ADDPC Proposal
Reducing Seclusion and Restraints through
Positive Behavior Interventions and Supports (PBIS)
August 1, 2012 - June 30, 2013

Purpose

The purpose of this proposal is to reduce the use of unnecessary and dangerous seclusion and restraint among students with developmental disabilities. This project will do that by building the capacity in Arizona to support local education agencies (LEAs) in their own efforts to train staff in Positive Behavior Interventions and Supports (PBIS). This will result in positive school climates, help schools make data-based decisions about how they manage behavior, and ultimately reduce the use of dangerous and unnecessary seclusion and restraint. This proposal will bring together and coordinate the existing state resources in PBIS and use the strengths of the state Developmental Disabilities Network. The anticipated outcome of this project is to create a lasting system of state leadership that will increase the number of LEAs that use the best practices established by PBIS.

Positive Behavior Interventions and Supports (PBIS)

PBIS uses all staff within a school to teach and encourage expected behavior of ALL students and improve the overall climate of that school. This effects all staff and all students, and reduces the number of students who display repeated and severe behavior problems. This process of preventing problem behavior is called *Tier 1*, and can have dramatic results in reducing office discipline referrals and suspensions. It requires a systematic way to involve all staff, develop new policies, train and support the staff, collect and review relevant data, and continually revise strategies based on the data.

Tier 2 PBIS involves the use of more structured interventions for groups of students who need more that what Tier 1 provides. These students may lack social skills and would be taught them. They may need more feedback from adults throughout the day, or training in self-management.

PBIS also includes individualized interventions for those students who display severe and chronic behavior problems. This requires the expertise of professionals to help teams understand the unique motivations of a given student (Functional Behavioral Assessment – FBA), and develop individualized plans for intervention (positive Behavior Intervention Plans – BIPs). This level of intervention is called *Tier 3* and is only for those students with chronic and severe behavior problems. Most students with disabilities and persistent behavior problems would fall into this group. These are students who typically also have Individual Education Plans (IEPs).

Below is just a short list of the PBIS training and technical assistance that LEAs require in order to implement these tiers effectively:

- How to get all staff involved and on board with PBIS
- How to create a positive school climate by highlighting preferred behaviors rather
- than problem behaviors
- How to build lesson plans that actively teach preferred behavior
- How to use a rule violation as a teachable moment
- How to track problem behaviors to evaluate the how PBIS is working
- How to make referrals for students who need tier 2 or 3 support
- How to reward students for choosing preferred behavior
- How to involve parents in the PBIS process
- How to communicate with school boards and the community at large

State Plan Goal

The goal of the Arizona Developmental Disabilities Planning Council (ADDPC) that this project addresses is Goal #3 "*Empower persons with developmental disabilities, their families, and others who support them by linking them to information that promotes informed decision making about their choices and their quality of life*" (http://www.azgovernor.gov/ddpc/documents/FYI/DDPC_122711_BrochureWeb.pdf). It is through the linking of people to reliable information about alternatives to seclusion and restraint that family members and persons who support students with developmental disabilities will have a greater ability to advocate.

Program Partnerships

This proposal is projected to be a State Developmental Disabilities Network proposal with each partner agency providing critical and essential activities to bring the goals and objectives of this project to fruition.

- The Arizona Developmental Disabilities Planning Council (ADDPC) will play the critical role of funding the project initially, and providing overall contract management responsibilities.

- The Institute for Human Development, Arizona's University Center on Disabilities (IHD/AzUCD) will provide overall project and contract management activities, training, ensure proper disposition of resources and ensure proper documentation as required. IHD/AzUCD will accomplish the goals and objectives of thie project both directly and through subcontracts with KOI-Education and other DD Network partners below.

- The Arizona Center For Disability Law (ACDL) will provide community training to parents and LEAs in current policies and laws related to restraints and seclusion. Finally, the Sonoran Center for Excellence in Developmental Disabilities Education, Research and Service (Sonoran UCEDD) will provide the project evaluation to determine the success or failure of the project to meet set goals and objectives.

In addition, through the development and implementation of an Advisory Council, the project will develop partnerships with Raising Special Kids, Arizona Department of Education (ADE), the Department of Economic Security, Developmental Disabilities Division (DES/DDD), Special Education Administrators Association, and many more. Through these partnerships, the program is more likely to be effective, efficient, and supported.

In preparing this proposal, staff from IHD/AzUCD and ADDPC met with the chairs, directors and presidents, of the following organizations to share the vision of this project and to gain their support:

- ADE/Exceptional Student Services
- ADE/School Safety and Prevention
- ACDL
- Sonoran UCEDD
- KOI-Education
- Special Education Administrators of Arizona (SEAA)
- Arizona Council of Administrators of Special Education (AzCASE)

Scope of Work

This proposal is for the first year of a multi-year effort to help LEAs implement PBIS as an effective alternative to restraint and seclusion, and thereby reducing the incidence of students removed from the learning environment for challenging behaviors. Year one involves coordinating all of Arizona's relevant resources (ADE, ADDPC, LEA personnel, PBIS experts, etc) into one cohesive effort that will ensure the following:

- **Leadership** – The first year will consist primarily of forming the Positive Behavior Intervention Support - Advisory Council (PBIS-AC) with key stakeholders who have the interest and authority to make decisions for the project. Over the course of six meetings, the PBIS-AC will conduct the following:

- **Assessment** – Use the planning documents from the national Technical Assistance Center on Positive Behavioral Interventions & Supports *Implementation Blueprint and Self-Assessment*, (see Appendix) to assess Arizona's strengths and needs relative to a statewide system of PBIS.

- **Action Plan** – From the above assessment, develop a planning document with prioritizing action steps required for full implementation a statewide system of PBIS. This action plan will include criteria for selecting LEAs interested in receiving training and technical assistance, as well as criteria for including persons or organizations who can provide the training and technical assistance. Another resource that will be used to define those criteria includes the 15 principles described in the Department of Education *Restraint and Seclusion Resource Document* (see Appendix).

- **Target LEAs** – By the end of year one the selection process will begin that will identify the first few LEAs to begin receiving PBIS training and technical assistance prescribed by the PBIS-AC the following year.

Although this is being proposed as a multi-year project the objectives below reflect the first year of the project only, establishing the "Infrastructure" to provide direction for the activities of the following years. It is also expected that members of the PBIS-AC will become long-term members of a statewide leadership team, formed to provide leadership to future PBIS efforts and ensure sustainability over time. Upon meeting objectives in the first year, the project will seek continued funding of up to four years in order to achieve full implementation and long-term sustainability of a statewide system of PBIS.

GOAL: Local Education Agencies (LEAs) striving to improve their school climates and student behavior, and reduce unnecessary and dangerous use of seclusions and restraints, will have access to quality training and technical assistance.

Objectives Year One

By the end of Year 1:

1.1 Minimum of twelve (12) key PBIS stakeholders will be recruited to serve as advisory council (PBIS-AC) members for six, full-day meetings throughout the year in order to assess, plan, develop policies and leverage resources, that will help LEAs access training, technical assistance in years to come

1.2 In collaboration with the Arizona Center for Disability Law (ACDL), conduct six separate trainings for 200 parents and LEA personnel in six different areas throughout the state, in order to raise awareness of the issues surrounding seclusion and restraint, the rights of parents and students, and the resources available to help LEAs begin to address these concerns

1.3 100% of the members of the PBIS-AC will receive training on what other states with similar circumstances as Arizona have done to build their PBIS capacity and leadership through a national consultant presenting to the PBIS-AC

1.4 Key PBIS-AC members will attend the national PBIS Technical Assistance Leadership meeting to participate in extended learning and planning sessions with colleagues in other states in order to bring new ideas back to the group

1.5 The PBIS-AC with the assistance from project personnel will conduct an assessment of Arizona's strengths and needs, and develop a prioritized action plan for implementing a coordinated approach to supporting LEAs with training, technical assistance and data-based decision making, using the national Technical Assistance Center on Positive Behavioral Interventions & Supports' *Implementation Blueprint and Self-Assessment*

1.6 A coordinated method for LEAs to obtain approved PBIS training and technical assistance will be developed (including such factors as selection criteria, funding amounts, participation and reporting requirements)

1.7 A standard method for evaluating LEA implementation will be defined for use with all LEAs who participate in PBIS training and technical assistance, along with the resources needed to make such evaluations possible (e.g., personnel trained to conduct the "School Evaluation Tool" for participating LEAs, the tracking tools LEAs use to record and analyze incidents of seclusion or restraint, the Department of Education *Restraint and Seclusion Resource Document*)

1.8 A standard method for evaluating the outcomes of PBIS on students with developmental disabilities (e.g., fewer restraints) will be established for all LEAs who participate in PBIS training and technical assistance, along with the resources needed to record and track the data (e.g., the ADE AzSAFE http://www.ade.az.gov/sa/health/AZSafeImplementManual.asp)

1.9 All public and private entities that provide PBIS training and/or technical assistance in Arizona will be informed of the criteria for participation in, and evaluation of, state-approved training and technical assistance, in order to produce a list of participating PBIS resources from which LEAs can choose

1.10 A minimum of four LEAs from different geographic regions of the state, representing different student demographics, will be recruited to serve as a pilot cohort that will begin receiving training and technical assistance in year 2

1.11 An independent evaluation of the year 1 process and products will be conducted by the Sonoran Center for Excellence in Developmental Disabilities Education, Research and Service (Sonoran Center)

1.12 A progress report will be submitted to the ADDPC detailing the progress on each of the above objectives, the results of the independent evaluation, and the preparation or revisions to the objectives for year 2

Outputs

The goal of the ADDPC that this project addresses is, Goal #3 "*Empower persons with developmental disabilities, their families, and others who support them by linking them to information that promotes informed decision making about their choices and their quality of life*". The overarching goal of this project is, *Local Education Agencies (LEAs) striving to improve their school climates and student behavior, and reduce unnecessary and dangerous use of seclusions and restraints will have access to quality training and technical assistance.* The projected outcomes of this proposal are as follows:

1. A PBIS Advisory Council (PBIS-AC) consisting of key stakeholders will meet six times throughout the year
2. All PBIS-AC members will obtain training in what other states, with similar needs and resources to Arizona, have done to implement PBIS on a statewide and sustained basis
3. Four Key PBIS Advisory Committee members will attend a national PBIS conference
4. A statewide PBIS assessment will be conducted
5. A statewide PBIS prioritized action plan will be developed and followed
6. Six awareness trainings will be conducted across the state on the problems of seclusion and restraints in LEAs and the resources to address them
7. A minimum of 200 parents and LEA personnel will attend those trainings
8. A list of approved resources available to help LEAs reduce their use of seclusion and restraint will be compiled
9. A standard method for evaluating PBIS implementation and student outcomes will be defined for use with all LEAs who participate in PBIS training and technical assistance
10. Four LEAs will be recruited and selected to participate in training and technical assistance the following year
11. An independent project evaluation will be completed by year end
12. Two project reports will be submitted on time (January 2013, August 2013)

This process provides parents and advocates with information needed to lower the use of restraints and seclusion in LEAs. PBIS then becomes not just something that is happening on a national scale, but also is also happening in neighboring communities, and therefore more likely to be adopted. In addition, to measure the impact that this project has on systemic change and

capacity building the following data will be reported to the ADDPC in future years after the training and technical assistance actually begins:

- The number of LEAs that receive training & technical assistance each year
- The number of those that are rated as "Implementers" each year
- The number of LEAs that maintain status as Implementers from year to year
- The change in all student outcomes for each LEA (reductions in office referrals, suspensions, restraints, seclusions) from year to year
- The same outcomes above related to students in special education
- The list, and number of PBIS (tier 1 and 2) resources available for PBIS training each year
- The list, and number of PBIS (tier 1 and 2) coaches available each year
- The list, and number of PBIS (tier 3) behavioral experts available each year

Outcome Year 1

1. A standard rubric will be developed for LEA recruitment, evaluation, and continued participation in PBIS training and technical assistance activities supported by this project. In future years data will be reported on the number of LEAs applying for project support, the number selected (based on the rubric), the number actively participating in training and technical assistance, and the number no longer participating (either because of completion or failure to adhere to the criteria in the rubric).
2. A standard method to evaluate annual PBIS implementation within each LEA will be selected or developed. In future years this evaluation method will be used to recognize and celebrate LEAs with high Implementation scores. Data will be reported on the ratio of LEAs who have received PBIS training and technical assistance and maintain high implementation scores compared to the total participating LEAs.

Sustainability

This project will only be sustainable with multiple years of funding. The first year is for planning only. Actual training and technical assistance to LEAs will begin in year two and must continue for several years to make an impact on the lives of students with developmental disabilities. All other states that have a coordinated and sustained system of PBIS do so through active leadership of their state department of education. In year one Arizona Department of Education (ADE) staff will be active and critical members of the PBIS-AC. It is anticipated that they will use the PBIS-AC and the ADDPC funding that supports this project as a springboard to improve, consolidate and enhance their current supports to LEAs, so that in five years ADE will have policies and practices in place to continue what this project has begun.

This proposal is based on the premise that Year 2 will be funded at the current rate as Year 1. Following Year 2, reductions in spending may begin and gradually reduce as more resources from ADE and other grants are established. This is subject to change, however, depending on the assessment and planning of the PBIS-AC.

Some, but not all sustainability efforts include:

- Establish a Memorandum of Understanding (MOU) between ADE and ADDPC for continued collaboration in PBIS for years to come.

- Ensure that a system for recording and analyzing student outcome data exists (e.g., trends in the use of seclusion and restraint), and allows LEAs to make data-based decisions long after this project ends. The ADE AzSAFE is such a tool and could be modified to meet this need.

- Train LEA personnel who have successfully implemented PBIS in their schools, to administer an "Implementation" evaluation so they could be called on to evaluate other schools. The goal would be to continue celebrating those schools with high "Implementation" scores long after this project ends. The School Evaluation Tool (SET) is such a tool.

- Use existing resources within ADE to allow staff from one LEA to travel to another and provide technical assistance or conduct PBIS assessments. This builds on the resources within LEAs to sustain these efforts even after funding for this project ends. The ADE Support Cadre is such a resource.

- Apply for federal or other grant funding to support any of the PBIS-related activities (e.g., training, technical assistance, data collection/management, evaluation, etc).

- Create media materials (e.g., streaming videos) of training materials that could be available to all LEAs and families in the future, even after funding for this project ends.

- Establish and annual PBIS conference that serves the dual purpose of sharing the latest PBIS methods, and recognizing all "implementing" schools (those that scored high on the SET) during the past year.

Exhibit B

Arizona Developmental Disabilities Planning Council
1740 West Adams, Suite 201
Phoenix, AZ 85007
Office: 602-542-8970//Fax: 602-542-8978

Contractor Name: Northern Arizona University/Institute for Human Development

Project Name: ADDPC-PBS Project **Project/Contract Number:**

Service Start Date: 8/1/2012 **Service End Date:** 6/30/2013

Budget Category	Description	Requested Funds	Non-Federal In-Kind Match	Total Program Cost
Salaries (11 mo)	Dan Davidson (10%)	6.780		6,780
Fringe Benefits	Dan Davidson (10%)	2,645		2,645
Supplies				
Staff Travel	2,000/In-state 2,000/Out-of-state	4,000		4,000
Contracted Service				
	Subcontracts to KOI,	73,920	30,209	104,129
	ACDL	19,797	6,599	26,396
	Sonoran Center	3,300	1,200	4,500
Other	Printing, copying and Project supplies	2,000		2,000
Indirect Costs	10% of TDC	11,244	6,669	17,913
Total Costs		123,686	44,677	168,363

Budget Justification

The budget justification that follows is based on a contract amount of $123,686 for Year 1 (11 months), to be renewed for possible additional 3 to 5 years provided that progress on the above objectives has been made. Year one consists of forming and using the Advisory Committee to plan for implementation.

Year 1 (8/1/12 – 6/30/13)

Project Director: ($9,425) for 0.10 FTE (11 month) salary and ERE. Dr. Daniel Davidson will: 1) oversee the subcontracts to ensure all are fulfilling their responsibilities; 2) travel to participate in the Advisory Committee meetings; 3) travel to conduct awareness training (in collaboration with ACDL staff) to LEAs and parents regarding seclusion, restraints, parent rights, and PBIS resources; and 4) submit final reports to ADDPC.

Travel: ($4,000) to be divided in this way: ($2,000) for in state travel required to attend the six AC meetings and conduct the six awareness trainings, and ($2,000) to attend the annual Association for Positive Behavior Support (APBS) national conference. It includes an estimated 3 nights lodging at an average rate $87 per night for in-state travel, the mileage rate will be based on NAU state car rate at $30 per day plus 20 cents per mile, and per dime rate based on the actual destination per NAU travel policy

Subcontract KOI Education: ($73,920) with ($30,209) as in kind.

Subcontract ACDL: ($19,797) with ($6,599) as in kind.

Subcontract Sonoran Center: ($3,300) with ($1,200) as in kind.

Other: ($2,000) for printing and materials required for the public awareness trainings, Advisory Committee participation, and reports to ADDPC

Indirect Cost: 10% TDC of the budget, which is the approved indirect cost rate by the funding agency. The NAU has an approved negotiated Federal (Department of Health and Human Services) Funding Indirect cost rate of 28.2% for this type of project. The difference between what is being charged 10% and the approved rate will be used towards the in-kind contributions ($6,669) requirements (25%) by the funding agency

APPENDIX

2009

A Government Accountability Office study found hundreds of cases of alleged abuse and death related to the use of seclusion and restraint on school children during the past two decades http://www.gao.gov/products/GAO-09-719T. Seclusion and restraint are physical interventions used by teachers and other school staff that are supposed to prevent students from hurting themselves or others.

The Council of Parent Attorneys and Advocates also documented nearly 180 reports of abuse in school in *Unsafe in the Schoolhouse* http://www.copaa.org/wpcontent/uploads/2010/10/UnsafeCOPAAMay_27_2009.pdf.

The National Disability Rights Network issued a report called *School is Not Supposed to Hurt* http://www.ndrn.org/images/Documents/Resources/Publications/Reports/School-is-Not-Supposed-to-Hurt-NDRN.pdf which investigated the abusive use of restraint and seclusion in our nation's schools. The report revealed that many children – even very young children – were being isolated, battered and bound, often without their parents' permission and without notice. The report demonstrated that current laws did not provide sufficient protection and oversight, despite the widely recognized risks of restraint and seclusion. In fact, federal and state laws were either non-existent or inconsistent.

The U.S. House Committee on Education and Labor held a hearing to examine abusive and deadly uses of seclusion and restraint in U.S. schools. The hearing investigated the reports and testimonies of several deaths directly related to use of seclusion and restraints in schools across the U.S., most involved students with disabilities.

Arizona Senate Bill 1197 was passed, resulting in a Task Force on Best Practices in Special Education and Behavior Management to provide recommendations on: 1) managing behavior and discipline, 2) prohibited disciplinary actions, 3) mandatory or recommended training for teachers, and 4) parental notice requirements. The *Arizona Task Force on Best Practices in Special Education and Behavior Management* published its recommendations to all local education agencies (LEAs) in the state with the requirement to review and vote on the recommendations by 6/30/2010. See http://www.azed.gov/special-education/task-force-best-practices/.
The report defined a number of practices that LEAs should implement, and includes the need for training/competence at three levels:

1. Three-tiered approach to Positive Behavior Interventions and Supports (PBIS) at the school-wide level. The first tier (Tier 1) is the preventative approach that teaches and encourages expected behavior of ALL students and improves overall climate. This effects all staff and all

students, and reduces the number of students who display repeated and severe behavior problems. This preventive approach can have dramatic results in reducing overall office discipline referrals and suspensions, but requires a systematic and planful way to involve all staff, develop new policies, train and support the staff, collect and review relevant data, and continually troubleshoot challenges. A second tier of intervention is for those students who need a little more instruction, attention and intervention than the rest of the school. Tier 2 uses social skills training, self management, check-in check-out, and other more involved interventions. The competencies required to implement Tiers 1 and 2 can be taught to school personnel through a series of inservice trainings and technical assistance that includes opportunities for repeated practice and problem-solving.

2. Individualized function-based approach to PBIS for those students who display severe and chronic behavior problems represents Tier 3. This process requires the expertise and often consultation from professionals to help teams understand the unique reasons that a given student behaves badly (Functional Behavioral Assessment – FBA), and the development of individualized plans for intervention (positive Behavior Intervention Plans – BIPs). This effects only those students (and their staff) with chronic and severe behavior problems. Most students with disabilities and behavior problems would fall into this group. These are students who have Individual Education Plans (IEPs). There are growing numbers of professionals with the kind of expertise in Tier 3, but the number of students in need is far greater than the number of professionals to meet the need. The competencies required to implement Tier 3 are typically taught to school personnel through a series of graduate courses. Each of Arizona's state universities offers such courses.

3. Crisis prevention and de-escalation training is necessary for those staff who carry out crisis intervention. There are currently many commercially available training programs on different ways to de-escalate and safely manage violent behavior. Most of these offer certification of training that must be renewed periodically. Many PEAs already use these resources. It may be beneficial however, if the state either approved certain programs or provided guidance on what to look for in such training and certification programs. The competencies required for safe crisis prevention and de-escalation are often taught in small groups over several days with the primary emphasis being prevention, and secondary emphasis being physical techniques to release from a grip or a bite, hold someone, transport to another area, etc. In addition to the training recommendations, the report also defined the need for incident report documentation and parental notification, followed by debriefing each incident as an opportunity to learn/prevent future occurrences. The degree to which each LEA tracks their incidents of seclusion or restraint, and uses that data for continuous quality improvement is not yet known.

2010

The U.S. House of Representatives passed legislation to protect school children from abusive restraint, seclusion and aversive interventions. This bill (*Keeping All Students Safe Act*) http://www.govtrack.us/congress/bill.xpd?bill=h112-1381&tab=summary represented a monumental change in protections that would allow all children to learn in a safe environment. Its passage created a wave of momentum that shifted toward the U.S. Senate.

All Arizona LEAs should have reviewed the Task Force recommendations by June 30, 2010 and held public discussions whether to adopt them as policy with or without revisions.

The national Technical Assistance Center on Positive Behavioral Interventions & Supports published the *Implementation Blueprint and Self-Assessment*, http://www.pbis.org/common/pbisresources/publications/SWPBS_ImplementationBlueprint_vSep_23_2010.pdf a guide to assist local and state education agencies in their efforts to improve school climate and positive behavior support for all students. This is a comprehensive summary of lessons learned from other states over time, as they built their own capacity to help schools undertake the work necessary to implement PBIS with fidelity. This document will serve as a planning tool for this project. The blueprint assesses the following areas:

- Leadership Team
- Funding
- Visibility
- Political Support
- Policy
- Training Capacity
- Coaching Capacity
- Evaluation Capacity
- Behavioral Competence
- School/District Demonstrations

2011

One year after the passage of the Keeping All Students Safe Act in the House of Representatives, the Advocacy Organization (TASH) published *The Cost of Waiting* http://tash.org/wp-content/uploads/2011/04/TASH_The-Cost-of-Waiting_April-2011.pdf to document the high emotional, physical and safety-related costs of waiting to protect school children. The report included background information into the use of restraint and seclusion in schools and an analysis of media coverage on restraint and seclusion since the passage of the Keeping All Students Safe Act in the House of Representatives.

A Senate version of *Keeping All Students Safe Act* was introduced http://www.govtrack.us/congress/bill.xpd?bill=s112-2020.

The Arizona state senator (John Huppenthal) who introduced the legislation to form the Task Force became the new Superintendent of Public Instruction.

The ADDPC published the report titled *A Study of Statewide Local Education Agency Actions Regarding the Recommendations of the "Arizona Task Force on Best Practices in Special Education and Behavior Management" Pertaining to Adoption of Positive Behavioral Interventions and Support (PBIS)* http://azgovernor.gov/DDPC/Reports.asp. The report indicated that most LEA administrators were aware of both the Task Force recommendations and their own policies regarding seclusion and restraint, but that providing the training necessary to LEA personnel to implement PBIS correctly is difficult, time-consuming, and expensive. "Educators participating in the groups are all in general agreement that the Arizona Department of Education and legislature do very little in supporting schools' efforts to adopt the legislature's recommendations."

A new interim Director of Special Education at the Arizona Department of Education, Exceptional Student Services (ADE/ESS) was appointed. Joan McDonald had worked for ADE/ESS several years earlier and for the past 10 years served as the Director of Special Education in a School District. She is keenly aware of issues faced by LEAs and the State, and is supportive of PBIS.

2012

The National Disability Rights Network updated its report called "*School is Not Supposed to Hurt*" http://www.ndrn.org/images/Documents/Resources/Publications/Reports/School-is-Not-Supposed-to-Hurt-NDRN.pdf and found that since the original report was first published: a) 39% of states still have no laws, policies, or guidelines concerning the use of restraint or seclusion, b) 87.5% of states and territories still allow prone restraints or restraints that restrict breathing, and c) only 45% of states and territories require or recommend that schools automatically notify parents or guardians of restraint or seclusion use (this number has not changed from the previous year).

The Office of Civil Rights published data for the first time, gathered from the 2009-10 school year and including about 85 percent of the nation's school districts http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf. The report includes information about mechanical or physical restraints and seclusion. They found that close to 40,000 students were physically restrained—or held by another person—that school year. Of those, 70 percent of the cases involved students with disabilities. Although black students make up 21 percent of students with disabilities, they represented 44 percent of the cases in which

mechanical restraints—where students are controlled using some kind of a device—were involved. Some schools have used duct tape, handcuffs, helmets, anklets, and other devices, with the premise of keeping students from hurting themselves, teachers, or classmates.

The Department of Education published, *Restraint and Seclusion: Resource Document* http://www2.ed.gov/policy/seclusion/index.html that describe 15 principles for state, district, and school staff; parents; and other stakeholders to consider when states, localities, and districts develop policies and procedures on the use of restraint and seclusion. The document discusses the context in which these principles were developed, lists the principles, and highlights the current state of practice and implementation considerations for each principle. It also provides a synopsis of ongoing efforts by federal agencies to address national concerns about using restraint and seclusion in schools. Two attachments at the end of this document provide information about state policies on the use of restraint and seclusion in our nation's public schools and an annotated resource guide on the use of restraint and seclusion in schools. The 15 Principles are:

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.

2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional

3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.

4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.

5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.

6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.

7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.

8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.

9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.

10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.

11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.

12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.

13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.

14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.

15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.