

**Fairfax County Advisory Committee for Students with Disabilities (ACSD)
Meeting Minutes
December 7, 2020**

Member Name		Organization	Attendance
Darcy	Acquavella	City of Fairfax School Board	P
Ally	Baldassari ***	SEPTA	P
Sanaa	Bouzit	Member at Large-Abrar Omeish	P
Liz	Brocato	Braddock District-Megan McLaughlin	P
Brandon	Cassady	Hunter Mill District-Melanie Meren	P
Sandi	Dalhoff	Neighborhood & Community Services	P
Susan	Edgerton	Member at Large-Rachna Sizemore-Heizer	P
Mary Kate	Ganley	Student Representative	
James	Gillespie	Fairfax/Falls Church Community Services Board	
Meghan	Gray	Lee District-Tamara Derenak Kaufax	P
Mary	Hackman	Providence District-Karl Frisch	P
Harry	Henderson	Mason District-Ricardy Anderson	
Lissy	John	Dranesville District-Elaine Tholen	P
Lynn	Kiewel	Fairfax Co. Health Dept.	
Andrienne	Konstas	League of Women Voters	P
Toby	Latham	Springfield District-Laura Jane Cohen	P
Connie	Lorentzen *	Mount Vernon District-Karen Corbett Sanders	P
Rachel	Macias	Region 4- -Jay Pearson-Assistant Superintendent	P
Linda	Mason	Higher Education	
Phara	Rodrigue	Member at Large-Karen Keys Gamarra	E
Brianne	Russell-Morris	POAC-NoVA	P
Michael	Simon	Sully District-Stella Pekarsky	
Dena	Sonneborn	Region 3-Nardos King-Assistant Superintendent	E
Joanne	Walton	Faculty	P
Ann-Marie	Ward ***	Fairfax County Council PTA	P
Niki	Zimmerman	Region 2-Fabio Zuluaga-Assistant Superintendent	P
* Chair **Vice-Chair *** Secretary P = Present E = Excused Absence R = Resigned			

FCPS Staff Who Were Present:

- Michelle Boyd, Assistant Superintendent, Department of Special Services
- Mike Bloom, Director of Special Education Instruction
- Jane Strong, Director of the Office of Procedural Support

School Board Members Present:

- Rachna Sizemore Heizer, At-Large, Committee Liaison

This meeting was held virtually via Blackboard Collaborate Ultra and live-streamed on the FCPS website. The meeting was recorded.

This meeting was a forum held specifically for the ACSD to provide comment on the proposed Policy on Restraint and Seclusion.

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Call to Order: The meeting was called to order at 5:00 p.m. by Connie Lorentzen.

Presentation:

Jane Strong, Director of the Office of Procedural Support, presented the changes in the second draft of the proposed policy.

- Both special education and general education, under the Office of Intervention and Prevention. Policy will sunset 12/21/21.
- Expanded description of PBIS and phased approach to prohibit all seclusion by 1/1/23.
- Additional definitions for clarity: prone and supine restraint, aversive stimuli, day, time-out
- Clarified prohibition of prone and supine restraints
- Added information about the MOU with police department and SROs
- Revised proposal to guide discontinuation of seclusion: in all cases, as soon as imminent risk dissipates. If risk continues, then reassess based on age: elementary – 10 minutes, middle – 15 minutes, high school – 20 minutes
- Added requirement to use all parent contact numbers in SIS
- Written notification must be day of the incident
- Conference with trusted adult by following school day. Student choice or staff/parent consult. Resources and conference for parent. Staff resources through EAP.
- Intervention and Prevention – team meetings triggered after 1 incident, expanded description of elements of training
- Annual report prior to state report. Consideration for emotional/physical development, elementary and secondary age, consider practices that encourage parent involvement and collaboration

Committee Comments and Questions:

- Toby – Great work on revisions and capturing comments. Why choose January 2023 to prohibit seclusion, in the middle of a school year? Is the EAP for all employees? Has concerns with reference to the term “safe.”

“The regulations state that the use and duration of seclusion will be based upon age and development. 8VAC20-750-50.C. The regulations also state that seclusion is prohibited where medically or psychologically contraindicated as stated in documentation by, among other people, a licensed physician or psychologist. 8VAC20-750-30.A.9. In my view, these sections provide two exceptions to the use of seclusion in districts that permit the practice. For some students, seclusion must cease at certain thresholds determined by an assessment of age and development. And for other students, seclusion must not be used at all.

--Section VII.C. in the revised FCPS policy suggests that there are no exceptions.

--Recommend modifying the beginning of Section VII.C. to state something along these lines: “Seclusion is prohibited where medically or psychologically contraindicated in documentation. See Section V.9, above. The use and duration of seclusion otherwise shall be determined based upon the student's age and development. In the absence of documentation

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prohibiting or limiting its use, seclusion shall be discontinued as soon as [insert rest of paragraph here].”

--Modifying the beginning of Section VII.C, as recommended, would put the reader on notice about the two exceptions to the otherwise permitted use of seclusion.”

- Ally – Commends the second draft and the implementation of some ACSD recommendations. Would like to stop the reference to 99% of schools having seclusion banned – the 3 remaining schools have 40% of seclusion incidents – 12 seclusion rooms remaining at those sites. Full prohibition of seclusion in all schools will take effect on January 1, 2023 – concerning that it is midyear. Why not at the beginning of the school year? What about specific suggestions for data reporting and disaggregating?
- Lissy – What will be needed to fully ban seclusion? Why will we need 2 years to get there? Can there be videotaping of the classrooms where seclusion is permitted to use in debriefing / are there legal concerns? Visual monitoring requirements in the policy are unclear – why would staff not be visually monitoring / what makes an emergency situation?
- Joanne – Has concerns about the number of staff who will be targeted for training – need more staff to have advanced training. With respect to Family Engagement, where will printed copies of the policy be available – will there be translations – we need to be proactive in getting it out to families.
- Brianne – How will IEP teams discuss restraint and seclusion – how will it be incorporated / will it be on the agenda? If there are concerns raised during the evaluation or if at an annual IEP, there will be discussion of behavior or previous instances of restraint and seclusion. Staff should consider adding the topic to agenda prior to the meeting. How will parents know it is even possible, if it has never occurred before?
- Sanaa – Concerned that we are waiting 2 years to phase out seclusion entirely and wants it to be banned at all schools now.
- Ann-Marie – How will staff know about the policy and what is required of them? All staff will have to undergo Level 1 training but how do we ensure it’s not just a box to check? Central office staff is currently working on a training plan. Dr. Ross Greene will be speaking to staff and consulting on the training plan. Will training on Dr. Greene’s methods be open to all staff? To parents?
- Connie – Draft 2 does meet a majority of the ACSD and school board feedback. Collaboration with the ACSD is important and would have been better to incorporate our feedback before the first draft. How will this policy work with contracts with private placements? Sensory needs for students, how will they be met? Spaces for time-out, de-escalation, gross motor activities, etc. What sort of trainers will be used for Level 2 (Mandt and PCM, potentially Ukeru)?

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- Susan – The second draft is a vast improvement. More advanced training is needed for more staff. If we re-deploy BITs for support in this new policy, how will that impact the students who are no longer served? They are using team approach by region. Question about implantation of Ukeru / pad training – for pilot school – still hammering out the contract details.
- Brandon – Concerns about using restraint and seclusion for very young age students and the trauma it causes them. How will we ensure that these policies “stick” in the future?
- The Policy and Regulations Subcommittee commended Dr. Boyd and the Department of Special Services for their revisions to the draft policy and brought forward a list of recommendations for changes to the second draft. The full list of suggested changes is appended to these minutes.

An informal vote was taken and there was consensus that the ACSD members who were present agreed with the recommendations.

Announcements:

- It’s Inclusive Schools Week!
- Reminder: Public Hearing on Friday at 6 pm – sign up to speak
- FCCPTA & SEPTA will be screening the documentary “The Kids We Lose” directly following this forum. The movie is 90 minutes and then Dr. Ross Greene will do a 30 minute Q&A afterward.

Meeting adjourned: The meeting was adjourned at 6:50 p.m.

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- I. The Policies and Regulations subcommittee would like to commend Dr. Boyd and the Department of Special Services on their second draft of the restraint and seclusion policy. This draft has incorporated many of the ACSD’s recommendations. Notably, it includes (1) Same-day notification; (2) Immediate notification when the imminent threat and resulting seclusion or restraint persists; (3) A ban on supine restraints; and (4) A ban on seclusion at the majority of schools, with an intent to ban it everywhere Jan. 1, 2023.

- II. The Policy and Regulations subcommittee suggests that the ACSD adopt the following recommendations for the Policy on Restraint and Seclusion - Second Draft.

P.6, Section V (PROHIBITIONS) - Recommended addition

"A full prohibition on seclusion at all schools will take effect on January 1, 2023."

P.7, Section VI (USE OF PHYSICAL RESTRAINT AND SECLUSION)

The ACSD’s recommendation of a “Chain of Intervention” Prior to Restraint should be added here. The target audience for this policy is teachers and staff working with behaviorally challenging kids. We recommend reminding them of their evidence-based options. Please insert, as subheading “A”:

- A. Chain of Intervention Prior to Restraint
 - 1. Evidence-based de-escalation practices.
 - 1. Verbal redirection
 - 2. Give the student choices
 - 3. Consider biological factors (Is the student hungry, thirsty, or sick?)
 - 4. Consider modifying the student’s schedule
 - 5. Give praise and frequent feedback, delivered promptly
 - 6. Increase the rate and quality of reinforcement
 - 2. Safety measures not involving hands on the student.
 - a. Escort student to another location away from peers and other individuals that may be harmed.
 - b. If student can not be escorted, evacuate other students and unrequired staff.
 - c. Staff members don protective gear as necessary, while continuing to speak calmly to the student.

P.7, Section VII (SECLUSION, STANDARDS FOR USE), A:

The ban on seclusion at all but three schools isn’t clearly stated.

We recommend: “Seclusion is banned in all FCPS schools other than Burke School and Key and Kilmer Center. Seclusion at these schools will occur only in their designated seclusion rooms, which all meet the following physical standards”.

P.8, Section VIII (NOTIFICATION AND REPORTING), A, #2:

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We recommend the verbiage of the ACSD recommendation here, as it carries greater clarity and impact.

The school principal, or his designee, ~~or other school personnel~~ shall ensure that direct contact is made with the parent, ~~either in person or through telephone conversation, or other means of communication authorized by the parent, such as text, voice mail, or e-mail, to notify the parent of the incident and any related first aid on the day the incident occurred. The emergency contact numbers in the student information system (SIS) will be used to assist in locating parents to support same day notification if needed.~~ **using the following notification procedure: “Call, leaving a message if no answer, all contact numbers on file until parent/guardian is reached. Should that fail, send an email and an alert through SIS.”**

P.10, Section VIII (NOTIFICATION AND REPORTING), G:

We urge the removal of the last sentence. The conference **should not** occur during the debrief with the principal. Both SEPTA and school board members raised concerns that the principal could induce fear. This would prevent the purpose of the visit from being carried out. The visit is to provide emotional support to the student.

~~“...The student should choose the trusted adult.;~~ ~~h. However, i~~ If that is not possible due to age or developmental level, ~~school~~ staff may choose among team members and/or consult with parent or guardian regarding the most suitable ~~staff~~ person for **the conferencing**. The staff who conferences with the student may consult with clinical staff ~~or other support staff~~ to explore further resources as needed.” ~~The conference with the trusted school personnel may occur during the debrief with the principal or designee.~~

P.10, Section VIII (NOTIFICATION AND REPORTING), K: We urge the addition below, which will require reorganization.

The Department of Special Services (DSS) and other central office departments shall regularly, at least quarterly, review the use of physical restraint or seclusion to ensure compliance with school division policy and procedures, ~~and, w:~~

1. **When there are multiple incidents within the same classroom or by the same individual, the director of Intervention and Prevention Services, or designee, shall take appropriate steps to address the frequency of use.**
2. **A report shall be prepared quarterly. The report shall include:**
 - a. **Data analysis for how often restraint and seclusion has been used in violation of policy**
 - b. **Instances of seclusion and restraint broken down by school and special program**
 - c. **Data analysis for disproportionality.**
 - i. **Age of student restrained or secluded**
 - ii. **Disability category**
 - iii. **Gender**
 - iv. **Race/Ethnicity**

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P.11, Section IX (INTERVENTION & PREVENTION): The second paragraph should be made subheading “B,” and we urge adding a subheading “C” as below. “C” is necessary so that there will be a point at which action is triggered. When IEP teams are asked to “consider” an action, especially if that action requires an additional meeting, usually deliberation is not long and action is not triggered.

A. In the initial development and subsequent review and revision of a student’s IEP or Section 504 plan, the student’s IEP or Section 504 team shall consider whether the student displays behaviors that are likely to result in the use of physical restraint or seclusion. If the IEP or Section 504 team determines that a future use is likely, the team shall consider, among other things, the need for: (i) a Functional Behavioral Assessment (FBA); (ii) a new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) any new or revised behavioral goals; and (iv) any additional evaluations or reevaluations.

B. Within ten (10) school days following the first school day in a single school year on which an incident of physical restraint or seclusion has occurred, the student’s IEP or 504 team shall meet to discuss the incident and to consider, among other things, the need for: (i) an FBA; (ii) a new or revised BIP that addresses the underlying ~~causes or~~ purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions; (iii) ~~any~~ new or revised behavioral goals; and (iv) ~~any~~ additional evaluations or re-evaluations.

C. Within ten (10) school days following the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, the student’s IEP or 504 team is required to create (i) a new or revised FBA; and (ii) a new or revised BIP that addresses the underlying purpose of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions.

P.12, Section XI (ANNUAL REPORTING AND REVIEW), B: Needs the following addition.

The Division Superintendent shall report on the use of physical restraint and seclusion to the School Board at least once a year prior to the annual submission to the Superintendent of Public Instruction. The report will include all data analysis described in IX.K.2 of this Policy. [IX.K.2 was recommended earlier in this document.]