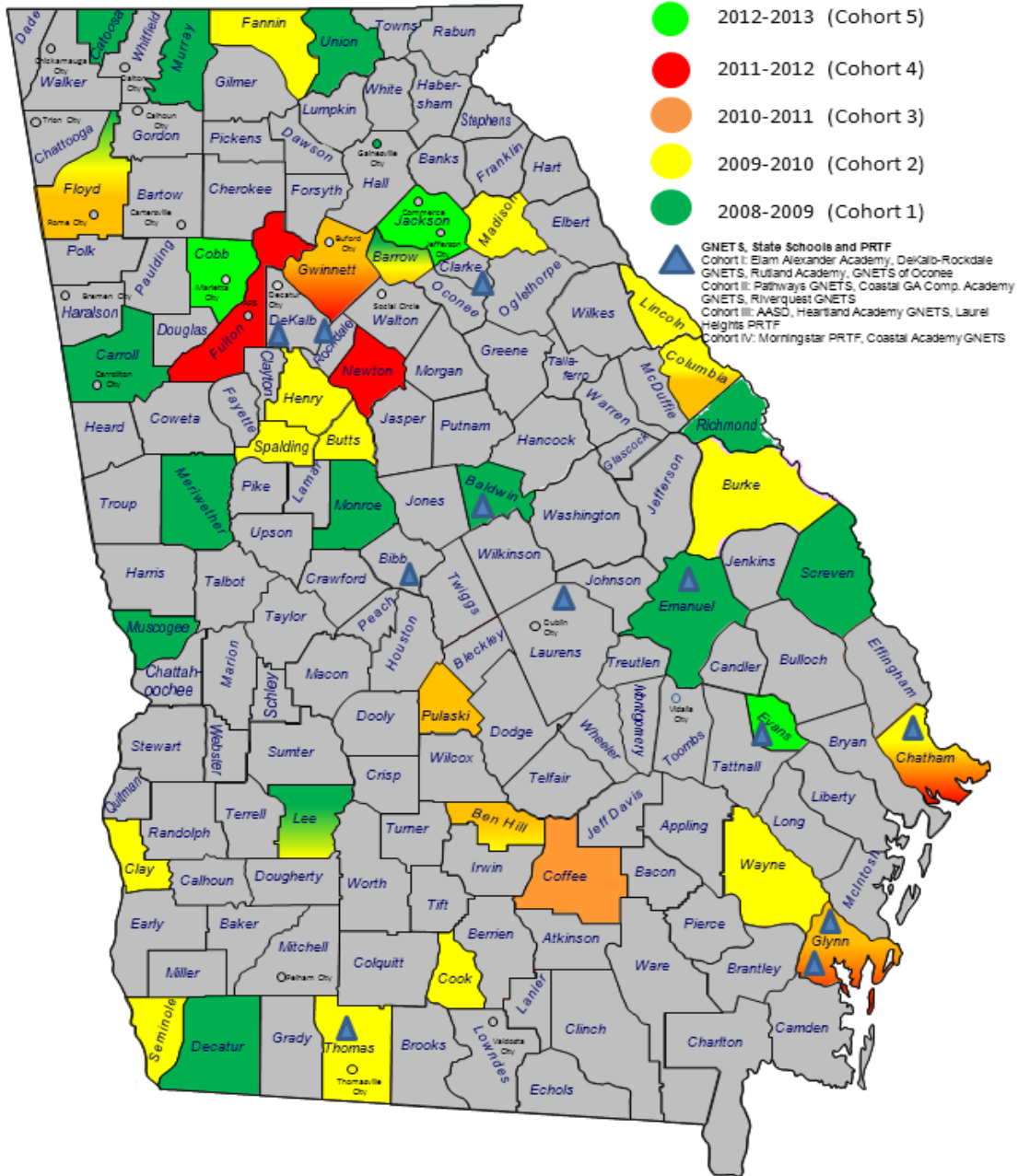
More than 350 Georgia schools and programs have been trained by the GaDOE PBIS team since 2008. These schools represent all regions of the state, are implementing the PBIS framework. Requests for training are expected to double during the 2013-2014 school year.



Types of Schools Trained

Of those schools trained by the GaPBIS team, 13% are high schools, 23% are middle schools, 54% are elementary schools, and 11% represent a combination of the following: Georgia Network for Therapeutic Supports programs (GNETS), alternative schools, and State Schools.

Georgia School-wide PBIS Cohorts Groups



"Only 16% of our student body has had an office discipline referral!"
School counselor, Lincoln County, GA Schools

Are there school districts in Georgia implementing PBIS with fidelity?

Monroe, Lincoln, Barrow, Griffin-Spalding, Madison, Murray, and Lee Counties have district-wide implementation of PBIS. Their reported reductions in discipline events and increased learning opportunities have been encouraging. Below reflects data from district schools implementing PBIS with fidelity:

Griffin-Spalding Schools (2009-present)

Southern Crescent: Griffin-Spalding Schools has had district-wide implementation of PBIS since 2009. The discipline outcomes realized over time have been impactful.

- Out-of-school days have been reduced by 30%
- Bus referrals have been reduced by 53%
- The graduation rate has increased by 10%

Gwinnett County Schools (2010-present)

Metro-Atlanta: Gwinnett County, which has committed to having thirty-three schools trained, represents the largest metro commitment. Currently, sixteen schools are implementing PBIS with fidelity. Other notable achievements that have resulted from their implementation:

- Two schools were highlighted at 2013 SSTAGE conference for Best Practices with PBIS
- In 2012, five schools were spotlighted for an international exchange of Dutch educators interested in implementation of PBIS

Lee County Schools (2008-present)

South Georgia: Lee County Schools has implemented PBIS in all schools since 2008. Lee County was in the first GaPBIS cohort trained by Dr. Heather George. As a result of their commitment to district-wide implementation, they have seen positive outcomes.

- 35% reduction in average office discipline referrals (ODRs) per day system wide
- 24% reduction in out-of-school suspension days system-wide
- 58% reduction in total discipline incidents that resulted in ODRs system wide

Murray County Schools (2008-present)

North Georgia: Murray County has implemented PBIS district-wide since 2008-2009. The discipline outcomes realized over time have been significant.

- Discipline events have reduced in Murray County Schools by 45%
- Discipline actions (ISS, OSS, Detention) assigned by administrators reduced by 37%
- The graduation rate has improved by 14%

"PBIS has enabled us to have more consistency throughout our school."

Assistant Principal, Pepperell Elementary School, Floyd County

How do we know schools are doing it right?

While training schools in PBIS is important, the level of implementation fidelity is most critical in order to realize student outcomes. Regardless of the interventions selected, every intervention must be implemented as intended (i.e., with fidelity). According to Merriam-Webster (n.d.), *fidelity* is “strict observance of promises, loyalty, adherence to fact or detail, accuracy, and exactness.” Carefully appraising a school-wide system of support involves an investigation of whether the system (i.e., school) maintained integrity by adhering to the specific components (i.e., critical elements) identified as essential practices at the universal level of behavior support (George & Childs, 2012).

The GaPBIS team, working in consultation with the National PBIS Technical Assistance Center, has incorporated the Benchmarks of Quality (BoQ) to measure fidelity of implementation. During Fiscal Year 2013, 120 Georgia schools were identified as implementing PBIS with fidelity.

SUMMATIVE ASSESSMENT

The Benchmarks of Quality

Georgia utilizes the school-wide Benchmarks of Quality (BoQ) (Cohen, Kincaid, & Childs, 2007) to assist in evaluating the fidelity of PBIS in Georgia schools. Data on this instrument, including internal consistency, test-retest reliability, and inter-rater reliability, have been collected and analyzed to determine that this tool is reliable, valid, efficient, and a useful instrument for measuring the fidelity of implementation of the universal level of PBIS application in schools.

In FY-2012, the GaPBIS team incorporated the BoQ rating into an evaluation rubric similar to the GaDOE’s School-Improvement model to assess high-fidelity of implementation. **Operational** PBIS schools in Georgia are implementing all PBIS elements with a very high degree of fidelity. **Emergent** schools are implementing most of the PBIS elements.

Operational Schools	Emergent Schools	Participating Schools
23	93	154

FY-2012 Implementation Fidelity Classifications for Georgia PBIS Schools

FORMATIVE ASSESSMENTS

The Walkthrough

An independent observation or “Walkthrough” of Tier 1 implementation is carried out once a semester. District support staff informally assesses the visibility of PBIS at a given school. The observer provides feedback to the PBIS Team in order to allow for improvement. Evidence indicates that successful Walkthrough data correlates to successful BoQ scores.

The Team Implementation Checklist

The Team Implementation Checklist (TIC) is designed to assist school teams in monitoring Tier 1 Positive Behavioral Interventions and Supports implementation activities, as well as to guide action planning of PBIS in the school. The GaPBIS Team teaches district support staff how to complete, input, and assess the results from a TIC. Depending on the results, one to three TICs are completed during each school year. Scores of 70% and above require no additional TICs during the year, while scores below 70% indicate the need additional support and assessments.

The GaPBIS Team uses the BoQ, TIC, and Walkthrough data to assess fidelity of implementation in congruence with current research and trends. This fidelity process ensures that evidence-based features of PBIS are being maintained and are not being reduced to simply a reward system.

What are the PBIS efforts in Georgia's Department of Juvenile Justice?

Schools across the nation that have implemented PBIS have experienced overwhelmingly positive effects on school climate, reduction in problem behavior, enhanced instructional outcomes and increased efficiency in school-wide discipline (Nelson, Sugai, & Smith, 2005).

In 2012, Georgia began a PBIS roll-out into all the Department of Juvenile Justice (DJJ) facilities under the direction and supervision of Kristine Jovliette, Ph.D., at Georgia State University. In February of 2013, Avery D. Niles, Commissioner of the Georgia Department of Juvenile Justice signed Policy #18.6 Positive Behavior Interventions and Supports (PBIS). The policy states:

The Department of Juvenile Justice secure facilities shall hold youth accountable for their behaviors through a system of positive behavior interventions and supports that provide (1) a common set of expectations for youth behavior expressed in positive terms, (2) instructional procedures for teaching, modeling and reinforcing positive behavior and interventions, and (3) supports for youth who engage in problem behavior.

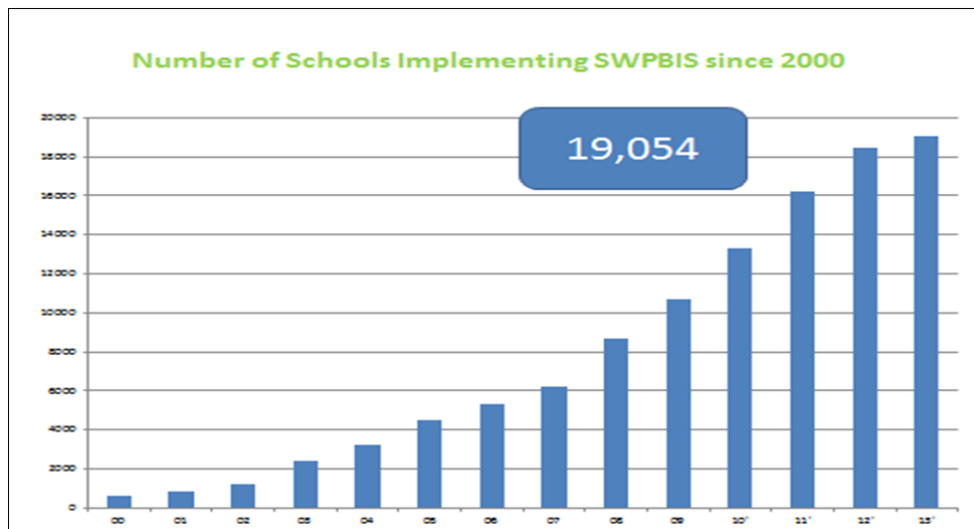
PBIS in the Georgia Department of Juvenile Justice

- 27 secure facilities in Georgia
- 7 Youth Development Campuses (YDCs)
- 20 Regional Youth Detention Centers
- 80-200 beds in YDCs
- 30-200 beds in RYDCs
- Approximately 1900 youth in detention on a given day

What is the National Technical Assistance (TA) Center on PBIS?

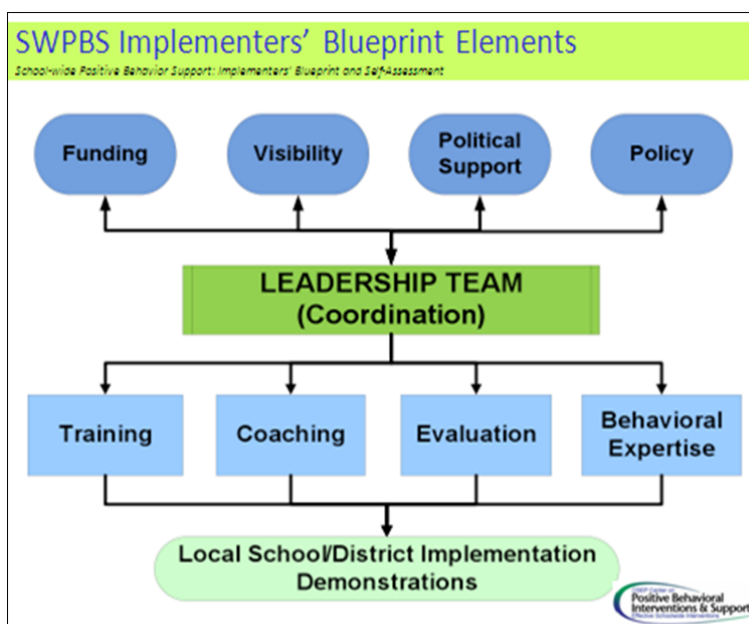
In the reauthorization of the Individuals with Disabilities Education Act (IDEA) of 1997, a grant to establish a national Center on Positive Behavioral Interventions and Supports was legislated in order to disseminate and provide technical assistance to schools on evidence-based practices for improving supports for students with behavior disorders. Given the results of previous work in the 1980s, researchers at the University of Oregon successfully competed for the opportunity to develop the PBIS Center. A defining feature of the original center was the establishment of a partnership comprised of researchers and implementers from universities and prominent providers of specialized supports from across the country (Sugai & Simonsen, 2012).

The National Technical Assistance (TA) Center on PBIS has been established by the Office of Special Education Programs, US Department of Education to provide schools with capacity-building information and technical assistance for identifying, adapting, and sustaining effective school-wide disciplinary practices. A network of experts supporting school-wide implementation of PBIS, called PBIS Resource Agents, support collaboration among states and districts and oversee Center activities across the country. Resource Agents are available to states for assessment of implementation, leadership team facilitation, technical assistance, and development of training and evaluation modules and tools. The PBIS Center is currently in Year 15 (third 5-year grant cycle) and has assisted in shaping the PBIS framework (also referenced as “school-wide positive behavior supports”) and, as reported by the OSEP TA Center, 2012, in providing direct PBIS professional development and technical assistance to almost 20,000 schools (see figure below). Some of these schools implement their programs in isolation, while others are part of school district, state, or regional network of support.

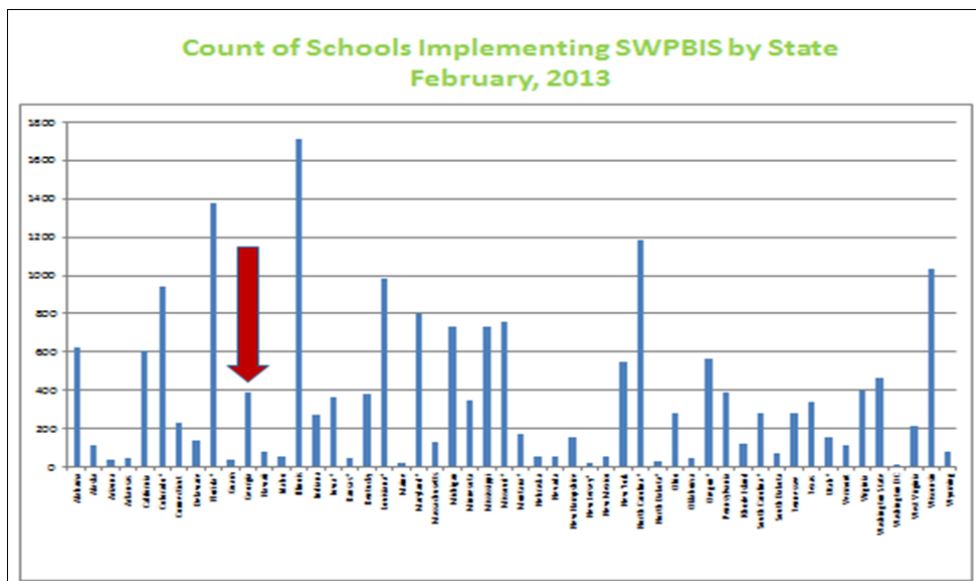


Other Center activities include (a) web-based collection and dissemination of evidence-based behavior practices and systems, (b) two national leadership and dissemination conferences

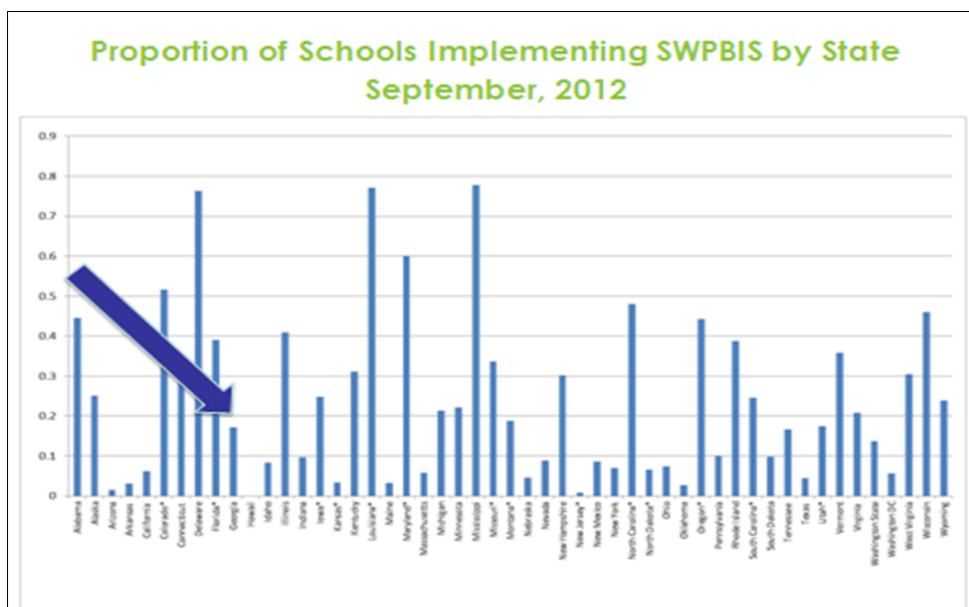
(October Leadership Forum, and March partnership with the Association for Positive Behavior Supports), (c) three best-practices and systems “blueprints” (Implementation, Evaluation, and Professional Development), (d) numerous publications and professional presentations, and (e) school, district, and state implementation demonstrations. The figure below depicts the blueprint elements for PBIS implementation at a school, district, state, and/or regional network level.



Many states across the country have a statewide infrastructure in place to support schools implementing PBIS. The figure below provides a graphic of the number of documented schools across the nation that has been trained and is actively implementing PBIS. These data are collected by schools, regions, districts and states that enter into www.PBISApps.org, a free and voluntary database platform for entering and analyzing implementation data, or as reported to the identified PBIS Resource Agent.



These data must be examined further to determine the number of schools trained per state in relation to the total number of schools in the state. This examination offers a more accurate picture of the number of schools throughout a state that have been trained and provides a state team with a more meaningful view of PBIS activity. For example, while Georgia has trained more than 350 schools, this number accounts for less than 20% of Georgia schools.



Established State PBIS Projects

Information regarding states implementing statewide PBIS supports can be found on the national website: www.pbis.org. Below is an abbreviated list of established state PBIS projects.

Colorado	http://www.cde.state.co.us/pbs/
Delaware	http://delawarepbs.org/
Florida	http://flpbs.fmhi.usf.edu
Georgia	http://www.doe.k12.ga.us/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Positive-Behavioral-Interventions-and-Support.aspx
Illinois	http://www.pbisillinois.org/
Iowa	http://www.educ.drake.edu/rc/alliance.html
Kentucky	http://www.kycid.org/
Maryland	http://www.pbismaryland.org/
Michigan	http://miblsi.cenmi.org/Home.aspx
Minnesota	http://www.pbismn.org/
Missouri	http://pbissmissouri.org/
New York	http://nyspbis.org/
North Carolina	http://www.ncpublicschools.org/positivebehavior/
New Hampshire	http://www.nhcebis.seresc.net/
Oregon	http://www.ode.state.or.us/search/page/?id=553
Pennsylvania	http://www.papbs.org/Home.aspx?PageID=68a5038d-36df-414f-8e1f-a78737463ace
Virginia	http://ttac.odu.edu/pbisva/
Wisconsin	http://www.wisconsinpbisnetwork.org/

What is Georgia's PBIS State Summit?

In August 2013, the Georgia Department of Education will bring together key stakeholders to inform the development of a state plan that will provide a roadmap of how Georgia can promote and support the implementation of PBIS in schools across the state.

Goals of the summit are to identify

- Barriers to successful implementation of PBIS with fidelity at the local level
- Resources needed by districts and schools to implement PBIS with fidelity
- Resources available to assist districts and schools in implementing PBIS with fidelity
- State infrastructure needed to build the capacity and increase the sustainability of PBIS
- Opportunities to realign existing resources to address resource gaps

Invited stakeholders will include representatives from

- Georgia Department of Education
- Georgia State Board of Education
- University research and technical assistance partners
- State health, mental health, juvenile court, and juvenile justice agencies
- School districts
- School administrators
- School Regional Education Service Agencies
- Parents
- Professional educator associations
- Advocacy organizations
- Georgia Chamber of Commerce
- Georgia Legislators

The invited stakeholders are experts from a range of disciplines that have a vested interest in supporting the mental, social, emotional, and behavioral needs of children and youth in Georgia. During the summit, the group will begin to identify the goals and objectives needed to create a statewide PBIS implementation plan to support the needs of all Georgia schools.

References

- Batsche, G., Elliot, J., Graden, J., Grimes, J., Kovaleski, J., Prasse, D., Reschly, D., Schrag, J., & Tilly, W.D. (2008). *Response to Intervention: Policy Considerations and Implementation*. Alexandria, VA: National Association of State Directors of Special Education, Inc.
- Bazelon Center for Mental Health Law. (2009). Fact sheet #1: Why states and communities should implement school-wide behavior support integrated with mental health care. Washington, DC: Author. Available at <http://www.bazelon.org/LinkClick.aspx?fileticket=S2VPkMzMndM%3d&tabid=104>.
- Child Protection and Public Safety Act SB 127 & HB 641 (2011). Available at <http://www.justga.org/initiatives/juvenile-code/hb-641-the-child-protection-and-public-safety-act>.
- Childs, K. E., Kincaid, D., & George, H. (2007-2008). Florida's PBS project at USF – Final report, 2007-2008. Tampa: University of South Florida. Available at [http://www.pbis.org/common/pbisresources/publications/FLPBS Annual Report 0708.pdf](http://www.pbis.org/common/pbisresources/publications/FLPBS%20Annual%20Report%200708.pdf).
- Childs, K.E., George, H.P., Kincaid, D., & Yampolskaya, S. (in review). The PBS implementation checklist (PIC): A preliminary validation of a progress monitoring tool for school-wide positive behavior interventions and supports. *Journal of Positive Behavior Interventions*.
- Cohen, R., Kincaid, D., & Childs, K. (2007). Measuring School-wide Positive Behavior Support Implementation: Development and Validation of the Benchmarks of Quality. Available at http://flpbs.fmhi.usf.edu/resources_research.cfm.
- Dwyer, K., Osher, D., & Warger, C. (1998). Early warning, timely response: A guide to safe schools. Washington, DC: US Department of Education. (ERIC Document Reproduction service No. ED418372). Available at <http://cecp.air.org/guide/guide.pdf>.
- Education Week (2103). *Quality Counts 2013, State Highlights Report*, published January 10, 2013. Reprinted with permission from Editorial Projects in Educaiton.
- Georgia Appleseed Center for Law and Justice (2011). *Effective Student Discipline: Keeping Kids in Class*. Available at: <http://gaappleseed.org/keeping-kids-in-class/appendix-c.pdf>.
- Georgia State Anti-Bullying Law O.C.G.A. 20-2-751.4 (2012). Available at http://www.bullypolice.org/ga_law.html.
- Homer, R., Sugai, G., Smolkowski, K., Eber, L., Nakasato, J., Todd, A., & Esperanza, J. (2009). A randomized, wait-list controlled effectiveness trial assessing school-wide Positive Behavior Support in elementary schools. *Journal of Positive Behavior Interventions*, 11, 133-145. Available at http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1031&context=gse_fac.
- Kincaid, D., Childs, K., & George, H. (2010, March). School-wide Benchmarks of Quality (Revised). Unpublished Instrument. Tampa: University of South Florida. Available at <http://www.fcoe.net/selpa/services/cpbs/docs/cohort-3/2012-09-11/BOQ.pdf>.

- Nelson, C. M., Sugai, G., & Smith, C. R. (2005, Summer). Positive Behavior Support offered in juvenile corrections. *Counterpoint*, 1, 6-7.
- Ross, S., Horner, R. H., & Stiller, B. (2009, Winter). Bully prevention in Positive Behavior Support. *Journal of Applied Behavioral Analysis*, 42(4): 747–759. Available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2791686/>.
- Sugai, G., Homer, R. H., Dunlap, G., Hieneman, M., Lewis, T. J., Nelson, C. M., Scott, T., Liaupsin, C., Sailor, W., Turnbull, A. P., Turnbull, H. R., III, Wickham, D., Reuf, M., & Wilcox, B. (2000). Applying Positive Behavioral Support and Functional Behavioral Assessment in schools. *Journal of Positive Behavioral Interventions*, 2, 131-143.
- Sugai, G., Horner, R., & Algozzine, B. (2011, April 19). Reducing the effectiveness of bullying behavior in schools. OSEP Center on Positive Behavioral Interventions & Supports Effective Schoolwide Interventions. Available at http://www.pbis.org/common/pbisresources/publications/PBIS_Bullying_Behavior_Apr19_2011.pdf.
- Sugai, G., & Simonsen, B. (2012). “Positive behavioral interventions and supports: Defining features, and misconceptions.” OSEP technical assistance on PBIS. Available at <http://www.pbis.org>.
- Walz, M. (2011). Georgia Out of School Suspension Rate High. *Southern Education Desk*. Available at <http://www.southerndesk.org/?p=114>.
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What are the Positive Strategies for Supporting Behavior Improvement?

As highlighted in the previous section, there are many possible contributors to the development of challenging behaviors. It is important to investigate and evaluate these, but also to take action sooner rather than later, since many behaviors can become increasingly intense and harder to change as time goes on.

Often a necessary approach to managing behavior involves a combination of addressing underlying physical or mental health concerns, and using the behavioral and educational supports to teach replacement skills and self-regulation. There is no magic pill, but there are a number of strategies that can often be helpful.

The use of *Positive Behavior Supports* is more than just a politically correct approach to behavior management. Research shows that it is effective. The alternative is usually *punishment*, which decreases the likelihood of a behavior by taking something away (such as removing a favorite toy) or doing something unpleasant (yelling, spanking.) While punishment might work immediately, it has been shown to be ineffective in the long run and can increase aggressive behavior, provide a model for additional undesirable behaviors, and strain the relationship with the caregiver (you). It is worth noting that to continue to be effective and maintain improvements, positive supports and feedback need to be ongoing as well.

“Withholding reinforcement for problem behavior (i.e., extinction) is technically an example of punishment. Proponents of Positive Behavior Support (PBS) acknowledge that controlling access to reinforcement is necessary when trying to change behavior. What PBS does not condone is the use of aversive (e.g., demeaning, painful) procedures to suppress behavior. Such approaches have been demonstrated to be ineffective in producing durable changes in people’s behavior and do not improve to quality of their lives.” –Association for Positive Behavior Support

If you have made changes to improve your child’s health or happiness, and these have not helped to improve his behavior in a reasonable time frame (a couple of weeks), or you are concerned about safety, help may be needed. Positive strategies and an intervention plan can be developed by a behavioral or educational team, usually in response to what is learned in a *functional behavior assessment* (FBA) as described in the previous section.

When several challenging behaviors exist, it is important to establish priorities. You may want to first target behaviors that are particularly dangerous, or skills that would help to improve situations across several behavioral scenarios. Remember to set goals that are realistic and meaningful. Start with small steps that can build over time. A non-verbal child is not likely to speak in full sentences overnight, but if learning to hold up a ‘take a break’ card when he needs to leave the table allows him to exit, and keeps him from throwing his plate, that is a huge success.

A plan for you and your team should meet four essential elements:

- **Clarity:** Information about the plan, expectations and procedures are clear to the individual, family, staff and any other team members.
- **Consistency:** Team and family members are on the same page with interventions and approaches, and strive to apply the same expectations and rewards.





- **Simplicity:** Supports are simple, practical and accessible so that everyone on the team, including the family, can be successful in making it happen. If you don't understand or cannot manage a complicated proposed behavior intervention plan, speak up!
- **Continuation:** Even as behavior improves, it is important to keep the teaching and the positive supports in place to continue to help your loved one develop good habits and more adaptive skills.

Please recognize that many skills take time to develop, and that changes in behavior require ongoing supports to be successful. In some cases, especially when you are ignoring a behavior that used to 'work' for your child, behavior may get more intense or more frequent before it gets better. Your team should keep good records and track progress and responses to intervention to know if the plan is effective.

There are increasing numbers of tools and apps for behavioral intervention tracking that are portable and simple to use. Links can be found [here](#).

Being realistic at the outset is crucial. It can help parents and caregivers appreciate that they are making small yet meaningful changes in their lives and the lives of the individual they care for. Making goals realistic



means they are achievable. Being realistic keeps the picture positive. It focuses attention on progress towards a goal, rather than perfection.

Setting Realistic Behavioral Goals:

Setting goals allows us to objectively measure progress toward an identified desired outcome. It also allows caregivers and parents to ask themselves, "What behavioral changes would really make the greatest improvements in our lives together?"

It allows them to identify what really matters. For instance,

it may be more important to address a behavior such as throwing things during a classroom activity than to address that person's tendency to stand up during meals.

p.23 – Targeting the Big Three

For example, it is possible that you or your team may have misinterpreted the function of a behavior, or that the function has changed over time. A-B-C data often indicates that screaming has the function of attention, because attention from others is a common (and usually natural) consequence. But it may be that screaming is triggered by painful reflux and attention is not the true function. Tracking and interpreting the data is important since it may help to show that more investigation is needed, and the plan may need to be adjusted to be effective.

Information on supports for teaching behavior management can be found in the Autism Treatment Network's [An Introduction to Behavioral Health Treatments](#) and [Applied Behavior Analysis; A Parent's Guide](#).

In the end, you are trying to teach your child that life is better, and that he can get what he needs, without having to resort to challenging behaviors. The suggestions below are strategies to help make individuals with autism feel more comfortable and more empowered.





Adapt the Environment

As you learn to think like a detective about your child's behavior, your observations (or the FBA) are likely to show that behavior occurs at specific times, with certain people or in particular environments. You and your team will need to tune in, learning to recognize the signs of increasing tension, anxiety or frustration that eventually lead to challenging behaviors. Often there is a ramping up, or escalation period, and learning to recognize that early and using many of the approaches here can help to calm a situation and prevent behavioral outbursts. Sometimes these signs may be very subtle—red ears, a tapping foot, heavier breathing, higher pitched speech—but it is essential that everyone on the team responds to the importance of tuning in and working towards *de-escalation*.

Changing the environment can often reduce behavioral episodes. Expand situations, relationships, places and opportunities that are successful. If possible, try to adjust or avoid situations that are triggers for challenging behavior. Incorporate ways to reduce frustration and anxiety and increase understanding. Below are some things to consider when working to create a more successful environment:

- **Organize and provide structure:** Provide clear and consistent visual schedules, calendars, consistent routines, etc. so that the person knows what is coming next.
- **Inform transitions and changes:** Recognize that changes can be extremely unsettling, especially when they are unexpected. Refer to a schedule, use countdown timers, give warnings about upcoming changes, etc.
- **Use Visual Supports:** Pictures, text, video modeling and other visuals are best for visual learners, but they are also critical because they provide information that stays. The [ATN Visual Supports Tool Kit](#) provides a step-by-step, easy-to-understand introduction to visual supports.
- **Provide a safe place and teach when to use it:** A calming room or corner, and/or objects or activities that help to calm (e.g. bean bag) provide opportunities to regroup and can be helpful in teaching self-control.
- **Remove or dampen distracting or disturbing stimuli:** Replace flickering fluorescent lights, use headphones to help block noise, avoid high traffic times, etc.
- **Pair companions or staff appropriately for challenging activities or times:** Some people are more calming than others in certain situations. If going to the store with dad works better than with mom, focus on that and celebrate successes.
- **Consider structural changes to your home or yard:** These changes might address some of the specifics of your situation to increase independence or reduce the risks when outbursts occur. [Making Homes that Work](#) includes a range of potential changes that can be made to reduce property damage, improve safety, and increase choice and independence.

“One of the barriers that we often find for children with autism in toilet training has to do with the condition of the bathroom itself. Often times we find that people with ASD can be very tactfully defensive so the space itself needs to be as neutral as possible. There needs to be enough room around the toilet so people don't feel too confined. It is really helpful if the space is warm and you address other types of sensations around the toileting experience. For example, is it cold, is there a fan running, is the light too bright, or not bright enough? You can sometimes help encourage people to use the toilet if the bathroom is a friendly place for them to be

– George Braddock, President,
Creative Housing Solutions LLC





What else can I do to promote a Safe Environment?

Even the best-laid plans don't always work in every situation or at the necessary speed. Despite proactive strategies, particularly challenging times and stressful situations can get beyond our control. Aggression or self-injury can get to a point where the situation is dangerous. It is good to be prepared if you think this might happen.

Communicate to Others

Many families have found it helpful to communicate to those around them about their child's special needs and some of the behavioral situations that might arise. Sometimes it is helpful to let others know what is going on so that they can also be observers and help provide helpful input about your child. Some families have found it helpful to talk to their neighbors, or to communicate with others in the community using stickers, cards, or other visuals.

I carry a note card stating:

"Thank you for your concern. My child has autism. He finds many situations difficult, including this one. Right now, we are doing a treatment plan recommended by our therapist, Dr. BCBA. This includes not giving attention to my child when he is acting out in order to discourage it. If you have any questions, you can contact Dr. BCBA at 123-456-7890."

I post these cards in the windows of my car, on the front door of my house and at any other environment, like family members houses. My child has Autism printable card <http://card.ufl.edu/handouts/Autism-Card-w-border.pdf>

Preparing for an Autism Emergency

Because autism often presents with special considerations, tools have been developed to help families prepare ahead of time for some situations that might arise. The following resources have suggestions for families, as well as information that can be shared with local law enforcement and first responders:

- [Autism Speaks Autism Safety Project](#)
- [First Responders Tool Kit](#)
- [Community and Professional Training Videos for First Responders](#)
- [National Autism Association's Big Red Safety Boxes](#)
- [Autism Wandering Awareness Alerts Response and Education Collaboration \(AWAARE\)](#)
- [Making Homes that Work](#)

Use Positive Behavior Supports

Your team should develop strategies for you to use to increase the behaviors you want to see in your child. These will need to be individualized to his particular needs and challenges. They can often be helpful in building a sense of pride in accomplishments and personal responsibility, and a sense of what is expected. This will reduce the anxiety and reactivity that results in aggression or other behaviors. Some helpful strategies:

- ***Celebrate and build strengths and successes:*** Tell him what he does well and what you like. A sense of competence often fosters interest and motivation. Strive to give positive feedback much more frequently than any correction or negative feedback. 'Great job putting your dishes in the sink!'
- ***Respect and listen to him:*** You may have to look for the things he is telling you, verbally or through his choices or actions. 'You keep sitting on that side of the table. Is the sun in your eyes over here?'
- ***Validate his concerns and emotions:*** Do not brush aside his fears or tell him not to worry. His emotions are very real. Help to give language to what he is feeling. 'I know you do not like spiders. I can see that you are very afraid right now.' 'I can see that you are angry that our plans have changed.'





- **Provide clear expectations of behavior:** Show or tell your child what you expect of him using visual aids, photographs or video models. A great way to teach new skills is **Tell-Show-Do**.
- **Set him up for success:** Provide accommodations. Accept a one word answer instead of demanding a whole sentence. Use a larger plate and offer a spoon to allow him to be neater at the dinner table. Use Velcro shoes or self-tying laces if tying is too frustrating.
- **Ignore the challenging behavior:** Do your best to keep the challenging behavior from serving as his way of communicating or winning. This is hard to do, but in the long run it is effective. Do not allow his screams to get him out of brushing his teeth, or his biting to get him the lollipop that he wants. Behaviors may get worse before you start to see them get better. Stay the course! And make sure all family and team members are consistent in this approach and that you pair this with other positive strategies.
- **Alternate tasks:** Do something that is fun, motivating or that your child is good at. Then try something hard. He will be less inclined to give up or get agitated if he is already in a positive framework.
- **Teach and interact at your child's or loved one's learning level:** Take care to set him up for growth and accomplishment, rather than the anxiety produced by constant failure or boredom.
- **Give choices, but within parameters:** Everyone needs to be in control of something, even if it is as simple as which activity comes first. You can still maintain some control in the choices that you offer. 'Do you want to eat first, or paint first?'
- **Provide access to breaks:** Teach the individual to request a break when he needs to regroup (e.g. use a **PECS** card that represents "break"). Be sure to provide the break when he asks so he learns to trust this option and does not have to resort to challenging behaviors.
- **Promote the use of a safe, calm-down place:** Teach him to recognize when he needs to go there. This is a positive strategy, not a punishment.
- **Set up reinforcement systems:** Use simple, predictable processes that reward your child for desired behavior. Catch him being good and reward that, verbally and with favored activities, objects or 'payment.' *I love that you stayed with me during our shopping trip. You earned a ride on the airplane toy!*
- **Allow times and places for him to do what he wants:** Even if it is a 'stim', it is important to provide these options when it is not an intrusion or annoyance to others.
- **Reward flexibility and self control:** *I know you wanted to go to the pool today and we were surprised when it was closed. For staying cool and being so flexible about that change in plans, let's go get some ice cream instead!*
- **Pick your battles:** Strive for balance. Focus on the behaviors and skills that are most essential. Be sure to include positive feedback and intersperse opportunities for success and enjoyment for you, your family, and your loved one with autism. Be resilient. Celebrate the fun and the good things!
- **Use positive/proactive language:** Use language that describes what you want the individual to do (e.g. *I love how you used a tissue!*), and try to avoid saying 'NO', or 'don't' (e.g. *stop picking your nose.*).





Teach Skills and Replacement Behaviors

Since behavior often represents communication, it is essential to replace behavior by building more adaptive skills. It is important that you and your team not assume that a child has the skills needed to do something ‘the right way’ and that you are prepared to use systematic instruction and motivation to build new abilities.

Focus on communication and functional skills to promote greater independence, social skills to promote greater understanding and reduce apprehension, and self-regulation skills. The team should specifically work on skills that will address the behavior’s function, and thereby help to replace, the target behavior. Skill building can take some time, so be persistent and celebrate the small steps along the way.

“Communication-based intervention refers to an approach that reduces or eliminates problem behavior by teaching an individual specific forms of communication. Because the communication forms that are taught are more effective ways of influencing others than the problem behavior, they eventually replace the problem behavior itself... By communication training, we mean that individuals are taught specific language forms including, for example, speech, signing, and gestures that can be used to influence other people in order to achieve important goals.”

*– Ted Carr, Ph.D.,
State University of New York at Stony Brook*

When you adjust to give different feedback or to help your child develop a new skill, celebrate yourself as much as you celebrate your child’s growth! Reward a sibling for being extra patient or modeling a skill you are teaching. Use the pride in your successes to help you stay focused and dedicated, and to help you reflect on the good things in your child and your family.

It is essential to teach skills in the context of a positive learning situation, which is NOT while a behavior is occurring. These skills need to be part of a comprehensive educational plan. Just like math facts, they may need to be practiced many times during the day when the child or adult is calm and attentive. Label ‘calm’ and ‘ready to learn’ states and teach your child what they feel like.

- **Develop and expand functional communication:** Find a way to build effective communication that is appropriate for the person across his daily activities. Use language instruction, **PECS**, sign language, communication devices or other tools. For example, teach an over-stimulated child to ask for quiet time (using his words, PECS, pointing to a picture, or an iPad app), instead of running away. Functional communication should be rewarded with immediate access to the requested item to build the connection. This allows you to use request = item rather than behavior = item. A trained autism specialist or speech therapist will be very helpful in choosing and supporting effective interventions for functional language development. More information and possible resources:

- **The National Professional Development Center’s Functional Communication Training**
- **Functional Communication Training**
http://www.autismspeaks.org/sites/default/files/challenging_behaviors_caregiver_manual.pdf
- **Severe Behavior Problems: A Functional Communication Training Approach (Treatment Manuals for Practitioners)**, by V. Mark Durand





- **Picture Exchange Communication System (PECS) and Associated Apps**

- **Other Autism Apps**, such as **Proloquo**

Developing a voice can be life changing, and finding the right supports can help to increase functional communication in a variety of ways. For one dramatic example, watch [Carly's story](#).

- **Teach Social Skills:** Use social stories to explain expectations and build skills and awareness. Recognize that some skills might require a team approach. For example, messy eating or toileting can be the result of a combination of sensory concerns, motor planning and social awareness, so working with an occupational therapist and using social stories as well as behavioral interventions might be needed

- **Create Activity Schedules:** Teach the use of schedules using pictures, written words or videos to help organize a chunk of time (e.g. a day, a class period, etc.) and break tasks into small, manageable steps. These schedules often reduce anxiety, provide skill development, and promote independence. Examples and resources:

- **Picture Activity Schedules, from Do2Learn**

- **Activity Schedules for Children With Autism, Second Edition: Teaching Independent Behavior**, by Lynn E. McClannahan and Patricia Krantz

- **Other Autism Apps**, such as **ReDo**

- **Teach Self-Regulation and De-escalation Strategies:** Learning to self regulate is essential to a person's ability to remain calm in the face of the assaults that the world will undoubtedly bring his way. Your child is most likely to show problem behaviors when he is in an emotional state of anxiety or agitation. Strategies and programs for building self-regulation relate to both arousal and emotions. Many of us have had to learn these ourselves—counting to ten, taking a deep breath—and the same principles apply to the learning needs of an individual with autism.

“My behavior began to improve when I started to learn about emotions—how to recognize them not only in others, but in me. This was an essential step to learning self-regulation, and it was then that I started to take more control of my actions.”

—RH, adult with autism

- Use **The Incredible 5-Point Scale** to teach social awareness and emotions

- Teach recognition of arousal levels: **The Alert Program: How does your engine run?**

- Employ **Behavioral Relaxation Training (BRT)** which uses motor exercises (posture, breathing, etc) to find a relaxed state, and has been shown to be helpful in individuals who are less able to talk through issues or concerns.

- Teach self control and behavioral targets using Social Stories or **Cognitive Picture Rehearsal**.

- Teach the individual to recognize the triggers for his behavior, and ways to avoid or cope with these when they occur.

- Find ways to arouse and ways to calm your child, which can vary from person to person, and teach him to do these when he needs to.

- Review additional tips and hundreds of **sample behavior charts and targets**, including feeling charts.





- **Find providers who use Cognitive Behavior Therapy** or teach cause and effect, self-reflection, and social understanding through tools such as the **Social Autopsy**. While these techniques lend themselves to more verbal individuals, they can be used with individuals of all verbal abilities with appropriate accommodations such as use of visuals and role-play.
- **Teach Self-Management Skills:** Self-management focuses on becoming aware of one's actions and learning responsibility for behavior and tasks without the support of caregivers. This is especially important in the adolescent years, as young adults with autism often feel the need for greater autonomy and independence just like their peers. Teaching self-management provides your child with a sense of personal responsibility, pride and accomplishment. Some books include:
 1. **How to teach self-management to people with severe disabilities: A training manual**, by Lynn Koegel
 2. **Self-Management for Children With High-Functioning Autism Spectrum Disorders**, by Lee A. Wilkinson
- **Promote Exercise:** Exercise can be a powerful factor in overall quality of life, for reasons beyond just physical fitness and weight issues. Research shows that aerobic exercise can influence behavior, decreasing self-stimulatory behaviors such as rocking and spinning, as well as discouraging aggressive and self-injurious behavior. Sometimes the challenges of autism (e.g. sensory input, motor planning, social aspects of team sports, etc.) can require a little extra creativity in terms of designing an approach to physical activity that is beneficial and motivating for a specific person. However, if implemented appropriately, the addition of physical activity to an autism intervention program can address some of these specific challenges, increase self-confidence and social interactions, and improve overall quality of life. The same interventions that are used to teach other skills (ABA, structured teaching, etc.) can be used to build exercise skills and routines.
 - **The Benefits of Sports and Exercise in Autism**
 - **Top 8 Exercises for Autism Fitness** *from AutismFitness.com*
 - **Autism Fitness Exercise Videos** *from AutismFitness.com*
- **Address Hormones and Sexuality Considerations:** The hormone and brain changes of puberty can make a typical child seem like a stranger, and these same effects occur in people with autism. However, in autism, additional considerations come into play because of the language and social deficits. Tell your child, even if you think he may have difficulty understanding, about what is happening to his body. Specific teaching to the skills of appropriate social considerations (personal space, privacy, feelings vs. actions, etc.) can help to keep an individual with autism out of situations that others might find disturbing or inappropriate.

Responding to Inappropriate Sexual Behaviors Displayed by Adolescents With Autism Spectrum Disorders by Jenny Tuzikow, Psy.D., BCBA-D has helpful insights.

Editor's Note: This story reflects the need for the team to take into consideration the culture and comfort of those being asked to take part in an intervention. Your family's perspective and concerns need to be considered as you program, as a team, for your child.

"Just like any other teenage boy, my 13 year old son with autism starting having occasional, unexpected erections that seemed outside of his control. He found them funny, but obviously others did not. We explained to him what was taking place, but that it was something that he should keep private. Even if he understood what we were saying, we recognized this would be difficult to do when you don't have the language to let others know you just 'need a few minutes at the desk.' His behavioral team thought the way to address this was to give it an outlet, suggesting some





Victoria's Secret catalogs and some modeling from Dad. I was so relieved that I could not be asked for this duty! But we were also concerned about what else we were teaching him. What if Victoria's Secret became his 'trigger' and we went to the mall??? We reasoned with the team, and instead taught our son to ask for Private Time-- in his room, at home, with a Private Time sign on his door. Eventually he outgrew this phase and it has not been an issue. We can even go to the mall and pass Victoria's Secret without concern!"

– ES, a mother

An Intervention Example: C.O.P.E.S.™

One school intervention team has had success using strategies for 12 teenage students with long histories of failed interventions and high incidence of aggressive and self-injurious behaviors. C.O.P.E.S.™ involves consistent implementation of a collection of individualized approaches. This program incorporated several interventions to greatly reduce behaviors and build positive skills and happier students. For a description and accompanying visual examples, please see the Appendix at the end of this section.

Punishment vs. Rewards: What does science tell us?

Punishment is often used in shaping behavior. It works because it reduces the chances that the behavior will happen again. Punishment often takes two forms— *doing something* such as spanking or giving extra chores, or *taking something away* such as TV time or the car keys. We often use punishment in its more subtle forms without even realizing it—raising our voices, removing a favorite toy or withdrawing attention.

The short term consequences of punishment bring focus to a problem and may stop the behavior in the moment. But studies show that punishment is largely ineffective in the long run, especially when it is not used together with positive and preventive approaches. It can promote emotional responses such as crying and fearfulness, and aggressive behavior by providing a model (e.g. hitting). It can also promote a desire for escape and avoidance of the person or the situation that caused the punishment. It often needs to be repeated and often becomes more intense, because punishment may teach what *not to do*, but does not build skills for what *to do*. The negative feelings associated with punishment are often paired with the person delivering the punishment, causing the relationship with the parent or caregiver to be affected as time goes on.

Of course, every child exhibits behavior that needs to be corrected, or shaped, so what else can I do?

Rewards, or using **reinforcement**, are one of the most consistent ways to change behavior and build desired responses. For people with jobs, the reward is a paycheck at the end of the month. Children, especially those with autism, often need their rewards much more immediately, and in connection with the desired behavior. So, as soon as he buckles his seatbelt, he gets a 'high five'.

Sometimes reinforcement is viewed as simple, such as giving an M&M after a correct response, but reinforcement can be much more than that. When a tangible reward (M&M) is paired with a social reward ('Great job saying Good Morning to your brother!'), the positive feeling of success gets paired with both the verbal praise, and the person giving the reward. This helps to build the desired behavior, and also often improves the relationship with the parent or teacher using the reward.

Reinforcers can vary considerably from person to person. It is important to observe your child to learn what he finds rewarding so that you can give him what he wants after he has responded in the way that you desire. Watch what he does in his free time, or when he has choices—some children love to be tickled, others do not. Consider edibles (such as a cookie or other favorite food) but also other **tangibles** (a toy, bubbles, etc.) or experiences (listening to music, taking a walk, curling up on the bean bag). Be creative and mix it up. Know that the more opportunities a person has to encounter a reinforcer, the less rewarding it might become—so the 'power' of a reward is often increased if it is saved for certain times when you want to celebrate your child's behavior.





Research shows that positive, reinforcement-based strategies are most effective in creating long-term behavioral change. However, it is also important to have an immediate response to a behavior in order to maintain safety or minimize disruptions. Planning in advance for the type of situation is important, so that caregivers across settings (home, school, etc.) are consistent in their responses and delivery of consequences. Most reactive strategies fall into three areas as listed below.

- **Ignoring the behavior (extinction)** is often used when the behavior is used for attention, and is mild or not threatening.
- **Redirection**, often supported with visuals, may involve redirection to an appropriate behavior or response and is often paired with positive strategies.
- **Removal from a situation or reinforcement** through a time out is often used for calming down opportunities.

Ignoring challenging behavior means not giving in to the behavior that you are trying to eliminate, to the best of your ability. If he kicks to get a cookie, ignore the kicking and do not give him a cookie. But, use other strategies here to teach him to request a cookie, and be sure to give the cookie when he asks, so as to build his trust in you. Note that when you first start to ignore a behavior (called **extinction**) it may increase the behavior. This is called an **extinction burst** and is very normal. Stay the course.

- Certain behaviors (those that are dangerous or injurious) are more difficult to ignore and sometimes need to be redirected or blocked (e.g. putting a pillow by his head so that his self-hitting does not do damage), even as you strive to not allow the behavior to ‘win.’ link to Yoo section on ignoring?

“When Joey was little, every time he spilled his glass of water, he banged his head on the edge of the table. I learned to wipe-up his spilled water quickly, in order to avoid this self-injurious behavior. If I was really fast, he’d attack me on my way to cleaning it up – grabbing my hair and pulling. I also noticed that his aggression didn’t stop once I had cleaned up the obvious puddles, but continued as I wiped what I thought was a dry surface.

This behavior continued because, try as we might, we could not completely avoid spilling water. By the time Joey was age 9, the entire family was very alert to the importance of not spilling water and the need to respond quickly trying to reduce the duration of Joey’s aggression. Only after we started a home ABA program was it pointed out that my rushing to clean up spilled water followed Joey’s becoming self-injurious and aggressive. By wiping up the water, we were reinforcing Joey’s inappropriate behaviors. I realized that Joey did not know how to clean up the water himself. He also did not have another way to ask us to clean up the spilled water or to tell us that it bothered him, other than banging his head or pulling our hair.

With the help of our behavior consultant, we learned to clean-up the spilled water only before Joey becomes aggressive or self-injurious. We also learned to prompt appropriate language “clean up” as we cleaned up. If Joey aggressed, we ignored the spilled water and followed our behavior protocol. After practice, Joey learned to say “clean up” instead of banging his head and pulling hair. Eventually, we taught Joey how to ask for a towel or to get a towel and clean up the water himself.”

– BH, parent

Redirection can be a very powerful tool, giving you the opportunity to steer your child into a situation that is more positive, or more manageable. It also helps to avoid or calm an escalating situation. The use of a time out can vary considerably, and to be most effective, it is important that it is done correctly. A time out is not just a change in location—it means your child loses access to something he finds rewarding or cool. For more complete discussion on how best to use time out, see the [ATN ABA guide](#) or this [parent training information](#).





Other strategies your behavioral team might employ include teaching accountability (if he spilled the milk, he is the one to clean it up), or using positive practice, sometimes known as do-overs. For example, if he let the door slam in someone's face, he might practice in the doorway how to enter the house and hold the door five or ten times. *'Oops, let's practice doing that the right way.'* In doing this, try to limit the sense of punishment, keeping positive strategies employed (reinforcement, praise) to build the desired behaviors over time. *I love that you noticed I am right behind you and you held the door open!*

- When behavior does occur, be careful not to:
- Feed into the behavior, give in or provide what your child wanted to get from the behavior
- Show disappointment or anger
- Lecture or threaten
- Physically intervene (unless necessary for safety, such as keeping a child from running into the street)

A new look at time-out

Contrary to popular belief, time-out is not sitting in a chair for a few minutes. Time out is losing access to cool, fun things as a result of exhibiting problem behavior, usually by removing the individual from the setting that has those cool, fun things. Time-outs can only occur when the individual is in time-in. That is, if nothing enjoyable was happening before time-out, you are simply removing the individual from one non-stimulating, non-engaging room to another.

For example, if the individual is watching her favorite TV show, but hits and screams at her sibling for getting in the way, taking her to a chair located in the same room will not serve as a time-out since she can still see and listen to the TV. Removing her from accessing the TV completely, however, is an example of a time-out. In this case, time-in (watching a favorite show) was in place, allowing for time-out to be effective upon the occurrence of the problem behavior. Once the individual is in time-out, let her know that she must be calm for at least 10 seconds (or a duration of your choosing, usually shortly after he is calm) before she can return to time-in. Do not talk to the individual or explain to her what she did wrong while she is in time-out. You may use a timer to indicate to the individual when the time-out will be over. When the timer goes off, he should be allowed to return to what he was doing, i.e. time-in.

How to use time-out correctly

- *A fun, enjoyable activity should be in place before using time-out (e.g. playing video game, visiting friends).*
- *Time-out should not lead to the individual avoiding or delaying an unpleasant task or work activity*
- *Time-out should take place in a boring and neutral setting.*
- *No attention should be given during time-out. Simply tell the individual, "You hit your brother, no TV. Go to time-out until you are calm".*
- *Time-out should be discontinued shortly after the individual is calm and quiet (approximately 10 seconds of calm behavior).*

– page 74, Targeting the Big Three





Resources:

[Behavioral Relaxation Training and Assessment](#)

by Roger Poppen

[Behavioral Relaxation Training \(BRT\): Facilitating acquisition in individuals with developmental disabilities](#)

by Theodosia R. Paclawskyj, Ph.D., BCBA, and J. Helen Yoo, Ph.D.,

[The Cycle of Tantrums, Rage, and Meltdowns in Children and Youth with Asperger Syndrome, High-Functioning Autism, and Related Disabilities](#)

by Brenda Smith Myles and Anastasia Hubbard

[How to teach self-management to people with severe disabilities: A training manual](#)

by Lynn Koegel

[Self-Management for Children With High-Functioning Autism Spectrum Disorders](#)

by Lee A. Wilkinson

[Taking Care of Myself: A Hygiene, Puberty and Personal Curriculum for Young People with Autism](#)

by Mary Wrobel

[Targeting the Big Three: Challenging Behaviors, Mealtime Behaviors, and Toileting](#)

by Helen Yoo, Ph.D, New York State Institute for Basic Research

Autism Speaks Family Services Community Grant recipient

[Autism Fitness.com : Leading Authority in Autism Fitness](#)

Eric Chessen

[Depression and Anxiety: Exercise Eases Symptoms](#)

Mayo Clinic

[Exercise for Mental Health](#)

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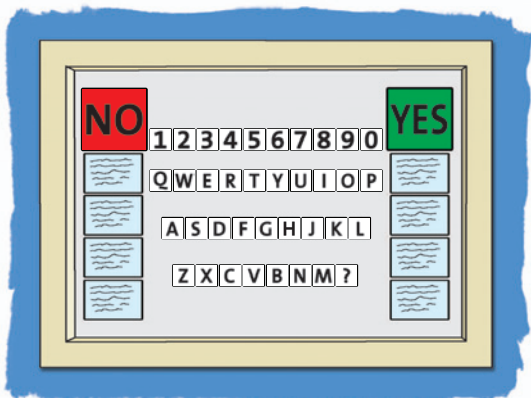




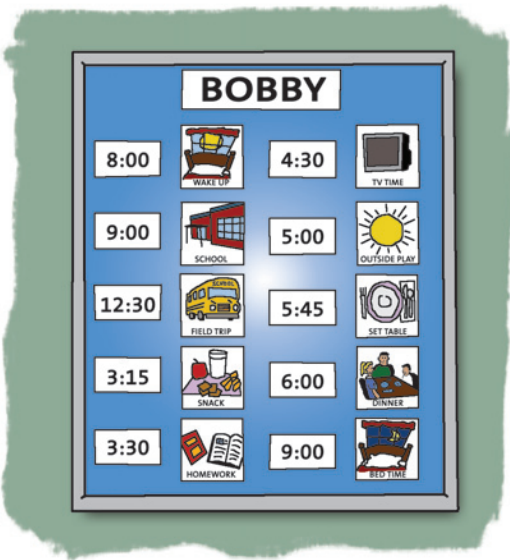
C.O.P.E.S.TM

The COPEs program uses individualized programs for each of their students that incorporates the following elements:

- **Communication:** students were given immediate access to communication for emotional issues. Multi access approaches were tailored to the student's needs using YES - NO boards, icons, and iPads with augmentative apps. Teach communication at his level and start with what is most essential.



- **Organization:** many of the students showed considerable anxiety and a complex array of escape and avoidance behaviors since they had no systems to help them organize and anticipate events, daily schedules, changes in schedules and or future events. Simple schedules and training on basic contingency management and use of visual supports showed rapid changes in behavior and reduced anxiety.



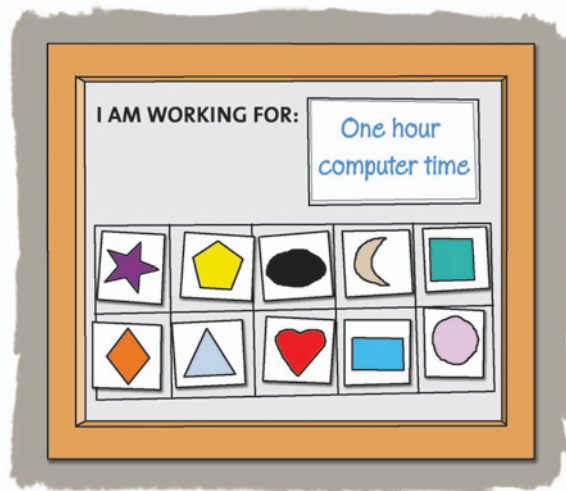
Tommy's Schedule Monday	All Done
Put Backback in Cubby	
Independent Work	
Morning Meeting	
Reading Time	
Music Class	
Lunch	
Recess	
Special Reading Group	
Pack Up Backback	
Go Home	





- **Positive behavior supports:** Even though all of the students had prior FBAs and complex contingency management systems, the interventions often failed since they were too little, too late. By being reactive instead of addressing why the behavior occurred in the first place, the previous interventions were sending the message that the student's behavior was frustrating, but missing the opportunity to prevent its occurrence in the future. Prevention had to be addressed as a primary objective and replacement skills needed to be built using positive behavior supports. Simple token charts were introduced and each student was reinforced for success, as simple as walking into a room nicely to sitting for a minute in a chair. The students responded immediately to being honored and acknowledged for the things they did right, though they were in shock at first since they were accustomed to primarily negative feedback. You could almost see the questions in their faces—What do you mean I'm being given constant feedback? And it's positive!

Example of reinforcement steps to earning computer time:



- **Emotional regulation:** Starting on day one of the behavior support plan, each student was systematically taught to understand and identify his own regulatory state and escalation cycle. Proactive programming was essential. Empowerment and self-determination was a significant part of the program and the students responded immediately to their involvement in their plans. The plans were based on knowing that the student who understands that stress, anxiety and specific activities or situations often result in tension, frustration, and behaviors, is a student who has a chance of self-regulating.

The program has been taught successfully to numerous students with limited to no verbal skills. Individuals with limited verbal skills are often assumed to be without a full range of emotions, with limited ability to comprehend what others are saying. As a result they live frustrating lives. These students are often misunderstood and their emotions, feelings and responses are not fully considered. People talk about them as if they are not there and they make judgments and statements that do not take into account for the full depth of their feelings, thoughts and opinions.


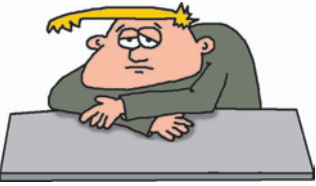
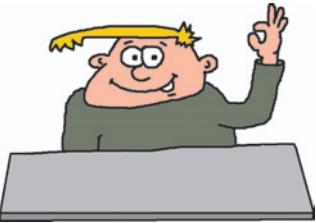
- Teaching the student his escalation cycle does two main things:
 - it allows him to have some say or opinion in his program
 - it teaches him to be aware of the things that cause him anxiety or frustration that often leads to disruptive behaviors, and teaches him corresponding strategies for self-regulation





An example of the visuals used to teach a student to identify his regulatory state and what to do to 'get to green' of 15

My Self-Management Plan

	The behaviors I exhibit when I feel this way	What I need to do-
 I AM HIGH	<ul style="list-style-type: none"> ■ I grab others ■ I hit and bite ■ I yell loud ■ I cry loudly 	<ul style="list-style-type: none"> ■ Sit and breath- deep breaths ■ I need to be in a safe place ■ go to the beanbag and stay there! ■ Get to yellow
 I AM LOW	<ul style="list-style-type: none"> ■ I look tense, my shoulders and body are tense ■ I bite my tongue ■ I click my neck and fingers ■ I look red and sad ■ I need everything to be in its place 	<ul style="list-style-type: none"> ■ Take a sensory break ■ Ask for help ■ I need someone to write and explain what's going on! ■ I need to take DEEP breaths
 I AM CALM	<ul style="list-style-type: none"> ■ I can sit and focus ■ I can follow my schedule ■ I can answer with my voice ■ I do respond to others and I look relaxed! 	<ul style="list-style-type: none"> ■ I can earn my points and get preferred breaks

- **Sensory and social:** Each student has a systematic exposure to community and or social outings that includes the golden rule--no community and/ or social access when the student is in any other state but green. This decreases the chances for the student to be in dangerous situations where staff have to try to manage behavior and risk inadvertently reinforcing behaviors because the safety risk is too high.

Social skills are focused on as reciprocal interaction, not necessarily frustrating, overwhelming exposure to typical students. The social success is based on the student being motivated and able to access the social situation. Start small and be successful. Building confidence in the student has to come first and regulation is key to that confidence.



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North Dakota Multi-Tier System of Supports

Presentation to the Senate Education Committee

Tuesday February 12, 2019

By: Luke Schaefer

Executive Director, Central Regional Education Association

Project Director, NDMTSS

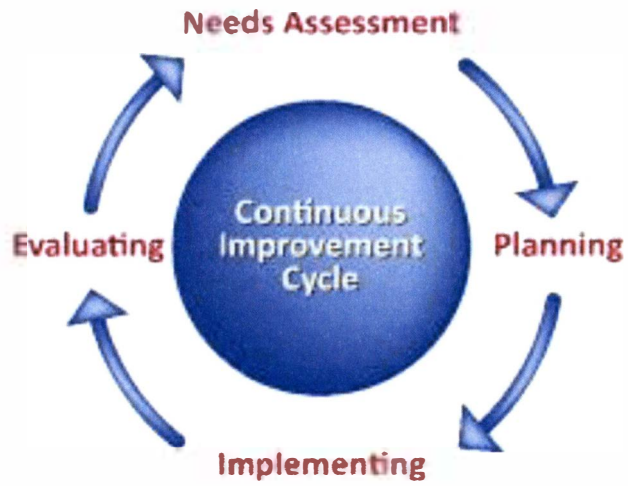
NDMTSS definition

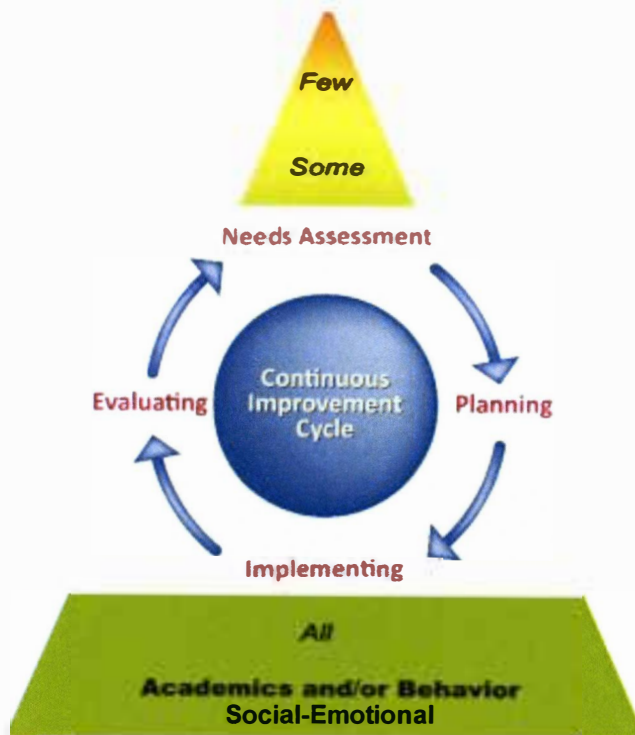
North Dakota's Multi-Tier System of Supports (NDMTSS) is a framework to provide all students with the best opportunities to succeed academically, socially, emotionally, and behaviorally in school. NDMTSS focuses on providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make decisions about changes in instruction or goals. Data are used to allocate resources to improve student learning and support staff implementation of effective practices.

What it is NOT! (NON-examples)

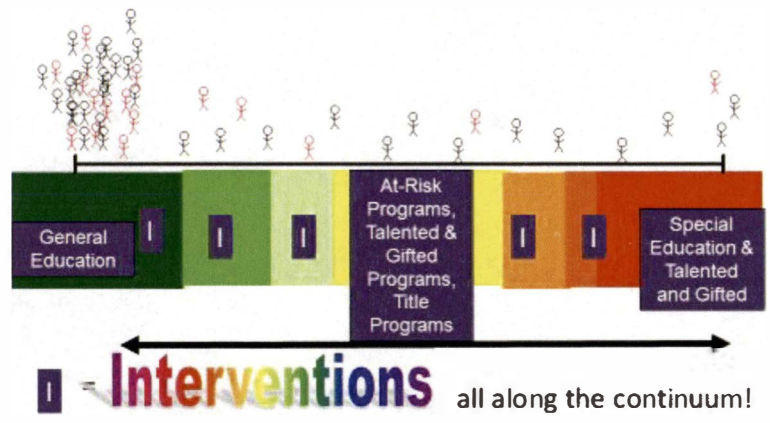
- A verb
- A time
- A place
- A program
- Not just for some students
- Not delivered by some teachers
- Not only for reading and/or math (not content specific)
- Not just used to get kids into special education

Simply Seen





Levels of Supports: Full Continuum



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ND MTSS Training: Standardized Process, Customized Implementation					
Overview & Focus: Developing an Understanding for NDMTSS					
1. Commit to a framework that provides all students with the best opportunities to succeed academically and behaviorally in school 2. Provide high-quality instruction and intervention matched to student need 3. Monitor progress frequently to make decisions about changes in instruction or goals 4. Utilize data to allocate resources to improve student learning and support staff implementation of effective practices					
Stages of Implementation					
Exploration		Installation	Initial Implementation	Full Implementation	
Assess needs		Acquire resources	Implementation drivers	Implementation drivers and outcomes	
Examine innovations		Prepare organization	Manage system	Innovation outcomes	
Examine Implementation		Prepare implementation	Data Systems	Becomes Standard Practice	
Assess Fit		Prepare Staff	Improvement Cycles		
Timeline	Session Title	Training Components		Stage	Audience
<i>Readiness Assessment</i>		<i>Self-Assessment of Readiness to engage at Exploration stage</i>		<i>Exploration</i>	Administration
<i>1/2-Day Training</i> (Garrison: 10:25-11 AM) (Devils Lake: 1:19-18 AM)	<i>Leadership Overview</i>	Overview of ND MTSS for School Administrators		<i>Exploration</i>	Administration
<i>1/2-Day Consulting</i>	<i>Consulting</i>	Determination of Current State from Outside Perspective		<i>Exploration</i>	Principal
<i>2-Day Training</i> (Watford City: 9/18/17 & 9/19/17) / (Bismarck: 12/11/17 & 12/12/17) / (Devils Lake: 3/5/18 & 3/6/18) / (Location TBD: 4/16/18 & 4/17/18)	<i>Building Your System</i>	This training will assist schools in determining their desired state of providing high-quality instruction and interventions matched to student need while monitoring progress frequently to make decisions about changes in instruction and/or goals.		<i>Exploration</i>	Administration / Leadership Team / Lead Teachers / Coaches
<i>Coaches Network</i>		Ongoing and Technical Assistance for Coaches at Exploration Phase		<i>Exploration</i>	Coaches
<i>Readiness Assessment</i>		<i>Self-Assessment of Readiness to engage at Installation stage</i>		<i>Installation</i>	Administration
<i>3-Day Training</i> (Minot: 1/17 & 1/18) / (Fargo: 1/23/18 & 1/24/18)	<i>Developing School-wide Behavior Expectations</i>	This training will assist schools to develop plans for active supervision, problem behavior, classroom management, data collection, data systems, and identified gaps in current practice and have an action plan for steps to improve practice in their building.		<i>Installation</i>	Administration / Leadership Team / Lead Teachers / Coaches

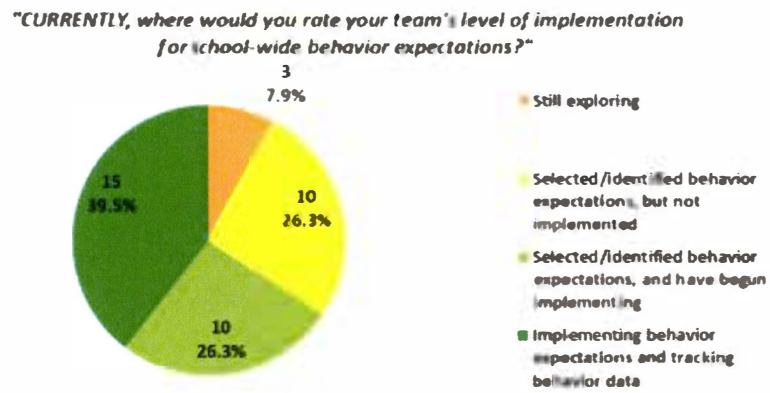


Figure 2. School Team Current Level of Implementation of Schoolwide Behavior Expectations. $n = 38$.

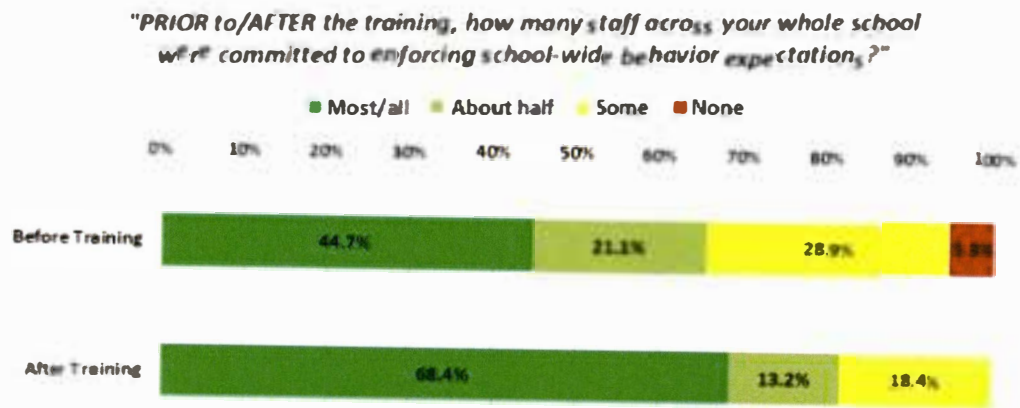


Figure 1. Staff Commitment to Schoolwide Behavior Expectations (Pre to Post Training).

Developing Schoolwide Expectations

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Tab 1: Overview		Slide #	Beginning Page #
DA Y 1	▪ Introduction to Positive Behavioral Interventions & Support	1-12	1
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	▪ Developing Expectations and Rules	42-65	7
	▪ Developing a System for Teaching Appropriate Behavior	66-85	11
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DA Y 2	▪ Effective Discipline Procedures	102-139	17
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Embedding Tier 1 Expectations within Academic Lessons

A few ideas to get started..

Social Studies

1. Discuss how an historical event occurred because of conflict. Generate solutions about how the conflict could have been resolved
2. Identify a character in history who exemplified a Tier 1 expectation (i.e., Respect, Responsible, Caring, etc.).

Language Arts and Reading

1. Discuss how characters in a novel demonstrated or did not demonstrate respect. Have students rewrite the story with the character showing respect.
2. Assign a reading in which the moral of the story aligns with a Tier 1 expectation.

Fine Arts (Music, Art, Computers, Graphics)

1. Students compose a song/rap, poem, etc. using the expectations.
2. Students design a poster depicting one of the expectations.

Science and/or Math

1. Students count the number of tickets redeemed monthly for prizes and graph them. Include the ratio of tickets to student, number of tickets distributed per teacher, etc.
2. Use the scientific method to investigate a Tier 1 problem behavior.

Service Learning

1. Older students develop story/picture books using the expectations to share with younger students.
2. Pair a high school student with an elementary student to model the expectations.

FSA Writing Prompt

1. Persuasion: Students identify what they think the school's expectations should be and why.
2. Expository: Student identify the school's expectations and describe what each expectation means to them.

General

1. Use each expectation as a "Word of the Week" on word walls
2. Look up synonyms and antonyms for the expectations

Teaching Expectations

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Categorizing and Defining Behaviors

Part 1: Categorizing Behaviors

What are our behaviors?

- Using the behavior categories below, mark each as either office-managed, teacher-managed or crisis by checking the appropriate column.
- Some categories may fall under more than one area.

Behavior Categories	Teacher	Office	Crisis
Alcohol			
Weapons			
Combustibles			
Forgery/theft			
Tardy			
Drugs			
Disruption			
Arson			
Dress Code Violation			
Lying/Cheating			
Harassment/Bullying			
Skip class/truancy			
Bomb Threat/False Alarm			
Property misuse			
Tobacco			
Abusive language/Inappropriate language/Profanity			
Defiance/Disrespect/Insubordination/Non-compliance			
Fighting/Physical aggression			
Physical contact			
Gang affiliation display			
Technology violation			
Property damage/Vandalism			
Inappropriate display of affection			
Inappropriate location/Out of bounds area			
Other:			
Other:			

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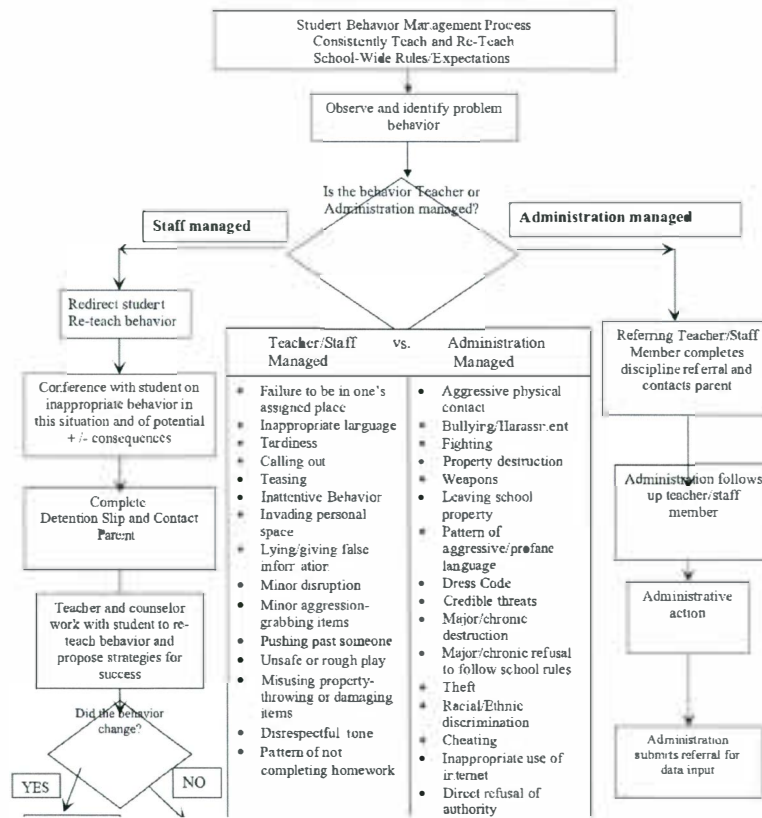
Let's all get on the same page

Activity 7: Defining Behavior

Part 1: List specific behaviors that demonstrate **disrespect**:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Who manages behavior?



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Everybody wants something

A ntecedents Environmental events occurring prior to the behavior	B ehavior Observable, measurable actions	C onsequences Events or responses immediately following the display of a behavior
---	--	---

- **GET**

- Obtain
 - Activities, people, tasks, tangibles, sensory, pain attenuation

Possible motivations of students' behavior (function)
--

- **GET OUT OF**

- Escape/Avoid/Delay
 - Activities, people, tasks, tangibles, sensory, pain

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Goal Setting—Version 2 Modified: Step 2

Student Name: _____

BEHAVIORS TO DECREASE	
Target Behavior:	Operational Definition:

BEHAVIORS TO INCREASE	
Target Behavior:	Operational Definition:

When schoolwide and classroom techniques don't work -

Prevent - Teach - Reinforce

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Mike's Team-Goal Setting

BEHAVIORS TO DECREASE	
Target Behavior: <ul style="list-style-type: none">• Screaming• Hitting• <i>Getting out of seat</i>• <i>Bossing peers</i>	Operational Definition: <ul style="list-style-type: none">• Loud, high pitched noise heard outside the classroom• Touching peers or adults with open hand, fist, foot, or object while screaming
BEHAVIORS TO INCREASE	
Target Behavior: <ul style="list-style-type: none">• Transition from preferred to non-preferred activities• Express frustration using his communication• <i>Ask for a break or attention</i>• <i>Initiate peer interactions using communication</i>	Operational Definition: <ul style="list-style-type: none">• Moving to non-preferred activity and engaging in communication at inside voice volume and pitch• Use communication (voice output device, signs, pictures) to request a break or attention

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Case Study 1- Mike: Behavior Rating Scale

Behavior		5	4	3	2	1	5	4	3	2	1	5	4	3	2	1
Screaming	9+ times	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
	7-8 times	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	5-6 times	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	3-4 times	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	0-2 times	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Hitting	8+ times	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
	6-7 times	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	4-5 times	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	2-3 times	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	0-1 times	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Expressing Frustration	40%+	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
	30-40%	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	20-30%	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	10-20%	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	0-10%	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Transition to Non-preferred	Whimper or squeal	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
	Louder than indoor voice	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
	Outdoor play voice	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	Louder than outdoor play	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Ear penetrating	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

Need data

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So what are we going to do about it?

7. What *social skills(s)* could the student learn in order to reduce the likelihood of the *problem behavior* occurring in the future?

- | | | |
|--|---|--|
| <input type="checkbox"/> Peer interaction | <input type="checkbox"/> Sharing objects | <input type="checkbox"/> Taking turns |
| <input type="checkbox"/> Play skills | <input type="checkbox"/> Sharing attention | <input type="checkbox"/> Losing gracefully |
| <input type="checkbox"/> Getting attention appropriately | <input type="checkbox"/> Conversation skills | <input type="checkbox"/> Waiting for reinforcement |
| <input type="checkbox"/> Joint or shared attention | <input type="checkbox"/> Making pro-social statements | <input type="checkbox"/> Accepting differences |

Others: _____

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1. Was the intervention successful – did behavior meet criterion levels? If yes, jump to question 5 below	YES NO
2. NO, intervention not successful: Was the plan implemented as intended? What were the fidelity scores? _____	YES NO
3. NO, intervention not successful; YES, plan was implemented as intended. Determine next step.	
(a) Give the plan more time Date of next follow-up meeting (no more than 3 weeks) _____ (b) Modify the plan Date of meeting to develop modified plan _____ Date to train the teacher in the modified plan _____ Date of next follow-up meeting (no more than 3 weeks) _____ (c) Conduct a more comprehensive FBA Team/facilitator conducting FBA _____ Date by when FBA will be completed _____ Date of meeting to develop hypothesis and plan (no more than 3 weeks) _____	
NO, intervention not successful; NO, plan was NOT implemented as intended. Determine next step.	
(a) Retrain the teacher (b) Modify the plan to make more feasible a Date of meeting to develop modified plan _____ b Date of next follow-up meeting (no more than 3 weeks) _____ (c) Select new interventions that are more acceptable and match the hypothesis a Date of meeting to develop new plan _____ Date of next follow-up meeting (no more than 3 weeks) _____	
5. YES, intervention effective and YES, plan implemented as intended. Determine next step.	
(a) Extend the plan by implementing in another problematic routine or with other people (b) Establish new goal/increase criterion (c) Teach a new skill (d) Fade out parts of the plan Other (specify) _____	

Did it work?

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Trauma Sensitive Schools

Trauma is prevalent in our schools. If we stop asking, “What is wrong with this kid?” and start asking, “How can I help this child?” We can do much more.

But understanding isn't enough

GET THE FACTS

Fact: One out of every four children attending school has been exposed to a traumatic event.

FACT: Trauma can impact school performance

- Lower GPA
- Higher rate of school absences
- Increased drop-out
- More suspensions and expulsions

FACT: Trauma can impair a multitude of competencies that impact learning and engagement.

- Concentration and attention
- Managing behavior
- Negotiating relationships
- Regulating emotions
- Executive functioning

FACT: Trauma is not a new phenomenon but today we know much more about its profound effects than we did ten years ago.

FACT: Educators can help a child experiencing traumatic stress.

- Learn about traumatic stress and how it manifests in the classroom.
- Enhance children's sense of psychological safety
- Be sensitive to trauma reminders
- Recognize that behavior problems may be related to traumatic experiences

OVERVIEW OF CURRICULUM

Module 1: Introduction to Childhood Trauma

Designed to provide overview of the effects of childhood trauma and it impacts on student behavior and learning
Mental Health Indicator A, B

Module 2: Neurobiology of Trauma & Resilience

Provides basic overview of how trauma impacts brain development and learning highlighting the ACE Study
*Mental Health Indicator A, B
Suicide Prevention Indicator A*

Module 3: Trauma-Sensitive Strategies—Part I

Provides insight into how to increase psychological safety, rationale for trauma screening, and focusing on strengths
Mental Health Indicator C

Module 4: Trauma-Sensitive Strategies—Part II

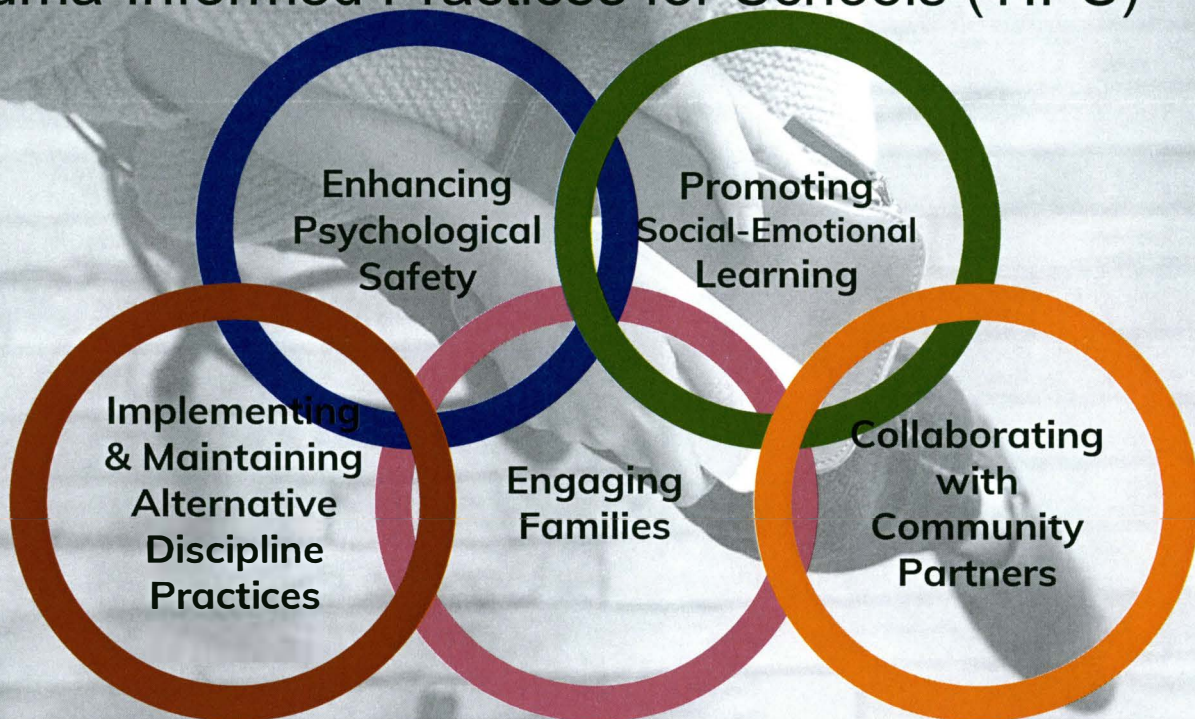
Highlights enhancing coping skills, engaging families and making mental health referrals
Mental Health Indicator C

Module 5: Taking Care of You

Provides an understanding of secondary traumatic stress and strategies for supporting staff
Mental Health Indicator C

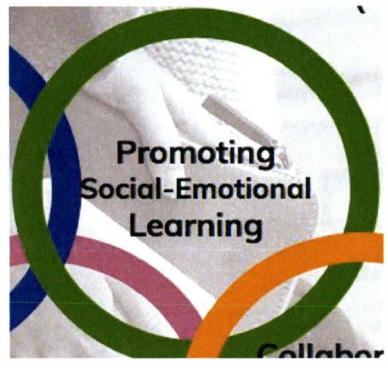
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Trauma-Informed Practices for Schools (TIPS)



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NDMTSS North Dakota's Multi-Tier System of Supports		Grades K-2	
Competency	NDMTSS SEL Goals		
Self-Awareness	1.	Recognize	and accurately label emotions, and identify situations that cause those emotions.
	2.	Differentiate	between likes and dislikes.
	3.	Accept	failure and demonstrate the ability to recover from perceived failures.
	4.	Identify	and seek help when appropriate.
Self-Management	1.	Demonstrate	self-control in a variety of settings (e.g., differentiate between needs and wants, follow school-wide behavior expectations).
	2.	Define	stress.
	3.	Identify	what it means to be responsible and list personal responsibilities.
	4.	Utilize	self-talk for the purpose of self-motivation.
	5.	Identify	goals for academic success and classroom behavior.
	6.	Utilize	prescribed routines to understand physical and mental health organizational strategies.



Social Awareness	1.	Identify	a trusted adult for help when needed.
	2.	Identify	the feelings and perspectives of others.
	3.	Recognize	and acknowledge individual differences in others.
	4.	Describe	positive qualities in others.
Relationship Skills	1.	Demonstrate	verbal etiquette to foster better communication (e.g. please, thank you, excuse me, etc.).
	2.	Identify	opportunities for social participation at home, school and in the community (e.g. family meal time, free play, extracurricular activities, diverse peer groups, etc.).
	3.	Demonstrate	appropriate strategies for receiving feedback from others for self-improvement and to promote group effectiveness.
	4.	Describe	approaches for making and keeping friends.
	5.	Identify	conflict in various situations.
Responsible Decision-Making	1.	Define	a problem.
	2.	Explain	a problem solving process.
	3.	Analyze	potential consequences of choices.
	4.	Explain	the differences between safe and risky behaviors.
	5.	List	age appropriate responsibilities at home and school.

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NDMTSS SEL Student-Friendly Scales Self-Management Grades K-2		NDMTSS SEL Student-Friendly Scales Self-Management Grades 9-12								
4	I can also use self-management strategies outside of the school setting (e.g. at home and in the community).	I can also reevaluate my goals and plans and change them if needed.								
3	<ul style="list-style-type: none"> I can show self-control with my behavior. I can name my responsibilities. I can use strategies to calm down by myself especially with reminders from adults. I can set a goal and work to improve at my goal. I can follow school and classroom rules and expectations especially with reminders from adults. 	<ul style="list-style-type: none"> I can manage my emotions. I can create a plan for managing stress. I can demonstrate a growth mindset in challenging situation, and create a plan for working hard. I can monitor short and long-term goals. I can consistently manage time independently. 								
2	<table border="0"> <tr> <td>Vocabulary:</td> <td>Skills:</td> </tr> <tr> <td> <ul style="list-style-type: none"> self-control expectations stress responsibilities positive self-talk self-motivation goals routines/procedures organization </td> <td> <ul style="list-style-type: none"> define self-control define stress define responsibility use positive self-talk name behavior goal(s) name school work goal(s) follow routines and procedures for organization </td> </tr> </table>	Vocabulary:	Skills:	<ul style="list-style-type: none"> self-control expectations stress responsibilities positive self-talk self-motivation goals routines/procedures organization 	<ul style="list-style-type: none"> define self-control define stress define responsibility use positive self-talk name behavior goal(s) name school work goal(s) follow routines and procedures for organization 	<table border="0"> <tr> <td>Vocabulary:</td> <td>Skills:</td> </tr> <tr> <td> <ul style="list-style-type: none"> self-regulation short-term long-term </td> <td> <ul style="list-style-type: none"> recognize current state of emotions demonstrate self-regulation strategies demonstrate stress management strategies define short-term define long-term differentiate between short and long-term monitor progress demonstrate time management strategies </td> </tr> </table>	Vocabulary:	Skills:	<ul style="list-style-type: none"> self-regulation short-term long-term 	<ul style="list-style-type: none"> recognize current state of emotions demonstrate self-regulation strategies demonstrate stress management strategies define short-term define long-term differentiate between short and long-term monitor progress demonstrate time management strategies
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1	With help	With help								

Schools are working to embed this into the general education classroom

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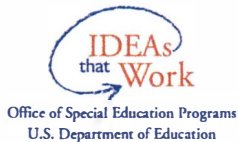
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*Improving
Student Success*

through

NDMTSS

North Dakota's Multi-Tier
System of Supports

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Att #2

North Dakota's Multi-Tier System of Supports was initially funded by the North Dakota Department of Public Instruction, Office of Special Education, and Early Intervention Services through a State Personnel Development Grant from U.S. Department of Education – Office of Special Education Programs. Ongoing sustainability and programming is made possible through the collaboration of South East Education Cooperative, Mid-Dakota Education Cooperative, Missouri River Education Cooperative, and ND Department of Public Instruction.

www.ndmtss.org

Working Together

BUILDING EFFECTIVE SYSTEMS FOR STUDENT SUCCESS

North Dakota administrators, teachers, support staff and entire systems expend a great deal of time and effort trying to do the work of school improvement, engaging in the conversation around how to work smarter and trying to answer some key questions:

- How do we create a system where ALL STUDENTS can be successful?
- How do we create a system where ALL TEACHERS can be successful?
- How do we create a system where ALL INITIATIVES align to promote DISTRICT improvement and success?
- How do we create a system where ALL RESOURCES and SUPPORTS are allocated to support these overarching school improvement goals?

North Dakota's Multi-Tier System of Supports (NDMTSS) seeks to provide a framework to guide this work. As we reflect on discussions and observations with teachers, principals, leadership teams, and state and regional leaders about the best way to develop systems that support ALL students – behaviorally and academically – some consistent messages emerge:

EVERY SYSTEM IS PERFECTLY DESIGNED TO GET THE RESULTS IT IS GETTING!

If we don't like the results, focus on the system, not the students or teachers. This shift in thinking recognizes that while there are pockets of excellence and people may be working hard, it is difficult to realize a deep level of impact because not everyone is part of the solution or not everyone knows the end goal. Leaders must emerge and ensure both accountability and support for the work.

EFFICIENCY AND ALIGNMENT ARE UNDERLYING THEMES!

The process of creating and refining our systems facilitates efficiencies in data use, instructional alignment, and resource allocation THROUGH aligned processes of school improvement and professional learning. Take another look at the NDMTSS Framework and the 5 essential components and see how it all fits together!

CHANGE & PEOPLE ARE INVOLVED. PLAN ACCORDINGLY!

Questions abound about managing change and involving people. For some, change is hard, while others may feel a sense of relief that something is going to happen that disrupts the status quo. Ironically, we may be talking about the **same change** in the **same school!** Planning must include intentionality about how to communicate and leverage the power of the people who make up the system. There is an abundance of guidance on Leading Change to explore, but we liked this list:

1. Be clear about the purpose for change and paint a picture of the new reality.
2. Understand and communicate the complexity of the change needed.
3. Take the time to help people “see” why the change is needed now.
4. Explore the reasons behind any resistance you encounter.
5. Use internal facilitators (leadership teams) to ensure that the change process taps into the strengths of the institution.
6. Understand that change takes time and is part of a continuous improvement process.

EFFECTIVE SYSTEMS SUPPORT STUDENTS, TEACHERS, PARENTS AND ADMINISTRATORS

It's true! Effective systems are laser-focused on student success – but they support EVERYONE in the system. Leadership, communication, organization, a growth-mindset, honesty, patience, innovation, creativity, evidence-based interventions, organization and energy are all required, but we always keep sight of the goal. It is hard work, but it is the RIGHT WORK!

We are committed to supporting the implementation of NDMTSS across the state. Let us know how we can help!

Sincerely,

Jennifer Glasheen & Luke Schaefer

NDMTSS Leadership Team Directors

SB 2246
2-12-19
AH# 2

Hello everyone,

We at the North Dakota Department of Public Instruction are pleased and excited to share this booklet describing North Dakota's Multi-Tier System of Supports and how it will benefit our North Dakota schools, teachers and students.

NDDPI has worked with N.D. Regional Education Association (REAs) and stakeholders across North Dakota to develop this document to help school districts implement MTSS strategies. This is to assist our schools as they become more familiar with MTSS, discover more about student learning and behavior, support student growth, and sharpen their ability to use data to customize instruction.

I want to congratulate the NDDPI Special Education Unit, the State Advisory Team, the State Advisory Team Work Group, and participating schools for their excellent work on this booklet. It is available for distribution to any interested educator, school, or district.

This document represents another opportunity for us to learn and grow together as we work to promote continuous improvement in our North Dakota schools.

Sincerely,

Kirsten Baesler

Kirsten Baesler
State Superintendent



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NORTH DAKOTA MULTI-TIER SYSTEM OF SUPPORTS

North Dakota's Multi-Tier System of Supports (NDMTSS) is a framework to provide all students with the best opportunities to succeed academically, socially, emotionally, and behaviorally in school. NDMTSS focuses on providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make decisions about changes in instruction or goals. Data is used to allocate resources to improve student learning and support staff implementation of effective practices.

WHY WE DO IT

The Students

Students fall through the cracks every year because we have pockets of excellence but are lacking a systems approach in many schools. Students who read at grade level by third grade are four times more likely to graduate on time.¹ Freshman year is key to predicting who will graduate from high school. Failing one semester course decreases the likelihood of graduating from 83% to 60%; two semester Fs decreases the likelihood to 44%; three reduces that to 31% chance of graduating. More than 7,000 students drop out of high school every school day. 85 percent of all juvenile offenders rate as functionally or marginally illiterate. Students in the lowest 25 percent of their class in reading are 20 times more likely to dropout and 75% of those end up incarcerated.² 70 percent of prisoners in state and federal systems can be classified as illiterate while 43 percent of those whose literacy skills are lowest live in poverty.³

Significant and persistent academic and/or behavioral difficulties can limit success in school and postsecondary opportunities. For some students, the typical evidence-based instruction and behavioral supports provided in the classroom are not sufficient to address their educational needs or prepare them for postsecondary opportunities. They will need individualized, more intensive intervention composed of practices that are evidence-based. Recent research on integrating academics and behavioral interventions has demonstrated promise for improving student outcomes.⁴

WHY WE DO IT CONTINUED...

The Teachers

Research has identified numerous components within schools' system of instruction and intervention that can make an intervention more or less effective and sustainable. For example, the need to improve educators' knowledge and use of evidence-based interventions through teacher preparation⁵ and professional development⁶ has been well documented.

The Schools

The leadership and organizational supports, such as scheduling, roles of staff, adequate planning time, professional development structure, evaluation, leadership support, policies, and funding⁷ can also facilitate or impede the effectiveness and sustainability of the system of instruction and intervention. Addressing academic and behavioral difficulties separately, instead of using an integrated approach, may result in inefficiencies in coordinating intervention. By using a more integrated approach, limited resources can be maximized and organizational structures and efficiency can be improved⁸.

The State

If North Dakota increased its overall graduation rate to 90%, the economic benefits from these 300 additional graduates would likely include as much as⁹:

- \$2.3 million in increased annual earnings and \$200,000 in annual state and local tax revenues;
- 20 new jobs and a \$2.8 million increase in the gross state product;
- \$3.1 million in increased home sales and \$400,000 in increased auto sales

1 Hernandez, D. Double Jeopardy: How Third-Grade Reading Skills and Poverty Influence High School Graduation. Annie E. Casey Foundation.

2 Alliance for Excellent Education, High School Graduation Gains Equal Economic Success. 2013

3 National Institute for Literacy

4 Algozzine et al., 2012; Chaparro, Smolkowski, Baker, Hanson, & Ryan-Jackson, 2012; Stewart, Benner, Martella, Marchand-Martella, 2007

5 Ciullo et al., 2015; Gable, Tonelson, Sheth, Wilson, & Park, 2012; Kern, Hilt-Panahon, & Sokol, 2009

6 Bambara, Goh, Kern, & Caskie, 2012; Ciullo et al., 2015; Debnam, Pas, & Bradshaw, 2012; Kern, Hilt-Panahon, & Sokol, 2009; Regan, Berkeley, Hughes, & Brady, 2015

7 Bambara et al., 2012; Fixsen, Naoom, Blasé, Friedman, & Wallace, 2005; O'Connor & Freeman, 2012

8 Chaparro et al., 2012; Lane, Oakes, & Menzies, 2014; McIntosh, Bohanon, & Goodman, 2010

9 Alliance for Excellent Education. High School Graduation Gains Equal Economic Success. 2013

10 AdvancEd. Standards for Quality Schools. 2011

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WHAT NDMTSS IS NOT

To further clarify the definition, it is important to recognize what MTSS is not. MTSS (RtI) cannot be a verb, time, program, or place. It is not an identification system for special education or Title I. It is not just for some students. MTSS cannot be done by a small group of educators. It is not content specific. Students cannot be “RtI’d”. Students cannot test into or be exited from RtI or be done with RtI.

NDMTSS implementation is no small undertaking and is not likely to be successful if it is not a district priority. Before beginning the NDMTSS implementation process, it would be beneficial for district leadership teams to look at how NDMTSS fits, or conflicts, with all other district initiatives. The exploration stage is important: otherwise, NDMTSS gets added to the multiple other time-consuming initiatives and viewed as one more thing to do.

WHAT WE BELIEVE ARE CULTURAL CHANGES NECESSARY TO IMPLEMENT NDMTSS

- Effective teachers create environments where all students can learn and improve
- Effective schools maintain and communicate a purpose and direction that commit to high expectations for learning as well as shared values and beliefs about teaching and learning.¹⁰
- Effective systems support both teachers and students by outlining evidence-based instruction and interventions while ensuring appropriate access to resources and supports

NDMTSS ESSENTIAL COMPONENTS

1 ASSESSMENT

Definition

Assessment is the process of collecting, reviewing, and using information to make educational decisions about student learning. The type of information collected is determined by the intended use of the results or type of decision that is needed.

Description [as it relates to NDMTSS]

Screening, progress monitoring, and other supporting assessments are used to inform databased decision-making.

Four Purposes for Assessment:

1. Universal Screening – all students assessed to determine which students may need additional supports – high or low and the effectiveness of the core curriculum
2. Diagnostic – identify skill deficits and inform instructional match at all tiers
3. Progress Monitoring – frequent assessment to determine whether students are making adequate progress toward a specific preset goal
4. Outcome – measures performance of the educational system – e.g. NDSA, ACT

2 DATA-BASED DECISION MAKING

Definition

Data-based decision making “optimizes the use of data for purposes of informing individual student instruction, identifying strengths and weaknesses in a classroom, and illuminating trends and gaps across a school district.”¹

Description [as it relates to NDMTSS]

An ongoing team process that begins with identified questions with clearly established protocols to evaluate and inform decisions and actions at student, classroom, grade level, school, and system levels. Basic steps include gathering accurate and reliable data, correctly interpreting and validating data, using data to make meaningful instructional changes for students, establishing and managing increasingly intensive tiers of support, and evaluating the process at all tiers to ensure the system is working.

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3 MULTI-TIER INSTRUCTION

Definition

A multi-tier approach is used to efficiently differentiate instruction for all students. The model incorporates increasing intensities of instruction and assessments offering specific, research-based interventions matched to student needs driven by data.

Description [as it relates to NDMTSS]

Tier 1

- Focus - All students
- Instruction and Supports – district curriculum and instructional practices that are evidence-based; aligned with state or district standards; incorporate differentiated instruction
- Setting – General classroom (small or large group)
- Assessment – Screening, continuous progress monitoring, and outcome measures

Tier 2

- Focus - Students identified as at risk of performing below or significantly above expected outcomes
- Instruction and Supports - Targeted, supplemental instruction practices that are evidence-based (large or small group); additional layer to Tier 1
- Setting – General education and/or optimal setting for need of students
- Assessment – Diagnostic, Progress monitoring

Tier 3

- Focus – Students who present with exceptionally high academic or very low academic or behavior achievement, or who have not responded to Tier 1 and Tier 2 instruction, or students with disabilities who do not meet their IEP goals; additional layer to Tier 1 and Tier 2
- Instruction – Intensive intervention adapted to address individual student needs through the systematic use of assessment data, validated interventions, and research-based instruction or behavior support strategies
- Setting – General or special education depending on the needs of the student
- Assessment – Diagnostic and progress monitoring

4 INFRASTRUCTURE AND SUPPORT MECHANISMS

Definition

Knowledge, resources, and organizational structures necessary to operationalize components of NDMTSS in a unified system to meet established goals.

Description [as it relates to NDMTSS]

Alignment of resources and supports necessary to implement an effective system includes, but is not limited to: Shared Vision, Prevention Focus, Culture, Leadership, Professional Development, Schedules, Resources, Communication, Leadership Teams
(Training note: reasonable, practical, and doable)

5 FIDELITY AND EVALUATION

Definition

Fidelity is the degree of exactness with which something is implemented or conducted; and Evaluation is a measure of the effectiveness of individual resources and practices.

Description [as it relates to NDMTSS]

Fidelity happens across multiple points within the NDMTSS framework; system process, and multi-tiered instruction. Did you do what you said you would do? Evaluation occurs frequently and helps to determine the effectiveness of the system, process, or multi-tiered instruction. Did it work? How can it be improved?

School Quotes

“The MTSS training we have done through SEEC has fundamentally changed our approach to educating our students. With this training, we have developed clear pathways for academics PK-12 that allow us to intervene with students and meet them at their current level of learning. Students who often had no success in the classroom are now flourishing because we have reduced their stress level by designing interventions which are closing the achievement gap. This led to our development of a behavioral pathway which included placing a licensed therapist on site. It has been highly successful and allows us to meet the needs of the whole student. Our MTSS training has allowed us to change perspectives on how we educate now and in the future.”

- CORY STEINER, NORTHERN CASS SUPERINTENDENT

“There’s a commitment, to NDMTSS and a sense of pride for the growth it brings to our staff and students, within our buildings. Our teachers are doing the work, while administrators are facilitating and supporting them in all aspects of that work. This process has given us a vision for the future not only for our students, but our district as a whole.”

- ANDREW JORDAN,
NEW SALEM-ALMONT
SUPERINTENDENT

“MTSS has created a common language and provides a cohesive system in regards to student’s academic and social emotional skills at West Fargo High School. Although there is not a quick fix for skill deficits, we are able to make data-based class placements in order to provide targeted interventions in reading, math, and social emotional skills. Being able to provide the correct level of instruction prior to student failure allows students to gain academic skills, reduces stress and frustration, and puts students on track for graduation. Most importantly, students receiving intervention are closing the achievement gap and gaining confidence.”

- SHANNON MORTRUD, PH.D., NCSP,
WEST FARGO HS MTSS COACH

“Over the last eight years, West Fargo Public Schools (WFPS) has been implementing and refining MTSS processes for academics and behavior. The assistance of N.D. Department of Public Instruction’s State Personnel Development Grant and our partnership with the South East Education Cooperative has allowed us to develop a comprehensive MTSS in reading, math and behavior. We went from ZERO interventions to a systematic pathway of support, a comprehensive screening system, and multiple research-based interventions in reading and math at our secondary schools (6-12)! We have been able to get high-quality, research-based interventions to students in our high needs elementary schools immediately with our pathways model in reading. Our problem-solving model was refined to address student needs across the elementary schools. Our focus now is on aligning our MTSS model in behavior to incorporate mental health and trauma while continuing to develop our systems for supporting students with social emotional and behavioral needs K-12. With the NDMTSS framework embedded into our work at WFPS, we are prepared to immediately match student need to instruction across all tiers and to support hundreds of students at any given time through our interventions.”

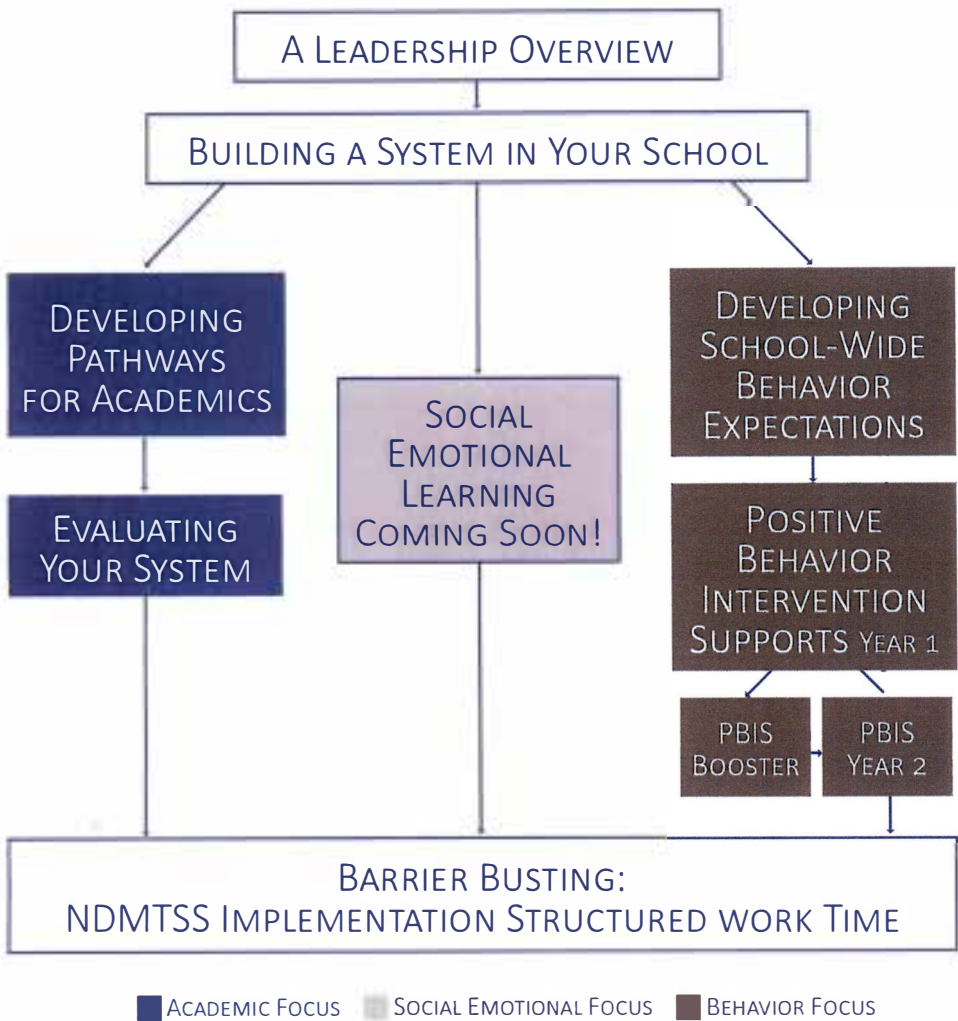
- DAWN MILLER, Ed.S., NCSP, WEST FARGO
MTSS/SPECIAL EDUCATION COORDINATOR

“NDMTSS has provided a comprehensive and systematic approach to supporting students at Wilton Public School. Our staff is committed to success for all kids thanks to the MTSS Leadership Team and an action plan developed by our staff, tailored to our needs that is continually evaluated to ensure alignment and fidelity to how we do business. Teachers feel more confident collecting and analyzing data to plan coherent instruction collaboratively. Student needs are addressed, both academically and behaviorally, using the tiered model to ensure we are meeting students where they are and with what they need, every kid, every day, through purposeful character development, core instruction, and differentiation but also through layered, targeted interventions.”

- AMANDA MEIER, WILTON SUPERINTENDENT

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NDMTSS SUGGESTED COURSE STRANDS



NDMTSS COURSE DESCRIPTIONS

A LEADERSHIP OVERVIEW [EXPLORATION] 1/2 DAY

Description

Participants will be provided an overview of North Dakota’s Multi-Tier System of Supports and the comprehensive nature of this framework and its alignment with school improvement.

Objectives

1. Understand NDMTSS Definition and Non-Definition
2. Evaluate what it REALLY takes in your building to fully implement
3. Identify current strengths that exist within your system
4. Begin the decision-making process to explore/determine the appropriate next steps based on your data.

BUILDING A SYSTEM IN YOUR SCHOOL [INSTALLATION] 2 DAY

Description

This training, intended for school or district lead teams, will assist schools in determining their desired state of providing high-quality instruction and interventions matched to student need while monitoring progress frequently to make decisions about changes in instruction and/or goals. The training will empower teams to build an action plan to determine the resources and supports necessary to ensure every student is provided the opportunity to succeed.

Objectives

1. Understand the Essential Components
2. Determine the appropriate structure to begin the process in a school
3. Identify current strengths within a school system
4. Begin the decision-making process

DEVELOPING PATHWAYS FOR ACADEMICS [INSTALLATION] 3 DAYS + SITE VISITS [OPTIONAL]

Description

This training, intended for a leadership team, is designed to utilize the NDMTSS Essential Components to solve problems at the school, classroom, and student level. Emphasis will be given to translating current educational research into practice to help schools maximize resources and outcomes for all students. Examples of data systems for universal screening and progress monitoring will be identified, as well as specific interventions and curricula to address problems at a systems level.

Objectives

1. Identify current gaps in student outcomes based on grade level data
2. Evaluate appropriate pathways for students to increase academic achievement
3. Develop strategies for solving problems at increasingly larger levels
4. Increase awareness of evidence-based interventions and curricula

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EVALUATING YOUR SYSTEM [IMPLEMENTATION] **3 DAY**

Description

This training, intended for school lead teams, will focus on innovation of the NDMTSS model with emphasis on:

1. Data collection and disaggregation
2. Data-driven decision making, and
3. Problem solving for student, classroom, and systems level.

Monitoring practices will be developed to determine if the system is having a positive impact on student learning with a strong focus on fidelity and outcome data. Opportunities for collaboration and to observe MTSS in action within the cohort will be organized.

Objectives:

By the completion of this course, participants will know how to do the following:

1. Collect and disaggregate student data
2. Make data-driven decisions
3. Problem solve for student, classroom and system levels.

BARRIER BUSTING: NDMTSS IMPLEMENTATION STRUCTURED WORK TIME [ANY STAGE PAST INITIAL IMPLEMENTATION] **TIME VARIES**

Description

One of the greatest barriers with NDMTSS implementation is time for leadership team problem solving and action planning. The purpose of this session is to provide leadership teams the time to:

1. Revisit the work schools have been engaging in,
2. Assess current reality and identify obstacles for improvement, and
3. Receive assistance with next steps from consultants and other schools.

DEVELOPING SCHOOL-WIDE BEHAVIOR EXPECTATIONS [EXPLORATION] **2 DAYS**

Description

Schools will plan for the identification and teaching of school-wide expectations of behavior. Further, they will develop plans for active supervision, problem behavior, classroom management, data collection, and data systems. Upon completion, schools will have identified gaps in current practice and have an action plan for steps to improve practice in their building.

Objectives

- | | |
|------------------------------------|--|
| 1. Establish commitment | 4. Establish information systems (outcome and process tools) |
| 2. Conduct audit of current status | 5. Build capacity for function-based support |
| 3. Establish expectations | |

SCHOOL-WIDE "BOOSTER" TIER 1 TRAINING [IMPLEMENTATION] **3 DAYS**

Description

A "booster" training involves reviewing the critical elements, establishing clear implementation goals to improve School-wide outcomes, and supporting teams who may be earlier in implementation. The objective is to increase the school's effectiveness in implementing the PBS process. The content will be based on the needs of the schools for each district. The content will be based on information from the District Coordinator/Coach/Team and the evaluation results of the Benchmarks of Quality (BoQ).

The booster training is for schools in their first year of implementing School-wide PBIS that have:

- Completed the School-wide training.
- Implemented some of the critical elements.
- A current BoQ score of 35%-80%.

PBIS YEAR 2-TIER 2: SUPPLEMENTAL SUPPORT SYSTEM [IMPLEMENTATION] **3 DAYS**

Description

This training covers the critical features to support supplemental interventions (Tier 2) within a multi-tiered system, data review, and barrier busting.

Tier 2 supports build on the lessons provided at Tier 1, and may prevent the need for more intensive interventions. Tier 2 supports are provided to small groups of students with similar needs, offering more time and/or detailed instruction on the core curriculum.

- This training is available to schools who have reached a BoQ of 80%.

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INTENSIFYING INSTRUCTION

1 DAY

[ANY STAGE PAST INITIAL IMPLEMENTATION]

Description

NDMTSS focuses on providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make decisions about changes in instruction or goals. In order to meet the demands of an MTSS system, educators are asking for assistance in deepening their knowledge and skills in how to intensify instructional practices to meet the needs of all students.

This training will provide educators with evidence-based instructional designs to accelerate students' rate of learning. These can be applied at the universal (Tier 1), strategic (Tier 2), and intensive (Tier 3) levels of instruction. The following features of instruction will be addressed:

- More explicit
- More systematic
- More modeling
- More opportunities to respond
- More feedback
- More judicious review

Objectives

1. NDMTSS Defined and Described
2. Understand the Gradual Release of Responsibility Model as a foundation to high quality instruction
3. Know how to intensify instruction through evidence-based instructional features to accelerate students' rate of growth
4. Develop an action plan that is practical, reasonable, and doable

NDMTSS CONFERENCE [HELD ANNUALLY IN JUNE]

3 DAYS

Description

NDMTSS Conference welcomes around 400 educators from across the state each year to engage in the work of Multi-Tier System of Supports within their schools and districts. The conference brings both nationally recognized experts and teams from ND schools to share the most meaningful and effective work being done statewide and across the nation.

NDMTSS DEMONSTRATION SITES

Schools in North Dakota are working to install and innovate their system of supports for matching instruction with student needs. NDMTSS Demonstration sites provide new schools with a clear picture of some of the shining examples of MTSS in the state. As an additional layer of learning, demonstration sites are located across the state and represent the various sizes, levels and areas of development of NDMTSS implementation. Contact the NDMTSS REAs for more information.

SYSTEM FIDELITY WALKTHROUGH

- 3 ½-day observation and feedback sessions for schoolwide MTSS resources, supports, and intervention

ACADEMIC PATHWAY FIDELITY WALKTHROUGH

- Full day observation and feedback sessions for classroom implementing MTSS instruction and intervention

BEHAVIOR PATHWAY FIDELITY WALKTHROUGH

- Full day observation and feedback sessions for classroom implementing MTSS instruction and intervention

DISTRICT CAPACITY ASSESSMENT

- Full day facilitated team meeting with multiple data entry points to evaluate the effectiveness of current system and the policy/practices in place for a district

TEACHER, ADMINISTRATOR, OR TEAM COACHING

- Observation, feedback, and coaching for educators to improve instruction and intervention

HIGH IMPACT LEADERSHIP AND CHANCE

- Target audience: Principals and Superintendents
- High impact leadership focuses on effectively leading system change through strategic implementing of a teachable point of view, instructional leadership, data utilization, and continuous improvement.
 - Core Values
 - Strengths-Based leadership
 - Leading Others through Change
 - Managing Change
 - Countering Resistance
 - Highly Effective Teams
 - Instructional Leadership
 - Relational Leadership
 - Data Driven Decision Making
 - Culture of Continuous Improvement
 - Accountability

FOCUS ON ACADEMICS

- Explicit Instruction
- Gradual Release of Responsibility
- Student Engagement

FOCUS ON BEHAVIOR

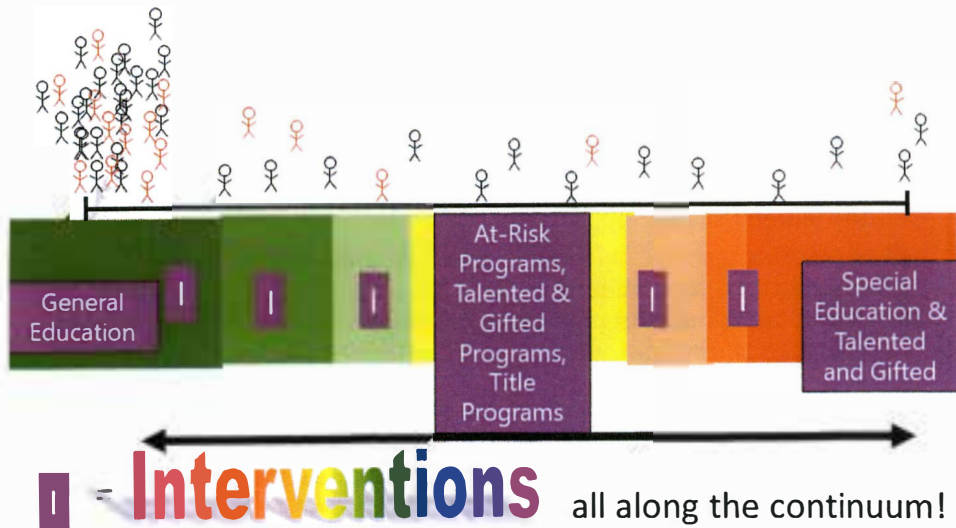
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DIFFERENCES BETWEEN NDMTSS AND RTI

In parts of our state,

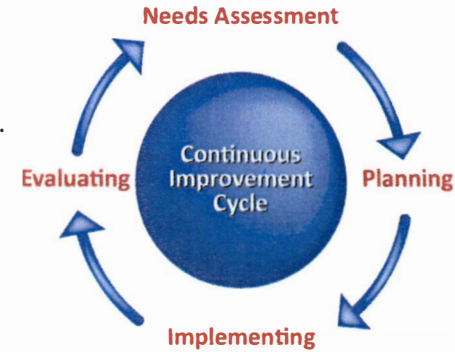
Response to Intervention (RtI) has been viewed as a framework to help struggling students with academics. It provided a fantastic starting point; however fell short of including the state's desire to focus on all students. The state determined the need for a more comprehensive approach to school improvement, encompassing academic, behavior, and social emotional needs of all students. North Dakota Multi-tier System of Supports (NDMTSS) framework offers this opportunity. NDMTSS also includes professional development for educators, and focuses on a systemic approach where infrastructures are designed to meet all students' needs. Some view NDMTSS as an extension of RtI. The goal of North Dakota's Multi-Tier System of Supports is to ensure high quality instruction in every classroom every day for every North Dakota student.



CONTINUOUS IMPROVEMENT

We recognize,

We, NDMTSS, recognize that providing all students with the best opportunities to succeed academically and behaviorally requires a constant focus on improvement. This is done through needs assessment, planning, implementation, and evaluations. Like any school improvement process, the continuous improvement cycle empowers systems to effectively plan and implement initiatives while accumulating and analyzing data in order to apply changes to improve practice.



NORTH DAKOTA ADMINISTRATIVE RULES

North Dakota administrative rules chapter 67-23-06-05 effective date July 1, 2012 provide the legal structure for the implementation of Response to Intervention (RtI) in districts across the state.

The North Dakota Department of Public Instruction believes that increased student learning requires consistent high-quality instruction matched to student needs. In a quality education environment, student academic and behavioral needs must be identified and monitored continuously with documented student performance data used to make instructional decisions. For RtI to work well, it should be implemented as a part of a Multi-tier System of Supports (MTSS).

The North Dakota Special Education and Title I offices have developed guidance documents that provide schools with clarity on the integration of targeted supports within an MTSS framework. For more information, please reach out to the NDDPI contacts listed on the back cover.

See NDDPI document: *Guidelines for Serving Students with Specific Learning Disabilities in Educational Settings*

<https://www.nd.gov/dpi/SchoolStaff/SpecialEd/SpecialEducationStateGuidelines/>

PURPOSE

The NDMTSS SEL Goals provide ND school districts and educators a framework to guide quality explicit instruction of social and emotional learning skills to foster an engaging school climate for all students, guide selection of evidence-based programs and steer professional learning with regards to SEL in ND. The developed learning goals provide reasonable expectations for what ND students should know and be able to do by the end of each grade span. Collaboration within the classroom, school environment, homes and communities is essential for students to reach their fullest potential.

NDMTSS ALIGNMENT

NDMTSS provides a framework for implementing educational practices to ensure academic, behavioral and social-emotional success of all students. SEL improves academic and behavioral outcomes. It reduces opportunity gaps by incorporating equitable and inclusive solutions for all students. It is the set of skills that ties academics to behavior and allows students to excel in both areas. When discussing lagging skills for students, often we are referring to social and emotional skills. Finally, the “soft skills” that we refer to in choice readiness are found within social and emotional learning. For these reasons, NDMTSS supports explicit SEL instruction for all students and recognizes that some may need additional targeted SEL supports while a few may need intensive SEL intervention.

SOCIAL AND EMOTIONAL LEARNING DEFINED

CASEL defines SEL as “The process through which children and adults acquire and effectively apply the knowledge, attitudes and skills to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.” Socially and emotionally competent children and youth are self-aware, socially aware, able to regulate their emotions, have good relationship skills, and demonstrate responsible decision making at home, school and in the community. (<https://casel.org/what-is-sel/>)

SELF-AWARENESS

The ability to accurately recognize one’s own emotions, thoughts, and values and how they influence behavior. The ability to accurately assess one’s strengths and limitations, with a well-grounded sense of confidence, optimism, and a “growth mindset.”

- Identifying emotions
- Accurate self-perception
- Recognizing strengths
- Self-confidence
- Self-efficacy

SELF-MANAGEMENT

The ability to successfully regulate one’s emotions, thoughts, and behaviors in different situations—effectively managing stress, controlling impulses, and motivating oneself. The ability to set and work toward personal and academic goals.

- Impulse control
- Stress management
- Self-discipline
- Self-motivation
- Goal setting
- Organizational skills

SOCIAL AWARENESS

The ability to take the perspective of and empathize with others, including those from diverse backgrounds and cultures. The ability to understand social and ethical norms for behavior and to recognize family, school, and community resources and supports.

- Perspective-taking
- Empathy
- Appreciating diversity
- Respect for others



RELATIONSHIP SKILLS

The ability to establish and maintain healthy and rewarding relationships with diverse individuals and groups. The ability to communicate clearly, listen well, cooperate with others, resist inappropriate social pressure, negotiate conflict constructively, and seek and offer help when needed.

- Communication
- Social engagement
- Relationship building
- Teamwork

RESPONSIBLE DECISION MAKING

The ability to take the perspective of and empathize with others, including those from diverse backgrounds and cultures. The ability to understand social and ethical norms for behavior and to recognize family, school, and community resources and supports.

- Perspective-taking
- Empathy
- Appreciating diversity
- Respect for others

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