

**REPORT  
TO  
LOUDOUN COUNTY PUBLIC SCHOOLS**

**On the review of restraint and seclusion policies, procedures, and practices  
within Loudoun County Public Schools**

**August 22, 2018**



## EXECUTIVE SUMMARY

In late February and early March 2018, Loudoun County Public Schools (LCPS) asked the Virginia Department of Education (VDOE) to review the division's policies, procedures, and practices with regard to the restraint and seclusion of students. During the same time period, local news outlets and publications reported on allegations of abusive practices involving the use of restraint and seclusion within LCPS. Following these reports, a number of members of the Virginia General Assembly representing Loudoun County contacted The Honorable Atif Qarni, Virginia Secretary of Education, asking the VDOE to investigate LCPS' practices.

As of the date of this report, Virginia has not enacted any regulations governing the use of restraint or seclusion within the public elementary and secondary schools in the Commonwealth, although proposed regulations (Proposed Regulations) are undergoing executive review. As a result, the VDOE has no regulatory authority to review specific incidents of restraint and seclusion. In light of the serious nature of the allegations, however, the VDOE agreed to review the division's policies, procedures, and practices regarding restraint and seclusion with regard to its *Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations, Focusing on Physical Restraint and Seclusion*, Revised 2009 (Virginia Guidance) and with regard to the United States Department of Education's *Restraint and Seclusion: Resource Document* published in 2012 (also known as the "15 Principles"). Pursuant to Va. Code § 22.1-279.1:1, VDOE was directed to draft the Proposed Regulations in accordance with these two documents.

The VDOE assembled a review team tasked with: (i) reviewing LCPS' policies and procedures surrounding restraint and seclusion; (ii) interviewing twenty individuals, including a cross-section of central office administrators, building level administrators, teachers, and parents at LCPS' central office; and (iii) conducting site visits at a cross-section of LCPS schools, which included conversations with multiple building administrators, staff, and coordinators. This VDOE Review Team's report details the pre-site and on-site review activities conducted in April and May, 2018. The report also provides an analysis of findings, commendations, and recommendations for improvement.<sup>1</sup>

### GENERAL CONCLUSIONS<sup>2</sup>:

- The LCPS' policies and procedures on the use of physical restraint and seclusion are substantially consistent with the Virginia Guidance and the 15 Principles.
- In the event the Proposed Regulations are enacted by the Board of Education in their current form, LCPS policies and procedures will require a number of procedural changes; however, the substantive content of the policies will not require extensive revision.
- Administrative and instructional staff members were generally familiar with and had an accurate understanding of the division-level policies and procedures on restraint. The

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<sup>1</sup> We note that individual names of schools and interviewees are not included in this report in the interest of confidentiality. Details will be provided to LCPS on request.

<sup>2</sup> Conclusions, Commendations, and Recommendations are set forth in the body of this document separately, depending on whether they relate to policies or to practice.

same is true for seclusion, except that one administrator and several staff did not know that a student should be seen in the clinic after an incident of seclusion.

- Parents did not have the same level of understanding of the nature of restraint and seclusion. Seclusion was particularly misunderstood.
- Many incidents recounted by parents had occurred more than one year prior to the review, and may not be indicative of current practice.
- The incidents of restraint and seclusion reported by administrators have been handled in accordance with the LCPS Guidelines.
- While we do not dismiss their seriousness, nothing in our review suggested that the incidents reported by parents were more than isolated, i.e., we saw no evidence of systemic failure to comply with the LCPS Guidelines.

#### **COMMENDATIONS:**

- The LCPS has developed robust training for staff in the area of restraint and seclusion.
- The LCPS has strong school-based crisis teams and procedures.
- The LCPS exceeds the 15 Principles in terms of ensuring that medical resources are available during and following an incident of restraint or seclusion.
- The LCPS reacted quickly and appropriately to the specific incident prompting the media reports in the spring of 2018.

#### **RECOMMENDATIONS FOR IMPROVEMENT:**

- The LCPS should add a definition of “pharmacological restraint” to the LCPS Guidelines.
- The LCPS should revise the LCPS Guidelines to explicitly ban the use of aversive stimuli and pharmacological restraints.
- The LCPS should consider additional levels of review when there are multiple uses of restraint or seclusion with regard to one child, in one classroom, or by one individual. We note that the Proposed Regulations provide for additional review triggers.
- The LCPS may want to consider adding a provision to its Guidelines providing for their annual dissemination to parents.
- As the Proposed Regulations contain additional requirements for parent notification, LCPS may wish to review those requirements and amend its guidelines as appropriate.
- The LCPS may want to provide for periodic review of the LCPS Guidelines.
- The LCPS may want to specify the content of its required incident report, or attach a form to the LCPS Guidelines as an exhibit.
- The LCPS should review classroom organization for self-contained special education students with intensive behavioral support needs, with a special emphasis on appropriate spaces for “cool down” areas within the classroom.
- The LCPS should ensure that staff members are aware that students must be seen in the school clinic for incidents of seclusion, not just restraint.
- The LCPS should provide periodic communication of its policies and procedures to parents, with particular emphasis on seclusion practices.

- The LCPS should review involuntary removals to a “chill room” that do not constitute seclusion because an adult is present in the room, in order to determine whether such actions are appropriate.
- The LCPS should continue its ongoing efforts to improve FBAs and BIPs, and should strive to educate parents about the training staff receive in developing the same.

Questions regarding the Executive Summary or this Report should be directed to:

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## BACKGROUND

In late February and early March 2018, Loudoun County Public Schools (LCPS) asked the Virginia Department of Education (VDOE) to review its policies, procedures, and practices with regard to the restraint and seclusion of students. During the same time period, local news outlets and publications reported on allegations of abusive practices involving the use of restraint and seclusion within LCPS. Following these reports, a number of members of the Virginia General Assembly representing Loudoun County contacted The Honorable Atif Qarni, Virginia Secretary of Education, asking the Department to investigate LCPS' practices.

As of the date of this report, Virginia has not enacted any regulations governing the use of restraint or seclusion within the public elementary and secondary schools in the Commonwealth, although proposed regulations (Proposed Regulations) are undergoing executive review. As a result, VDOE Pursuant to Va. Code § 22.1-279.1:1, VDOE was directed to draft the Proposed Regulations in accordance with these two documents.

as no regulatory authority to review specific incidents of restraint and seclusion. In light of the serious nature of the allegations, however, VDOE agreed to review the division's policies, procedures and practices regarding restraint and seclusion with regard to its *Guidelines for the Development of Policies and Procedures for Managing Student Behavior in Emergency Situations, Focusing on Physical Restraint and Seclusion*, Revised 2009 (Virginia Guidance) and with regard to the United States Department of Education's *Restraint and Seclusion: Resource Document* published in 2012 (also known as the "15 Principles").

Upon consultation with then Acting Superintendent of Public Instruction Dr. Steven Constantino, VDOE agreed to conduct a review that would include an on-site visit and interviews in LCPS.

A VDOE Review Team of the following VDOE staff was selected:

### Division of Special Education and Student Services

- Patricia V. Haymes, Director, Dispute Resolution & Administrative Services
- Kathleen Harris, Compliance Specialist
- Ellen Harrison, Specialist, Emotional Disabilities
- Daniel Irwin, Specialist, Autism, Intellectual Disabilities and Assistive Technology

## METHODOLOGY

The VDOE personnel were on-site in LCPS for a total of four days in April and May 2018.

### A. Pre-site Activities

1. Reviewed
  - Media reports
  - Loudoun County Guidelines on the Use of Physical Restraint and Seclusion (LCPS Guidelines)
2. Developed
  - School division profile
  - Profile of populations for interviews
  - Questions for the selected interviewees
  - Request for review of functional behavioral assessments (FBAs) and Behavioral Intervention Plans (BIPs)
  - Profile of schools for on-site visits
  - Schedule for the on-site team activities

The VDOE Review Team's sub-teams and full team met several times prior to the on-site visit to: (a) review initial conclusions from the data review and documentation, and (b) prepare final logistics for the on-site visit.

### B. On-site Activities

1. Conducted interviews at central office
  - Central office administrators and special education coordinators (8)
  - Principals and Assistant Principals (6)
  - Parents of LCPS students (6)
2. Observed special education programs at four elementary schools, four middle schools, and four high schools. These visits included conversations with administrators, teachers, teachers' assistants, coordinators and other staff members.
3. Reviewed multiple FBAs and BIPs at each school.

### C. Post-visit Activities

1. Conducted a detailed analysis of the information gathered on-site.
2. Drafted report.

## LOUDOUN COUNTY PUBLIC SCHOOLS' PROFILE

The following is a brief snapshot of LCPS and its education programs, including special education. Full demographic details may be found at:

<http://schoolquality.virginia.gov/divisions/loudoun-county-public-schools>

In 2017-2018, Loudoun County was the third largest school division in Virginia, with an enrollment of 80,965 students. Students with disabilities made up 11.1 percent of that population, compared to 13 percent statewide. Economically disadvantaged students made up 19.1 percent of its enrollment, compared to 41.1 percent statewide. In fact, Loudoun County has been identified by *Forbes Magazine* as the wealthiest county in the United States.

All of LCPS' 90 schools were fully accredited, with the exception of one new school that has provisional accreditation. Student achievement was above the state average in all areas. Per pupil expenditures exceeded the state average by more than \$2,500 per student.

## ANALYSIS AND FINDINGS

### I. REVIEW OF POLICIES AND PROCEDURES

Prior to our site visit, we reviewed the LCPS Guidelines for consistency with the VDOE Guidance and the 15 Principles. We found the LCPS Guidelines to be consistent with the VDOE Guidelines and the 15 Principles. For ease of description, a comparison of the LCPS Guidelines with the 15 Principles follows.

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

#### *Loudoun County Public Schools Guidelines:*

- The LCPS utilizes Positive Behavioral Interventions and Supports (PBIS). The LCPS Guidelines state that PBIS “is a research-based systems approach to establishing the whole school culture and intensive individual behavior supports needed for schools to achieve academic gains while minimizing problem behavior for all students.” The PBIS includes a continuum of behavioral supports.
- As part of the PBIS system, LCPS uses FBAs and BIPs to address problem behavior for students.
- The LCPS also trains specific personnel on the MANDT System® (MANDT), which is intended to help students de-escalate from a behavioral crisis. MANDT focuses on prevention, re-direction, and de-escalation. Restraint and seclusion is only used in situations where there is an imminent risk of injury to the student or others.

#### *Recommendation:*

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

**Principle 2:** Schools should never use mechanical restraints to restrict a child’s freedom of movement, and 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).

#### *Loudoun County Public Schools Guidelines:*

- The LCPS Guidelines contain a definition of “aversive stimuli” and “mechanical restraint.”
- The LCPS Guidelines include a prohibition on mechanical restraint and the use of drugs or medication. They do not contain an express prohibition on the use of aversive stimuli.



***Recommendations:***

- Add a definition of “pharmacological restraint.”
- Add express prohibitions on the use of aversive stimuli and pharmacological restraints.

**Principle 3:** Physical restraint and 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 should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.

***Loudoun County Public Schools Guidelines:***

- “Physical restraint should only be used in an emergency, i.e., a sudden, urgent, usually unexpected situation that requires a person(s) to take immediate action to avoid harm, injury, or death to a student or to others when there is an immediate danger to the student and/or to others. Less restrictive interventions should be employed first unless in an emergency when, in reasonable judgment of school personnel, less restrictive intervention would be judged to be ineffective.”
- “Physical restraint must only be used for the period of time to accomplish its purpose of ensuring safety, using **only the force that is necessary and no longer than 3 minutes per restraint** at which time the student must be released before the hold can be reapplied.” (Emphasis in the original)
- “Seclusion should only be used in an emergency, i.e., a sudden, urgent, usually unexpected situation that requires a person(s) to take immediate action to avoid harm, injury, or death to a student or to others when there is immediate danger to the student and/or to others. Less restrictive interventions should be employed first unless in an emergency when, in reasonable judgment of school personnel, less restrictive intervention would be judged to be ineffective.”

***Recommendation:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

**Principle 4:** Policies regarding the use of physical restraint and seclusion should apply to all students, not just students with disabilities.

***Loudoun County Public Schools Guidelines:***

- The LCPS procedures explicitly state that they apply to all students, not just students with disabilities.

***Recommendation:***

- As the LCPS Guidelines are consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

**Principle 5:** Any behavioral intervention must be consistent with the child’s right to be treated with dignity and to be free from abuse.

***Loudoun County Public Schools Guidelines:***

- “All students have the fundamental right to be treated with dignity and respect and free of techniques that pose physical or psychological danger.”

***Recommendation:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

**Principle 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.

***Loudoun County Public Schools Guidelines:***

- “Physical restraint [seclusion] is not a teaching procedure or behavioral intervention and should NOT be administered as punishment or to address behaviors for non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse of property, disruption, threats, etc.”

***Recommendation:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

**Principle 7:** Restraint or seclusion should never be used in a way that restricts a child’s breathing or harms the child.

***Loudoun County Public Schools Guidelines:***

- “If physical restraint is used it should not include restraining the individual in a chair or against a wall. Furthermore, prone restraints (where the student is placed face down on his/her stomach) or supine restraints (where the student is face up on his/her back), or any other physical maneuver that prevents a student from breathing or speaking, is strictly prohibited.”
- The LCPS Guidelines set forth safety standards for spaces used for seclusion.

***Recommendation:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

**Principle 8:** The use of restraint or seclusion, particularly where there is repeated use for the same child, multiple uses within the same classroom or multiple use 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.

***Loudoun County Public Schools Guidelines:***

- “A staff debriefing must occur within 48 hours after an incident necessitating emergency physical restraint [seclusion]. The debriefing should include a school administrator and all personnel involved in the use of the physical restraint. Consideration should be given to inviting the parents and student to participate. The purpose of the debriefing is to review the events leading to the use of physical restraint [seclusion], identify additional preventative strategies to avoid the future use of physical restraint [seclusion], and assess the need to conduct an FBA to revise the BIP.”

***Recommendation:***

- While, ideally, staff debriefings should identify multiple uses of restraint or seclusion involving a particular child, classroom, or staff member, LCPS may wish to consider whether additional levels of review may be appropriate in such circumstances. We note that the Proposed Regulations provide for additional triggers for review.

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

***Loudoun County Public Schools Guidelines:***

- As noted above, PBIS is being implemented in all LCPS schools. In addition, LCPS policies direct staff to consider FBAs and BIPs under multiple circumstances.

***Recommendation:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

**Principle 10:** Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusions, such as positive

behavioral interventions and supports and, only for cases involving imminent danger of serious bodily harm, on the safe use of physical restraint and seclusion.

***Loudoun County Public Schools Guidelines:***

- “All LCPS employees have the responsibility for understanding policies and regulations related to the appropriate management of student behavior including the procedures herein related to the appropriate use of physical restraint and seclusion.”
- The LCPS requires each school to have a school-based team trained in the use of physical restraint and seclusion, consisting of administrative personnel and staff, who by reason of their duties, work with students who exhibit serious problem behaviors or the potential to engage in dangerous conduct.
- These personnel are required to be certified in a nationally recognized behavior management system that addresses restraint and seclusion. Currently, LCPS employs the MANDT System®.

***Recommendations:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area with regard to the LCPS Guidelines themselves.
- The VDOE will address the implementation of training based on our interviews and site visits in the sections below, and we further note that training requirements are outlined in the Proposed Regulations.

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

***Loudoun County Public Schools Guidelines:***

- “Physical restraint [seclusion] should only be conducted by a team of trained school-based personnel (MANDT Trained) with at least one additional staff member present and in line of sight.”
- The LCPS guidelines also provide that staff trained in cardiopulmonary resuscitation and first aid should be available and that a portable automatic electronic defibrillator should be available in the building.
- The LCPS policies state that, whenever possible, other students should be removed from the immediate area where the student is being restrained or secluded.
- Following the use of physical restraint or seclusion, the student must be seen by a health clinic staff member.

***Recommendation:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.

***Commendation:***

- We commend LCPS for taking additional steps to ensure that medical attention is available during and after an incident of physical restraint or seclusion.

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

***Loudoun County Public Schools Guidelines:***

- The LCPS Guidelines provide that if it is anticipated that physical restraint or seclusion may be necessary for a student, the matter must be discussed with the parents (including when it will be used, specific techniques to be used, and physical, medical, and emotional concerns) and parental concerns must be documented and maintained in the student's file.

***Recommendations:***

- This matter will be discussed further in sections below.
- The LCPS may wish to consider adding a provision to provide for the annual dissemination of the LCPS Guidelines and other information on restraint and seclusion to parents on at least an annual basis.

**Principle 13:** Parents should be notified as soon as possible after each instance when restraint or seclusion is used with their child.

***Loudoun County Public Schools Guidelines:***

- "The case manager or school administrator must make reasonable effort to ensure direct contact (in person or on the phone) with the parents of the student immediately (within one calendar day) for each and every use of physical restraint [seclusion] and related first aid." The LCPS Guidelines also provide for documentation of the contact efforts.

***Recommendations:***

- As the LCPS Guidelines are substantially consistent with the Virginia Guidance and the 15 Principles, VDOE has no recommendations in this area.
- We note, however, that the Proposed Regulations contain additional methods for contact, and for same-day notification. In the event the Proposed Regulations go

into effect in their current form, this provision will need to be modified. The LCPS may wish to review those provisions at this time.

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

***Loudoun County Public Schools Guidelines:***

- The LCPS Guidelines do not address this matter.

***Recommendation:***

- The LCPS should consider adding a provision to its guidelines providing for periodic review.

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

***Loudoun County Public Schools Guidelines:***

- The LCPS requires that an incident report be completed and submitted in its Phoenix database within 48 hours of the incident, that a copy be placed in the student's file and provided to the parent.

***Recommendation:***

- The LCPS may wish to specify any required content for the incident report, or attach a standard form as an exhibit.

## II. INTERVIEWS CONDUCTED AT CENTRAL OFFICE AND SITE VISIT SUMMARIES

The VDOE Team conducted interviews at the LCPS Central Office on April 18 and 19, 2018, and visited twelve LCPS schools on May 14, 2018. Summaries of the interviews are set out below. In addition, this section will include general commentary on the site visits. This section will conclude with analysis, conclusions, commendations, and recommendations in addition to those relating directly to written policies and procedures.

### A. School Administrators

#### 1. *Administrator 1 – High School*

- This administrator's school houses an intensive autism program, serving four students. The classroom is also staffed with one teacher and four behavioral assistants who have training in applied behavioral analysis. All students are nonverbal. Teachers and aides use frequent reminders and a ladder of consequences for the classroom.
- One student has been restrained three times over the past several years. The student engages in significant self-harm. One of the incidents resulted in injuries to three staff members.
- This student is allowed voluntary use of a safe space within the classroom. Typically the student covers himself with a mat.
- Each student has an FBA and a BIP that are reviewed at least annually, if not more frequently.

#### 2. *Administrator 2 – Elementary School*

- This administrator's school houses two self-contained classrooms for students with intellectual disabilities, two self-contained classrooms for students with emotional disabilities, and one self-contained classroom for students with autism with intense behavioral needs.
- All staff in these classrooms are trained in both the relational and technical aspects of MANDT.
- In addition, like all LCPS schools, the school has a Behavior Intervention Team (BIT) that includes the personnel from these classrooms, as well as a general education teacher, an administrator, a guidance counselor, and a music teacher. Approximately 10 to 15 adults in the school have full MANDT certification.
- The school does have a "calming room" located in a former guidance office. The office is carpeted and at one point, had no furniture. The school has added sensory items and bean bag chairs. Students are not left alone in the room.
- The BIT meets at least quarterly to do a "tear down" of interfering behaviors, and to identify training and classroom management needs.
- During the previous school year, one general education student was physically restrained. The school followed the protocol of having the student see the nurse, informing the parent, completing the incident report, and debriefing.

**3. *Administrator 3 – Middle School***

- At approximately 4 p.m. in mid-October, this administrator was notified of a disturbing photograph on a student's iPad that appeared to show another student being restrained in an area with a mat. The photo was date-stamped September 24, 2017. The administrator contacted superiors and child protective services (CPS) before leaving for the day.
- The following morning, the administrator spoke with the mother of the student who appeared in the photograph.
- The classroom was part of a new program at the school.
- The CPS ultimately determined that the claim was unfounded.
- Following the incident, personnel issues were addressed, the classroom setting was modified, and the appropriate central office consulting teacher spent significant time in the classroom.
- The school no longer uses seclusion spots such as the one pictured. Space is available in the classroom for students to decompress, with sensory materials and a visual timer (five minute intervals and check-ins). Students are not left alone, and are continually monitored.
- Additional training has been conducted throughout the year, although the administrator believes that even more training would be helpful.

**4. *Administrators 4 and 5 – Elementary School***

- School has a number of self-contained special education classrooms, including classrooms for students with intensive behavioral needs. All staff members in these classrooms are trained in relational and technical MANDT. The majority of school staff completed relational MANDT.
- The school does have a seclusion room that was formerly an empty office. Efforts have been made this school year to make it more welcoming by including bean bags, a desk and chair, and an easel. The door does lock from the outside, but the lock is not used. Staff has had to physically hold the door shut in the past. The door has an unbreakable window so that students can be continuously monitored. Students may voluntarily go to the room. The maximum time in the room is 30 minutes. Previously, the room was called the "chill room." Now it is called the "Zen room."
- The room was used once during the 2017-2018 school year on an involuntary basis. Administrators recited parent contact, reporting, and debriefing.
- At least one administrator did not seem aware a student should be seen by the school nurse following an incident of seclusion, although they were both aware that a nurse visit was required when a student was restrained.
- There have been no incidents of restraint during this school year, although one student has been blocked by teachers holding gym mats to prevent injury to himself or others.



5. *Administrator 6 – Middle School*

- This administrator is at the same school as Administrator 3. This Administrator's recounting of the event that was reported in the press was consistent with that of Administrator 3.

**B. Central Office Personnel<sup>3</sup>**

1. *Coordinator 1*

- The LCPS staff directed toward Autism services include one supervisor, two specialists, and one consulting teacher.
- Services range from full inclusion to the intensive program with a maximum of five students to six adults. The LCPS has nine of these classrooms, three at each level. An additional classroom will be added at the middle school level in 2018-2019.
- The LCPS has developed a walkthrough tool that supervisors are able to use to monitor quality in those classrooms.
- Following the incident reported in the press, LCPS conducted intensive coaching for staff and increased the frequency of walkthroughs.

2. *Coordinator 2*

- Coordinator expressed that following the incident in the press, K-2 staff received additional training on restraint and seclusion.
- Coordinator also opined that the issues with restraint and seclusion seemed to be primarily in self-contained settings, and particularly with students with high levels of behavioral needs.
- Coordinator indicated the need for additional training in conducting FBAs and writing good BIPs.

3. *Coordinator 3*

- Coordinator was directly involved in responding to the incident reported in the press. Upon learning of the incident, they reported the matter to human resources and called CPS.
- Coordinator, along with other LCPS personnel visited the classroom the next day. They also provided training to the staff within days thereafter.
- Coordinator acknowledged that LCPS Guidelines were not followed in this instance, and that the teacher did not fully understand seclusion.

4. *Coordinator 4*

- This coordinator oversees MANDT training. Anyone supporting a self-contained classroom must be trained in both MANDT levels.

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<sup>3</sup> Titles of Central Office personnel vary by function. In this section, we will use the generic term "Coordinator."

- Safety and security personnel must be trained in relational MANDT, and the goal is to have them trained in technical MANDT as well.
- Training classes take place on a monthly basis, so new personnel can be trained promptly.
- The LCPS is working toward having all bus drivers trained on an overview of MANDT.
- Next year, LCPS will conduct a MANDT academy with the goal there will be two MANDT trainers at each school.
- The coordinator also described school-based behavioral support teams.

5. *Coordinator 5*

- This coordinator manages multi-tiered systems of support (MTSS), including positive behavior intervention, response to intervention, and school mental health.
- High school teachers have received training on suicide, depression, and bullying.
- The PBIS has resulted in increased instructional time because of fewer disruptions.
- There is a PBIS coach at each school.

6. *Coordinator 6*

- This coordinator discussed the use of crisis plans for students. These are for extreme behaviors, but they do not include the use of restraint or seclusion, which are only used as a last resort.
- Coordinator discussed the use of digitized incident reports for incidents of restraint or seclusion and administrator responsibility for completing reports, notifying parents, debriefing, and addressing any inappropriate use.
- She noted that not all schools have “chill out” rooms, and that there may be “chill out” areas in self-contained classes. She noted that students must be continually observed and that at least two adults must be present.

7. *Coordinator 7*

- This individual is a senior administrator in LCPS who has served the division for many years.
- The individual made observations about the rapid growth in Loudoun County and noted a need for better communication with parents.
- Coordinator 7 also noted that LCPS had the lowest percentage of students in private placements, because of the internal capacity to serve challenging students.
- She shared information about the restraint and seclusion action plan, including training required to be completed by April 30, 2018.

8. *Coordinator 8*

- Coordinator 8’s role is to create learning modules.

- Modules on the role of the behavioral intervention team and on restraint and seclusion were developed in February 2018 and must be completed by April 30.
- Assessments are conducted at the end of each module, and the staff member must complete the assessment with 100 percent accuracy.
- Coordinator 8 also discussed review of results, including “re-teaching” frequently missed questions.
- Coordinator noted additional efforts for training in FBAs and BIPs over the summer and into the fall.

### **C. Parent Interviews**

At present, Virginia does not have regulations governing the use of restraint and seclusion, although proposed regulations are undergoing executive review. Thus, VDOE does not have regulatory authority over restraint and seclusion at this time. As such, while VDOE’s review included interviews with 6 parents, their reports were not independently corroborated or otherwise verified.

#### *1. Parent 1*

- Parent noted that parents had been upset by a number of changes in LCPS during the 2017-2018 school year, including not allowing third party service providers to observe students in the classroom. The reason provided by the school division was that these visitors caused disruption in the classroom.
- Other concerns included lack of data sharing with parents.
- She recommended better communication and making sure that the principal and assistant principal are committed to special education. She thought that relationships need to be better at the building level.

#### *2. Parent 2*

- Parent has a student with a disability and also does advocacy work.
- Parent cited issues with FBAs, BIPs, and crisis plans. She suggested that these plans ranged from “incompetent” to excellent with every stage in between, but noted that the division has begun to address this with more structure and emphasis on competencies.
- Parent expressed concern about the increase in violent behavior at the K-2 level, and thought that students were not being supported appropriately. She opined that this would set the students up for failure in later grades.
- Parent acknowledged that policies and procedures were in place, but questioned operational implementation. She noted schools have tended in the past to demonstrate a pattern of improvement followed by regression.

#### *3. Parent 3*

- Parent’s second grade child was restrained in Pre-K. She was hitting others and the teacher placed her in the corner of a room surrounded by a cardboard barrier. The teacher did contact her after the incident.

- The school has a “chill room” but the student does not like it.
- Parent believes that FBAs and BIPs need to be done by Board Certified Behavioral Analyst (BCBA) and that there ought to be at least one BCBA in each school.
- Parent expressed concern about the quality of FBAs and BIPs and felt that they were not individualized enough.

4. *Parents 4 and 5*

- Parents’ middle school student has OHI and anxiety issues.
- In fifth grade he was hit by an aide and held in a chair. A teacher observed the incident and the aide was fired.
- Parents believe student is not being appropriately supported in terms of his anxiety, and that, instead, the school acts punitively.
- In seventh grade, the student was suspended for failure to obey an instruction to go to the Assistant Principal’s office. More adults became involved and this escalated his anxiety even further. Eventually, the school called the School Resource Officer.
- Parents recite another incident where the student was blockaded in a room. They report that when they arrived, they found him on the floor in a fetal position surrounded by eight to ten adults.
- Parents expressed concern about the quality of his BIP. They wanted a BCBA to be involved in its development.
- Parents have learned that the student goes to a padded room every day, if he chooses. There was some question about whether or not he was truly free to leave.

5. *Parent 6*

- In second grade, the student (now eighth grade) eloped and walked several blocks home. The school did not realize she was missing.
- In third grade, she was secluded with one teacher, and suspended.
- Things were better in middle school until eighth grade.
- Parent expressed concern that her private provider was no longer allowed to observe in the classroom.
- Parent disagrees with the accuracy of progress reporting and lack of transparent data.
- Student is now in a different school, and is “doing much better.”
- Parent has no knowledge of seclusion of her child in the current school year, but says that other students were secluded.
- She believes that the school uses personnel without credentials to conduct FBAs and to create BIPs.

**D. School Visits**

On May 14, 2018, each member of the VDOE team toured an elementary school, a middle school, and a high school, resulting in twelve separate observations. The

schools were located in different areas of the county, and included one of the county's oldest school buildings, as well as one of the newest. Because of the variation in location, building size, enrollment, and other factors, we do not believe that detailed descriptions would be helpful. However, the VDOE team noted a number of commonalities and a number of differences, as follows:

1. *Commonalities*

- Staff members were knowledgeable about and accurately described policies and procedures surrounding seclusion and restraint, with the exception of the requirement that a student be seen by the school nurse after an incident of seclusion.
- Schools appeared to use the BIT in a consistent manner in each location.
- Each school had conducted professional development activities in areas relevant to student behavior, including cultural competence.
- No school reported more than two or three incidents of restraint and seclusion during the current school year. Many had none.
- Some staff noted that parents did not understand that seclusion, under the LCPS policies and procedures, requires that the student is involuntarily confined *alone*.
- Instructions on forms for conducting FBAs and BIPs were extremely detailed.

2. *Differences*

- Some, but not all schools had stand-alone "chill rooms." For instance, in one school with an intensive program for students with emotional disabilities, a room known as "the beach" was adjacent to the classroom. The room was spacious, brightly painted with waves and other beach items, and included cushions on the floor and other sensory materials. The room had a small entrance area where a staff member stands at all times when students voluntarily use (or in some cases, are escorted to) the room. Thus, the student is at no time alone, and time in the room is limited to 15 minutes.
- Some, but not all classrooms had "chill space," called by different names, such as the "cozy corner." The location and types of objects in the area varied.
- While most FBAs and BIPs were well done, we did note some variation in quality.

**E. Analysis**

Based on the VDOE team's analysis of the interviews and site visits, we draw the following general conclusions, note a number of areas in which LCPS is particularly strong compared with other divisions we have had an opportunity to review, and offer a number of suggestions for improvement.

1. *General Conclusions*

- The LCPS staff is generally knowledgeable about local policies on restraint. One administrator and several staff members were not aware that a student should be seen in the clinic following an instance of seclusion.

- The LCPS has committed significant resources to tiered-systems of support, and to training staff in modalities that emphasize positive behavioral intervention and de-escalation.
- The use of “chill areas” varies across both schools and classrooms.
- The VDOE staff expressed concerns about two classrooms that were cluttered and where the students appeared to be isolated from each other with partitions.
- Parents generally lacked a clear understanding of what constitutes seclusion. The LCPS policy and practice is consistent with the 15 Principles in treating an incident of seclusion as an event when a student is involuntarily confined alone.
- A number of reported incidents described occurred several years ago, and may not be indicative of current LCPS practice.
- Parents and some LCPS staff have concerns about the quality of FBAs and BIPs. Although our review reflected that they were of generally good quality, there was some variability. The VDOE staff members believe that parent expectations that quality FBAs and BIPs can only be prepared by BCBA is unreasonable, impractical, and inconsistent with educational practice in the Commonwealth.

## 2. *Commendations*

- The LCPS has developed robust training for staff in the area of restraint and seclusion, as well as in many other special education matters.
- The LCPS has strong school-based crisis teams and procedures.
- The LCPS reacted quickly and appropriately to the specific incidents prompting the media reports in the spring of 2018. We note that some of the actions involve confidential personnel matters that may not be shared publicly.

## 3. *Recommendations for Improvement*

- The LCPS should review classroom organization for self-contained special education students with intensive behavioral support needs, with a special emphasis on appropriate spaces for “cool down” areas within the classroom as well as all “chill rooms” in its schools.
- The LCPS should ensure that staff members are aware that students must be seen in the school clinic for incidents of seclusion, not just restraint.
- The LCPS should provide periodic communication of its policies and procedures to parents, with particular emphasis on seclusion practices.
- The LCPS should review involuntary removals to a “chill room” that do not constitute seclusion because an adult is present, in order to determine whether such actions are appropriate.
- The LCPS should continue its ongoing efforts to improve FBAs and BIPs, and should strive to educate parents about the training staff receive in developing the same.

## **CLOSING REMARKS**

**The VDOE thanks LCPS for its transparency in addressing this serious topic. We hope that this report is helpful to you in your efforts toward continuous improvement.**