

As a parent as a witness to my own son's trauma with seclusion/restraint, I would like to address misuse of law enforcement or SROs in the school setting that may not be credentialing certified to work with kids of such nature. I am concerned that there is ZERO representation of tracking circumstances for these children charged by SRO's or School Districts that address specifically the lack of fidelity to the legal binding contract of the child's IEP (Individual Educational Plan) to which is Federally mandated by Law or that child's Positive Behavior Plan (BIP). The criteria that is inputted into these legal binding documents is what results from that child's Functional Behavioral Assessment (FBA) if conducted by the appropriate licensed workers.

As parents and advocates we want to bring awareness that restraint deaths at the hands of well-intentioned professionals are just limited to the streets as well witnessed on social and televised media. Any restraint carries the very real risk of injury, trauma, and death no matter the training or the expertise. Medically, there are increased risks when restraints involved holding an individual in such a way that the individual's chest, abdomen, or neck becomes restricted, resulting in cardiopulmonary injury or death. Please refer to the following information for regarding Max Benson from CA who died from such a restraint last year and Cornelius Fredericks who died this past April or the child that was Autistic dying after deputies sat on him for 9 minutes in LA.

**[https://www.virginiamercury.com/2020/07/10/if-were-serious-about-uprooting-racism-and-abuses-of-power-we-should-start-with-restraints-in-our-schools/?fbclid=IwAR0wmHsd8ZmFVcPaPGMz8fuftFOBglWf9VRmYcvmYrMSAVb\\_27cn9xf1u1k](https://www.virginiamercury.com/2020/07/10/if-were-serious-about-uprooting-racism-and-abuses-of-power-we-should-start-with-restraints-in-our-schools/?fbclid=IwAR0wmHsd8ZmFVcPaPGMz8fuftFOBglWf9VRmYcvmYrMSAVb_27cn9xf1u1k)**

Adults/Kids are dying at the hands of untrained or unwillingly members of either school officials or the Police Department.

As a parent I am pushing for the reevaluation of seclusion/restraint protocols usage on and off school grounds.

School Resource Officers have been a common fix in North Dakota schools since 2001, but was it a smart choice?

Their Mission Statement Reads:

SRO's provide a wide variety of non-traditional police services to community youth, educators, and parents. School Resource Officers build positive rapport among students by being visible and accessible to student bodies, initiating interactions, and serving as strong role models. The position requires flexibility, time management, multi-tasking skills and well developed interpersonal and de-escalation skills

### **Goals**

The goals of the School Resource Officer Program are:

- To promote public safety and respect for people and property
- Increase positive attitudes towards law enforcement
- Teach students about crime prevention and avoiding victimization
- Reduce crime by helping students formulate an awareness of rules, authority, and justice

## Duties

The duties of the School Resource Officers are:

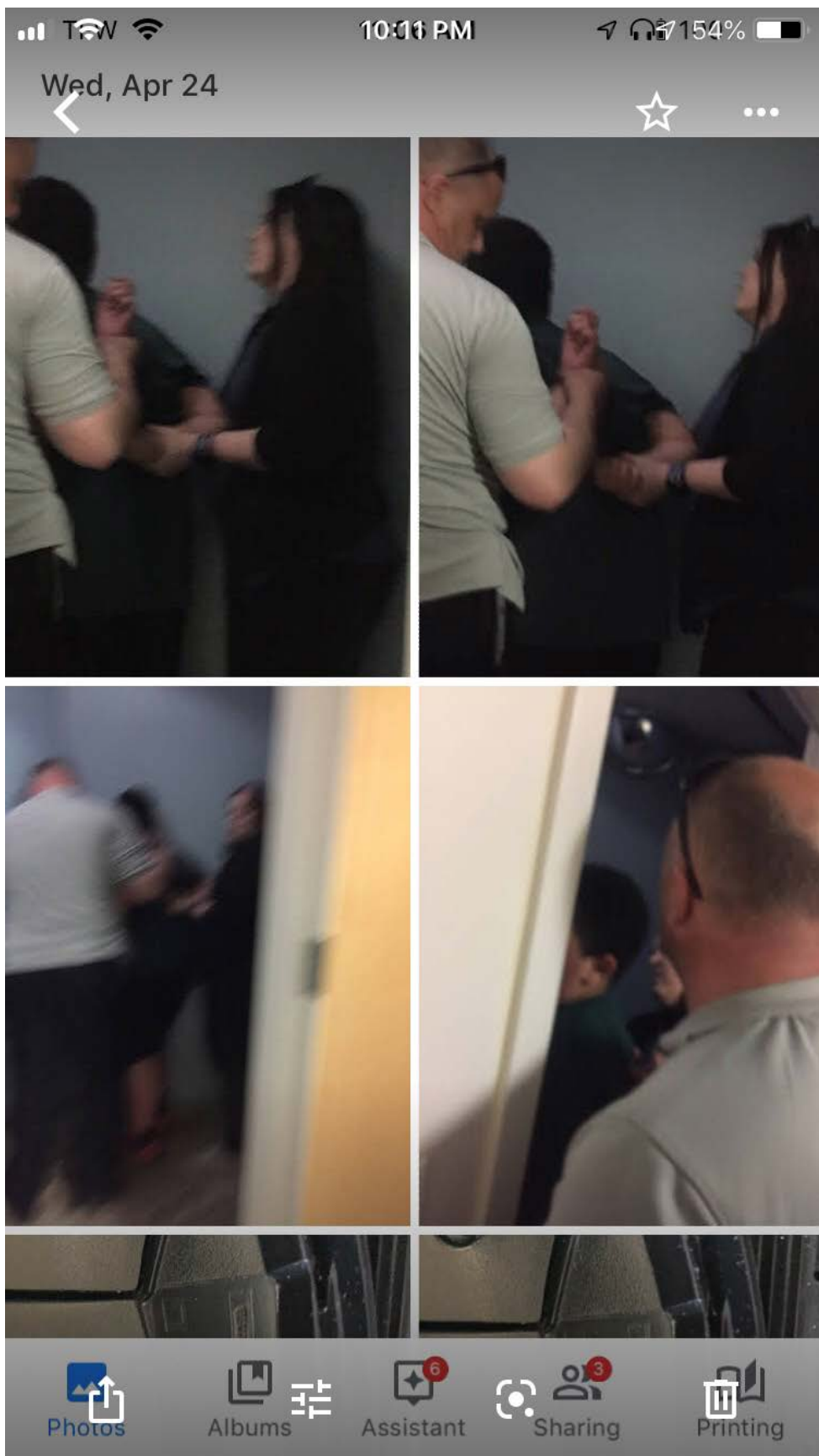
- Provide educational presentations to school staff, students, and parents
- Conduct prevention/deterrence activities in school buildings, school parking lots, extra-curricular activities, and neighborhoods immediately surrounding schools
- Assist school administrators to investigate non-law enforcement incidents that may result in disciplinary actions or proceedings
- Coordinate K-9 searches
- Enforce local, state, and federal laws to provide students, staff, and residents with safe learning and living environments.

Examples of laws enforced are:

- o Disorderly Conduct
- o Alcohol and Tobacco Violations
- o Assaults
- o Possession of Controlled Substances
- o Traffic Violations
- o Gang Issues
- o Runaway
- o Truancy

I would like my question answered where does it State that when a child's IEP or BIP is NOT followed and the child is in escalation phase does it state that SRO has the right to physically force themselves onto a child that is already in distress. I would like to point out that their examples of Laws enforced does not show this scenario.

Some SRO's and by looking at the pictures I took of TWO SRO's that threw my ASTHMATIC son who was in HIGH distress because his BIP had not been followed against a concrete wall who was crying IT HURTS, IT HURTS PLEASE LET GO IT HURTS and the more he cried out the more the SRO pushed his arm up higher and pushed him harder against the wall until I the mother stepped in and pushed the SRO off my son. Yes, there were plenty of witnesses and I had words with that SRO. He was not there to be a POSITIVE reflection he wanted to teach my child a lesson and he physically hurt my child and Emotionally traumatized my child. I took him to the doctor that day and he had torn parts of his shoulder. That next day I met with the Lieutenant of the SRO's and his exact words were "I don't care if the child has down syndrome or anything you are lucky we didn't throw him down to the ground" . To serve and protect right??????????? My son's confrontation with the SRO's have become violent have mirrored interactions between police officers and people on our Bismarck streets. That is a Huge Red Flag for you Senators to be aware of.



Some SROs' have been accused of using excess force toward students and contributing to the school to prison pipeline according to the ACLU report published in 2017. I would also like to point out that The CRDC (OCR Data Collection) which is a "voluntary" mandated collection of the S/R that the teachers' union and legislators used to defeat prior bills is noted for many ND LEA's as recording as "0" or under reporting which means someone lied about using this as a reliable source for tracking.

I have major parental concern due to the current Century Codes, ND DPI and national guidance that impact the daily school encounter between SROs and Students. Students with disability related behaviors, minority populations and male gender.

- ND Century Code on Corporal Punishment ALLOWANCES:

15.1-19-02. Corporal punishment -- Prohibition -- Consistent policies.

1. A school district employee may not inflict, cause to be inflicted, or threaten to inflict corporal punishment on a student.

**2. This section does not prohibit a school district employee from using the degree of force necessary:**

- a. To quell a physical disturbance that threatens physical injury to an individual or **damage to property.**
- b. **To quell a verbal disturbance.**
- c. For self-defense.
- d. **For the preservation of order;** or
- e. To obtain possession of a weapon or other dangerous object within the control of a student.

3. For purposes of this section, **corporal punishment means the willful infliction of physical pain on a student; willfully causing the infliction of physical pain on a student; or willfully allowing the infliction of physical pain on a student.**

- Further Guidance on Seclusion and Restraint of Individuals with Developmental Disabilities within a public Agency: ○

**25-01.2-09. Punishment - Isolation - Physical restraints - Psychosurgery – Sterilization - Shock treatment. An individual with a developmental disability** receiving services at any institution, facility, or individualized setting from a public or private agency or organization **may not at any time: 1. Be subjected to any corporal punishment. 2. Be isolated or secluded, except in emergency situations when necessary for the control of violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that individual or other individuals. 3. Be physically restrained in any manner, except in emergency situations** when necessary for the control of violent, disturbed, or depressed behavior which may immediately result, or has resulted, in harm to that individual or to other individuals.

○ **25-01.2-10. Seclusion or physical restraint - Facility administrator to be notified. 1. Whenever an individual with a developmental disability** receiving services from a public or private agency or organization not licensed by the department, **is placed in seclusion or is physically restrained, the public or private agency or organization administrator or the administrator's representative must be notified and shall determine if the isolation or restraint is necessary.** The isolation or restraint may be continued only upon written order of the administrator or the administrator's representative and for a

period of not more than twenty-four hours. Any individual who is in seclusion or who is physically restrained must be checked by an attendant at least once every thirty minutes.

2. A public or private agency or organization licensed by the department to provide services to an individual with a developmental disability **may not place an individual in seclusion. To use physical restraints, the restraint must follow the individual's person-centered service plan or done in accordance with the public or private agency's or organization's emergency restraint policy.**

- Professional development LAWS 15.1-07-34. Provision of youth behavioral health training to teachers, administrators, and ancillary staff.

- 1. Every two years, each school district shall provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district shall encourage ancillary and support staff to participate in the professional development. Based on the annual need's assessment of the school district, these hours must be designated from the following categories:

*Trauma, Social/Emotional Learning (including resiliency), Suicide Prevention, Bullying, Understanding/Recognizing the prevalence and impact of youth behavioral health wellness on family dynamic , education , juvenile services, law enforcement and health care and treatment from providers, Knowledge of behavioral health symptoms and risks, and other factors that can reduce students' risk factors.*

ND lacks a Century Code that describes, regulates, or requires any specific training. or designates accountability of a School Resource Officer actions as they service a multifaceted role in our schools. ○

Position statements from National Association of SRO found here:

<https://www.nasro.org/>

The only state guidance from ND is noted here:

<https://safesupportivelearning.ed.gov/sites/default/files/discipline-compendium/North%20Dakota%20School%20Discipline%20Laws%20and%20Regulations.pdf>

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers Authority and power to implement school arrest

**Laws** -NO RELEVANT laws found. No Relevant Regulations are found-

NDA SRO <https://www.ndasro.org/> which lacks any identifying training on special education or students with disability related behaviors. Mental health training for children and adolescents

Developmental psychology to understanding the stages of "growing up" and how a child's brain lacks executive functioning and focusing skills noted in adulthood.

The Alliance against Seclusion and Restraint:

[https://endseclusion.org/2020/05/20/what-is-the-school-to-prison-pipeline/?fbclid=IwAR3ksEsutC00fpmVco3mrckhoV1ePFPqxEYhrMcsu8wqpUF2sSQd\\_a\\_znNQ](https://endseclusion.org/2020/05/20/what-is-the-school-to-prison-pipeline/?fbclid=IwAR3ksEsutC00fpmVco3mrckhoV1ePFPqxEYhrMcsu8wqpUF2sSQd_a_znNQ)

**Data from The Alliance against Seclusion and Restraint 06/11/2020:**

- ○ 75% of restraints inflicted onto children in schools are disabled children.

- ○ 60% of children subjected to seclusion are disabled.
- ○ Individuals with Disabilities Education Act (IDEA), signed in 1975, promised to appropriate a 40% per student federal funding. IDEA has never been fully funded. It is 13.7% per student now.
- ○ Disabled children are segregated out of general education in the highest numbers now since IDEA passed.
- ○ Self-contained classrooms are supposed to benefit disabled children, but when 75% of restraints, 60% of seclusions, over 40% of suspensions and expulsions, and 65% of juveniles incarcerated are from this population, special education is clearly failing.
- ○ 50% of police shootings are disabled people.
- ○ Disabled Americans have the highest per capita unemployment and poverty rates.
- ○ Disabled Americans are the highest per capita who do not have health insurance and who are denied medical attention.
- ○ Americans with Disabilities Act has narrow protections.

As I was here two years ago advocating on this same subject, I remember the Senators asking for solutions to this issue. What would you do? What could be some changes. My answer this time around is we parents have become committed advocates to making sure our Children feel safe going to school and that we as a parent feel safe that the school is upholding our child's legal binding contract of the IEP and BIP.

In my own story instead of hands on I fought for change. I fought for not only a new team but a restorative change in my son's IEP and BIP. That included the behaviorist coming in and teaching the staff how to interact with my son. She taught them how to speak to him, how to redirect him, how to get on his level. We worked collaboratively on his BIP. His Case Manager took it upon himself to access specific trainings to understand and better assist my son in a crisis. And I am happy to note that there have been no issues since. I removed the SRO and the punitive from my son's environment and I forced the school to learn and make changes based on the understanding of my sons' Mental Health/Disability needs versus bringing the streets into the school.

No one knows these children better than their own parents. Why pass laws that will not have the best interest of the child at stake? Why pass a law that does not even give the parents a VOICE after all do not, they know their child the best?

Why pass a law that continues to allow professionals to treat our children like a criminal?

Where is the accountability upheld for these ADULTS when you expect children to be help accountable?

Yes sometimes the kids get violent, yes they can throw things, they can cuss- but what needs understanding is rather than seclusion and restraint tactics why NOT come back together and find out what is not being done or what has to be changed in that child's plan/environment. Why does a child have to be restrained or secluded when someone did not willingly do their job correctly or did not get the proper training to do their job properly or they did not follow the Laws of the Child's right? Why does that child then have to suffer for someone else's wrong doing?

Was this a solution that was not followed thru on?

2015-2047 This plan was submitted to the Federal Office of Juvenile Justice and Delinquency Prevention

[https://www.legis.nd.gov/files/committees/64-2014/appendices/17\\_5089\\_03000appendixb.pdf](https://www.legis.nd.gov/files/committees/64-2014/appendices/17_5089_03000appendixb.pdf)

– Resources have previously been allocated to address the school to prison pipeline issue with funding provided for training by the National Association of School Resource Officers, several SCHOOL bases programs and implementation of the effective Police Interactions with Youth Curriculum.

-Provide a Mental Health Training curriculum that includes Trauma- Informed Practices for system partners will be explored and expanded

-Data will be collected

- Technical assistance will be sought for training for school personnel and school resource offices on the use of positive behavioral interventions in the classroom

Research and funding provided to implement nonpunitive approaches to address misconduct at schools such as restorative justice programming. Training for providing restorative justice measures in schools will be provided to school educators and other professionals.

I must ask here. WHO IS NOT DOING THEIR JOB?

Take Police out of schools and bring more counselors and behavioralists in. Require not “Suggest” these trauma trainings. There are many places in Bismarck that offer trainings for free, so I must ask is it all about Willingness to learn?

Fargo Public school is piloting an alternative program call **Ukeru** <https://www.ukerusystems.com/> which allows alternatives to seclusion and restraint for neurobiophysical reaction individuals suffer from a stressful encounter. It has had a successful first year at pilot schools in Fargo, so part of our collaboration is why are we not training our SROs in Ukeru? Are our SROs trauma-informed trained? What training is mandated for SROs nationally, state or locally? Is it not time to clarify this important role? Especially when SROs can restraint students.

Russ Riehl as Simle has Psychologists in his school as part of his pilot program which has decreased the number of issues.

I hope this is very eye opening to you fellow Senators and I appreciate your time and allowing me to speak on behalf of my son and all children who have been victims of a seclusion or restraint.

Nicki Kehr /De’Vyon Kehr (son/victim of seclusion/restraint)

Mother, Advocate

72 McGinnis Way, Lincoln, ND 58504

[Nickikehr@yahoo.com](mailto:Nickikehr@yahoo.com) Phone: 701-989-1353.