

**COMMISSION ON SECLUSION & RESTRAINT IN  
SCHOOLS**

September 5, 2017  
IDOE Offices, 6th Floor, PNC Building  
115 W. Washington Street  
Virgil Grissom Conference Room  
1:30 p.m.

**Meeting Minutes**

<b>Commission Member Name</b>	<b>Title</b>	<b>Organization</b>	<b>Present (Y/N); note if by phone</b>
Kelly Wittman	Chair	Indiana Department of Education	<b>Y</b>
Dr. Denis Ward	Co-Chair	Assoc. of Public School Superintendents	<b>Y</b>
Mary Roth	Member	Autism Society of Indiana	<b>Y</b>
Kim Dodson	Member	ARC of Indiana	<b>Y</b>
Joan McCormick	Member	ICASE	<b>Y</b>
Stephen McCaffrey	Member	Mental Health America	<b>Y</b>
John Elcesser	Member	Nonpublic Education Association	<b>Y</b>
Nicole Hicks	Member	Parent	<b>Y</b>
Mike Johnson	Member	SRO	Y
Vacant	Member	Parent	

**Attendance: (Non-commission members):**

Mike Moore-Director of Legal Affairs  
Leslie-Ann James-Public Records Officer (Minute taker)  
Lesa Paddack – Insource

**Agenda:**

- **Motion to approve meeting notes with corrected changes from 9.5.17**

*Motion made by:* Kim Dodson

*2<sup>nd</sup> by:* John Elcesser

*Approved:* 7Y-0N

Changes to meeting notes to reflect Autism Society of Indiana’s acronym is ASI.

- **Statement of the Chair –**

Kelly Wittman moved to save her statement to the end of the meeting in the interest of time.

- **Public Comments**

Ms. Lesa Paddack (**INSOURCE**) stated that she is glad to present at the Commission meetings and hopes to be of assistance to the Commission in the future.

- **Non-disabled parent representative/nominations**

Commission members were presented with the resumes of Nikki Hosei, James Hill, Jean Renk and Debra Swain-Bayless via email. According to the statute, only representatives from Arc of Indiana, Autism Society's representative, Indiana Council of Administrators of Special Education, Mental Health of America, and the Superintendent's designee can make nominations for the non-disabled parent representative. In addition, the nominee must be approved by a majority vote of those four organization and the Superintendent's designee. The Commission discussed the importance of having a parent and what they would hope the rep would bring to the table.

**Motion to nominate Jean Renk as the non-disabled parent representative**

*Motion made by:* Kim Dodson

*2<sup>nd</sup> by:* Mary Roth

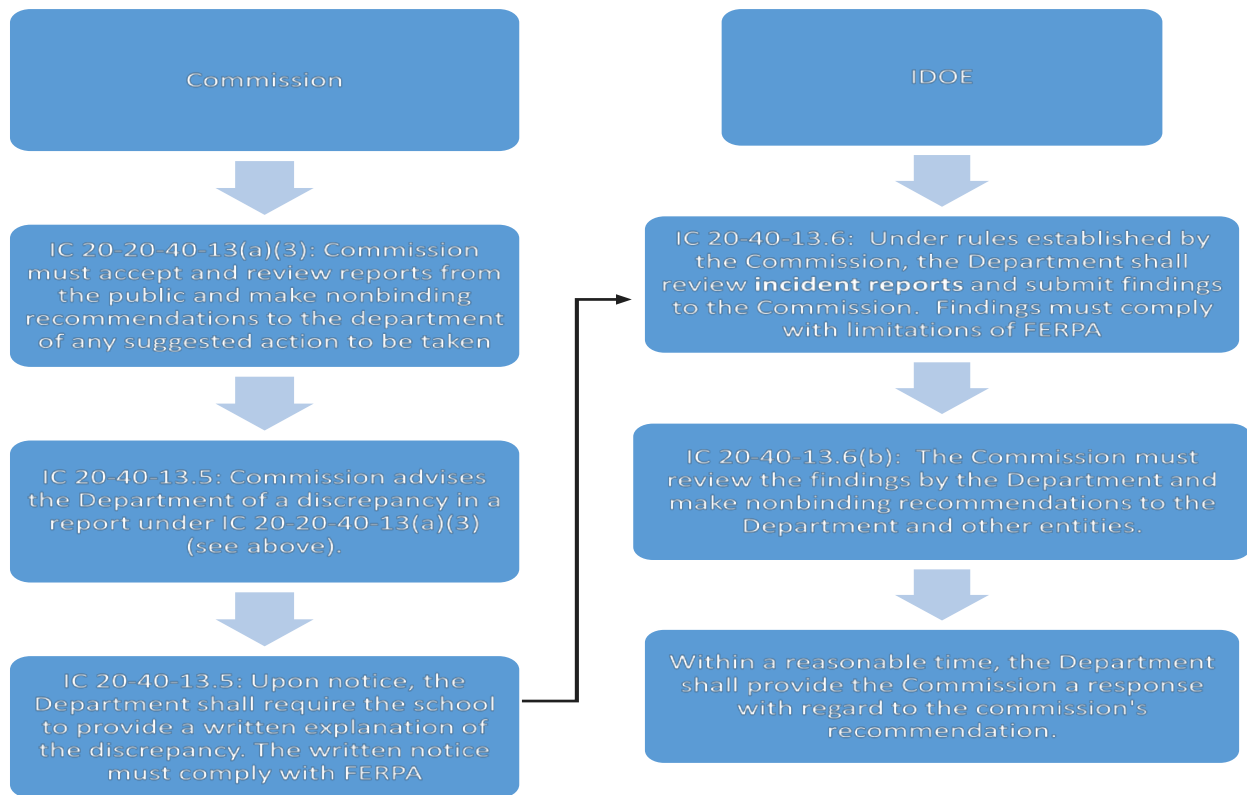
3Y-2N

Jean Renk is the non-disabled student representative. Michael Moore will reach out to Ms. Renk regarding her participation on the Commission.

- **Reporting Incidences of Seclusion or Restraint, including incidents involving SRO**

Michael addressed the reporting flowchart provided to the Commission regarding reports from the public questioning discrepancies and incident reports submitted to the IDOE by schools. The Commission is charged with establishing the rules to determine:

- a) The manner in which the Commission will receive reports of discrepancies from the public;
- b) What is considered a discrepancy? What triggers a report to the IDOE? i.e. Failure of school to have a plan that is available;
- c) How they will receive reports of discrepancies from the public;
- d) The method for the Department to review incident reports and submit findings to the Commission in compliance with FERPA i.e. a sample size of 5% or 10% of the incident reports and timeline for the IDOE to submit findings



**IC 20-20-40-14(b): The department has the authority to require schools to submit their seclusion and restraint plans.**

Kim Dodson shared that the intent of the bill was for there to be a mechanism for parents to address incorrect information reported by the school or if a Commission member was contacted by a parent they could bring it before the rest of the Commission for review. Senate Bill 61 was the result of conversations regarding the reporting data showing schools that did have incidents reporting zero. Notably, this was of concern because some schools were under the impression that if the school resource officer conducted the seclusion or restraint they were not required to report the incident.

Mike Johnson suggested that the rule could be when the Commission receives a report they will review and refer to the appropriate entity whether that is the local school board or the special education department in the IDOE. The Commission will serve as a funnel for the public. Dr. Ward expressed concern about responsiveness to the public and suggested the rule could be if there is report from the public or by an individual member of Commission will immediately be referred to the Commission Chair who will appropriately refer to a Department division for

resolution. This establishes a chain of command for the Commission to hear a complaint from the public and assist both parent and school.

The Commission would like to receive discrepancy reports from the public in written form that would be submitted to the Department and that it will not receive any anonymous reports from the public to reduce the amount of frivolous and unfounded complaints. The Commission discussed reviewing the outliers on the zero and the high end to inform and provide technical assistance to schools. Michael suggested that the Commission could take a similar approach to the A-F appeals because it provides specific grounds for the Department to take that school's appeal into consideration. The Commission could limit the report to high level triggers, however the Department would still need the school information so they could look into the report and provide school technical support. Per the discussion, it was determined the chain of command would be for the parent to seek assistance through the school channels. After going through the school process if a parent or member of the public found not resolution they then could then submit a report to the Commission to review. The public could submit the report in person or through the Seclusion and Restraint site. There was a suggestion that possible areas for acceptance by the Commission would be their plan not being in compliance with the law, incorrect data and proper use of restraint,

Joan McCormick made a motion for the Commission to receive a written report from the public that includes the individual's name, areas of concern for the individual, what steps have they taken in addressing their particular issue and proposed resolution. No vote was taken at the time. Michael suggested that he would bring to the next meeting a rule addressing the reporting mechanism for the Commission to edit at the October 5<sup>th</sup> meeting.

The Commission narrowed down public reports to focus on issues with plans, reports of discrepancies and lack of reporting of time-outs being mindful of FERPA obligations, Due Process, or being subjected to possible litigation. The Commission decided that when an individual instance of seclusion or restraint complaint is submitted it would be referred to either the Department's Student Services, Special Ed department, or DCS. The triggers for notice to the Department would be if the plan is in violation of the statute, rules, and missing the required elements.

Joan McCormick asked the Commission for it to return to the mechanical and chemical restraint definitions. Mike noted that both type of restraints are defined and noted that it is not allowed it is just defined for schools to know the difference. There may be confusion in the field that mechanical and chemical restraint is allowable and not being reported correctly. It was determined that Commission will just focus on the definition because determining how schools and SROs use mechanical and chemical restraint should be left to the local schools.

**Motion to Reappoint Nicole Hicks as the disabled student parent representative**

**Motion by:** Joan McCormick

**2<sup>nd</sup> by:** Kim Dodson

**Approved:** 8Y- 0N

***IV. Closing Comments***

- ***Commission Comments***

**Meeting Adjourned**

***Motion to end meeting:*** Joan McCormick

***2<sup>nd</sup> by:*** Dr. Ward

***Approved:*** 8Y-0N