

July 17, 2015

Bill Welch, Ph.D.
Bureau Director
Mississippi Department of Education
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Dear Dr. Welch,

It is important for Mississippi to have a strong restraint and seclusion policy. The undersigned organizations are in agreement that MDE's draft restraint and seclusion policy is not strong enough and will not keep children safe. ***This letter serves as our united voice and public comment.***

In April and June of this year representatives of different parent, education, and advocacy organizations met with MDE personnel to discuss our concerns about the proposed restraint/seclusion policy. During each meeting we provided stronger policy suggestions that other states have adopted and indicated our reasons for the suggestions. The attached document is a reference to the following discussion.

The general complaints we have about the proposed restraint/seclusion policy are:

- *It does not emphasize the danger of restraint and seclusion, including the risk of death*
- *It does not emphasize the importance of a positive school climate*
- *There are insufficient definitions pertaining to restraint and seclusion, and seclusion itself is poorly defined*
- *The wording regarding allowable restraints is confusing*
- *There are different rules for children with special needs*
- *There is lack of oversight by MDE*
- *Parents are not satisfactorily included in various parts of the policy*

We know that a strong restraint/seclusion policy is needed in Mississippi. We also know that the current climate in many school districts is such that unless the policy is clearly defined, unsafe and unwarranted practices will continue. To better understand what happens in schools, we surveyed our constituents. We are sharing this survey data to explain why this draft policy does not protect children and teachers. Survey results clearly support our position to create a stronger policy, and are as follows:

1. **The policy needs to emphasize that restraint and/or seclusion is to be used ONLY when a child is a danger to themselves or others.** The majority of survey respondents indicated the reasons their children had been restrained or secluded were behavior issues or not responding to teacher requests. In only 24.6% of the cases were restraint used for the safety of the child or

others and 37.8% of survey respondents indicated their child had been hurt as the result of restraint or seclusion. Clearly there is an ingrained culture of using restraint and seclusion inappropriately.

2. **The personnel training section is inadequate.** Families' responses indicated that the lack of appropriate training escalated the use of restraint or lead to physical or psychological injury. In the limited instances when parents supported the use of restraint, it was because the staff was using the correct techniques. MDE should provide a list of approved, evidenced-based training programs from which school districts must select. Adequate training in these techniques is more than a three hour workshop. Several parents named one specific person as an inappropriate, dangerous trainer, indicating the quality of the trainers is as important as the training itself.
3. **The oversight needed to insure that schools and districts are held accountable for the abuse of this policy is missing.** All incidents of restraint and seclusion need to be reported to MDE so that MDE can evaluate the data to determine if there are specific sub-groups of children receiving inappropriate restraint/seclusion. Over and over in our survey, parents are reporting inappropriate use of restraint/seclusion with no consequences to either the school or the district.
4. **We do not support seclusion.** Many states prohibit the use of seclusion because it is dangerous and does not promote positive behavior. It has also resulted in death for students in other parts of the country. Our survey respondents indicated that children were placed in seclusion for misbehavior (55.6%), not doing what the teacher wanted (50%) and only 11.1% for endangering themselves. Again, this is a clear indication that the culture around use of seclusion is detrimental to children. There are serious problems with seclusion in our state. Rooms with locked doors are being used. Walls are not padded for safety. Children are being injured. Seclusion is used disproportionately with children with special needs.

If seclusion is allowed, seclusion rooms must be inspected by MDE to determine the safety of the room itself and to assure the use of the room is not exclusively for children with special needs.

The feedback from our constituents indicates that teachers and administrators need training on positive behavior supports. Over 70% of respondents indicated that their children had not been restrained or secluded, yet only 27% reported their children had experienced behavior intervention methods that led to a positive outcome. Avoiding restraint and seclusion is not enough. Optimal academic performance, as well as teacher retention and satisfaction, correlate positive school environments that are supported in policy and practice.

Only one half of the survey respondents had children with special needs, indicating that **all** parents want a policy that protects **all** children. Parents understand that restraint and seclusion are serious interventions to be used only for reasons of danger to the child. We hope you do too. We urge you to strengthen and amend the proposed policy to reflect all of our recommendations. Any policy established by MDE will serve as a model to other child-serving organizations throughout the state; it is

critical, therefore, to “get it right the first time.” By doing so, you will insure that all students in Mississippi have the opportunity to effectively and safely learn in their schools. You will also protect children from serious psychological harm, serious injury and death.

Thank you for the opportunity to comment on this policy. Transparent and inclusive input from all stakeholders is essential to effective policy development. We request that MDE submit any and all subsequent drafts of its Restraint and Seclusion policy to our coalition for review and comment.

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