

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.¹

GENERAL CONCLUSIONS²:

- 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

¹ 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.

² 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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