HB 1318

Adoption of a Restraint and Seclusion Policy by Schools

1/19/2021

Chairman Representative Owens, Vice Chairman Representative Schreiber-Beck, and members of the House Education Committee:

My name is Vicki Peterson, I am a Family Consultant for Family Voices of ND and I am also a parent of a young adult with Autism Spectrum Disorder. I am here today to testify in favor of HB 1318.

North Dakota does not currently require schools to have a restraint and seclusion policy. Requiring schools to adopt and publish a restraint and seclusion policy will protect all school persons, including students, teachers, paras, bus drivers, protect all is the purpose of such a policy. Clear and consistent definitions must also be established.

The use of seclusion and restraint in schools is not limited to a small group of students, however, is disproportionality remains students with disabilities. We need to protect these students and all students. Results of restraint and seclusion for students may result in physical injuries, psychological trauma and even death. Results of restraint and seclusion for school staff may result in physical injuries, psychological trauma as well. As a Family Consultant for Family Voices of ND (Family to Family Health Information Center in ND), I have received many disturbing calls from parents describing the usage of restraint and seclusion that has been carried out on their child. I have also received calls from school staff including teachers and paras who have sought after emotional support since restraint and seclusion has been used in their school.

A concern with the use of restraint and seclusion in a school is there is no unform policy in place across the state of ND. This may allow for a loose interpretation which may increase the inappropriate use of restraint and seclusion. Policies and procedures that are consistent will be straightforward to interpret and will enhance the safety of all students and all staff. The lack of a state policy on restraint and seclusion has a negative impact on how the use of restraint and seclusion is being used in school settings. The training for school personnel in de-escalation techniques and positive behavior supports is necessary as to protect the safety of all and effectiveness of behavior management. When untrained staff members implement restraint and seclusion the risk of physical and emotional harm to both students and staff members increases. Everyone needs to be on board and policies need to be fully implemented with proper training and support through evidence-based tools to reduce the need for restraint and seclusion in the first place and then, if it occurs, to make sure it is carried out in the safest way possible for everyone involved.

The creation of a consistent and uniform policy will create positive learning environments for all. Putting in place a policy and support to ensure that restraint and seclusion are always tools of last resort, and only used by trained individuals who can perform them safely is very necessary. I am asking you to please support HB1318 in requiring schools in ND to have uniform and consistent restraint and seclusion policy and the training that is required.

Thank you for your time and consideration.

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