



STATE OF LOUISIANA
DEPARTMENT OF EDUCATION
POST OFFICE BOX 94064, BATON ROUGE, LOUISIANA 70804-9064
Toll Free #: 1-877-453-2721
<http://www.louisianaschools.net>

D.D. Council Quarterly Report
October 2010
Louisiana Department of Education

1. Louisiana Department of Education (LDE) Reorganization

The LDE has been reorganized to include a major alignment of resources across three Goal Office areas: Literacy, STEM (Science, Technology, Engineering, and Math), and College and Career Readiness. The Division of Special Populations (DSP) no longer exists as a separate organizational unit. Many of the staff previously situated within the DSP now work within one of the three goal office areas. Others are working in areas which provide support to the goal areas. Bernell Cook is now the Director of Federal Programs, which includes issues related to implementation of the Individuals with Disabilities Education Act (e.g., special education monitoring, egrants, Annual Progress Report, assistive technology).

The intent of the reorganization is to provide more focus and attention on achievement of positive student outcomes. If anyone experiences any difficulty in contacting LDE personnel in the newly reorganized structure, call the LDE's toll-free number 877-453-2721 and ask for assistance in getting connected to the individual or program area that you are wanting to contact.

2. Families Helping Families

The Louisiana Department of Education continues to contract with Families Helping Families Centers to provide support to families on special education issues. Below is a summary of current contract activities.

Region 6 - FHF at the Crossroads will be conducting the GUMBO activities again this year. The SDE contract, which has been fully approved, provides for a competitive sports program for students age 5-21 with physical disabilities (wheelchair sports) and students with visual impairments (modified sports). Activities include: three regional and two state level GUMBO sports competitions; 4 full-day modified sports clinics in un-served districts; three university classroom presentations; four workshops for teachers, therapists, and recreational personnel; and four presentations for community volunteers and parents.

Region 10 - FHF Jefferson will be conducting eight Regional Surrogate Parent Trainings for school district education staff during the 2010-2011 SY under a contract with SDE funded by Part B funds under IDEIA. Trained staff in each school district will then use the *Louisiana Surrogate Parent Guide 2010* and training materials developed by FHF Jefferson to develop or expand the district's pool of existing or potential surrogate parents.

“An Equal Opportunity Employer”

Region 9 - Northshore FHF has a full-day parent conference scheduled for Saturday, October 2.

Region 8 - FHF NELA has a weekend parent conference scheduled for October 22-23.

Region 5 - FHF SWLA has a weekend parent conference scheduled for November 5-6.

All FHF Centers have workshops and activities scheduled to support families and individuals with disabilities. Contact any of the FHF Centers directly for additional information.

3. Autism

The LDE continues operation of the Louisiana State Autism Team. This team, comprised of multiple stakeholders representing families, school systems, agencies, and community members, meets on a quarterly basis to make recommendations to the LDE on issues which pertain to effective educational services for students with autism and other related disorders.

The LDE, in partnership with the State Autism Team, sponsored a summit in July on Appropriate Identification and Evaluation Practices in the area of Autism. Over 260 local district pupil appraisal employees attended the two-day event to receive training on implementing the eligibility criteria and evaluation procedures for Autism in the Pupil Appraisal Handbook, Bulletin 1508. Districts will receive additional training in the fall based on the evaluations and district action plans and on programming recommendations.

The Autism State Team has worked with the LDE to develop the Louisiana Skill Competencies. A copy of these competencies can be found on the LDE's Access Guide (Significant Disabilities) website at the following link: <http://sda.doe.louisiana.gov/Site%20Pages/AutismView.aspx>

This document was developed to guide best practices in supporting students with autism spectrum disorders (ASD) across the state. The intended uses for these competencies are: (1) to assist service providers in identifying areas of need for professional development, (2) to provide information that may be incorporated into existing coursework and workshops, (3) to influence the development of new coursework and workshops, (4) to guide schools in the organization of staff development initiatives and the selection of training topics, and (5) to assist school teams, including families, to better understand the roles and responsibilities of fellow team members.

This document is divided into six key competency areas: (1) General Autism Competencies, (2) Individualization and Support Strategies Competencies, (3) Communication Competencies, (4) Social Skill Competencies, (5) Behavior Competencies, and (6) Sensory Motor Development Competencies.

4. Restraint and Seclusion Guidelines

The passage of HB 405 (Act 698) in the 2010 Regular Session required BESE to adopt guidelines for the use of seclusion and physical and mechanical restraint of students with exceptionalities. The LDE developed a draft of these guidelines which were subsequently shared with the Louisiana Developmental Disabilities Council and the State Autism Team in September 2010. These draft guidelines are included in this report as an attachment. Comments related to the draft guidelines should be submitted to Joan Hunt of the Louisiana Department of Education at joan.hunt@la.gov

5. Secondary Issues

The LDE, in partnership with a group of local school districts, spent the last several months creating a new *Transitions* process to overhaul the current GED-Options Program. It was found that most of the locally designed skills certificates did not prepare students with disabilities for the workforce. Through *Transitions*, students will receive Accelerated Academic Interventions, Career Readiness Mentoring, and Job Skills Training. The locally designed skills certificates will be replaced with Industry Based Certificates or State approved Trade Certificates that have been developed in collaboration with Workforce Development. This year, 10 districts will be piloting the process for state roll out during the 2011-2012 school year. More detailed information will be provided at future meetings. For further information, contact Nancy Hicks at nancy.hicks@la.gov

6. Regional Literacy Dialogues

LDE special education personnel working within the Literacy Goal Office are conducting regional meetings with local education special education directors. The purpose of these meetings is to hold a dialogue with school system representatives related to creating educational systems which promote improved literacy outcomes for students with disabilities.

7. Leadership Committees

The LDE continues operation of leadership committees to support improvements to educational services for students with mild to significant disabilities. These committees meet on a quarterly basis and include stakeholders representing school systems, universities, special projects, and families.

8. E-Newsletter

An e-newsletter, which provided bi-monthly updates on special education issues, had been produced through the Division of Special Populations. The e-newsletter is not being published at this point. The DD Council had been provided a copy of the newsletters in the past. Should the publication resume, the newsletters will be sent to the Council office.

9. Board of Elementary and Secondary Education (BESE)

Contact information for the members of BESE can be found below and on the LDE's website at the following link:
<http://www.doe.state.la.us/lde/bese/home.html>

Mr. Dale Bayard, 7th BESE District
1000 S. Huntington
Sulphur, LA 70663
(337) 527-8691 (O)
(337) 527-0514 (FAX)
sbese@la.gov

Mr. John L. Bennett, Member-at-Large
525 Oaks Ave.
Port Allen, LA 70767
(225) 342-5840 (O)
(225) 342-5843 (Fax)
sbese@la.gov

Ms. Connie E. Bradford, Member-at-Large
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804-9064
(225) 342-5840 (O)
(225) 342-5843 (Fax)
sbese@la.gov

Ms. Glenny Lee Buquet, 3rd BESE District
1309 Bayou Black Drive
Houma, LA 70360
(985) 876-5216 (H)
(985) 868-7919 (FAX)
sbese@la.gov

Ms. Penny Dastugue, Member-at-Large
10 Serenity Drive
Mandeville, LA 70471
(225) 342-5840 (O)
(225) 342-5843 (FAX)
sbese@la.gov

Mr. James D. Garvey, Jr., 1st BESE District
Hailey, McNamara, Hall, Larmann, & Papale, LLP
One Galleria Blvd., Suite 1400
Metairie, LA 70001
(504) 836-6500 (O)
(504) 836-6565 (Fax)
sbese@la.gov

Ms. Louella Givens, 2nd BESE District/Secretary-Treasurer
2244 11th Street (Office)
Mandeville, LA 70471
(985) 626-4161 (O)
(985) 626-6565 (FAX)
sbese@la.gov

Mr. Keith Guice, 5th BESE District/President
2307 Valencia Boulevard
Monroe, LA 71201
(318) 388-0973 (H)
(225) 342-5843 (Fax)
sbese@la.gov

Ms. Linda Johnson, 8th BESE District
P.O. Box 866
Plaquemine, LA 70765
(225) 687-2308 (H)
(225) 687-2308 (FAX)
sbese@la.gov

Mr. Walter Lee, 4th BESE District/Vice-President
201 Crosby Street
Mansfield, LA 70152
(318) 872-3993 (O)
(318) 872-1324 (FAX)
sbese@la.gov

Mr. Chas Roemer, 6th BESE District
P.O. Box 94064, Capitol Station
Baton Rouge, LA 70804
(225) 342-5840 (O)
(225) 342-5843 (FAX)
chasroemer@hotmail.com

Guidelines for the Use of Seclusion Rooms and Restraint of Students with Exceptionalities

Act No. 698 Regular Session, 2010

Guideline 1.

Definitions. As used in these guidelines, the following terms shall have the meanings specified herein:

(a) "Student with an exceptionality" including a student with a disability, is any student who is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing impairment (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or as deemed to be gifted or talented, and as a result requires special education and related services. A student with an exceptionality may include, as determined by the local education agency (LEA), a student experiencing developmental delay ages three through eight.

(b) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others. Violent action that is destructive of property may involve a substantial risk of injury to a person.

For example, if a student throws a stapler to the floor, it would not be considered an imminent risk of harm to the student or any other person. If the student hurls the stapler at someone, it might be considered to be an imminent risk of harm since the stapler could cause injury to another person.

If a student throws a computer against a wall it may not necessarily constitute an imminent risk of harm even though the computer is an expensive piece of equipment.

(c) "Individualized education plan" ("IEP") has the meaning specified Bulletin 1530 §111, and includes the initial IEP, the review IEP, and the interim IEP.

(d) "Mechanical restraint" means any device or object used to limit a person's movement, except that a protective or stabilizing device either ordered by a person appropriately licensed to issue the order for the device or required by law shall not be considered to be a mechanical restraint. This term does not include any device used by a law enforcement officer, campus police officer, or school security officer in carrying out law enforcement duties.

(e) "Physical restraint" means bodily force used to substantially limit a person's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.

(f) "School employees" means teachers, paraprofessionals, providers of related services, administrators, and support staff.

(g) "Seclusion room" means a room or other confined area in which a student with an exceptionality is removed from the regular setting for a limited time as a behavior intervention strategy to allow the student the opportunity to regain control in a private setting and from which the student is prevented from leaving the area.

(h) "Written Procedures" The LEA should develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures should be provided to school staff and made available to parents of enrolled students. Such procedures should include, but not be limited to, methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

Guideline 2.

Seclusion room (or "Quiet Room" or "Cool Down Room")---use and restrictions

Purpose:

A professional educator understands the importance of a safe and orderly environment conducive to teaching and learning. Seclusion is ineffective when used as a form of discipline or punishment, but can be effective as a planned behavior strategy. A behavior intervention strategy is one that is planned to support an individual through a targeted behavior change—not to punish the individual until they comply.

IEP/BIP:

- To be an effective behavioral intervention strategy, seclusion should be used only after the IEP team has carefully considered a continuum of behavior intervention strategies and detailed its use in the IEP or Behavior Intervention Plan (BIP). If the IEP team of a student with an exceptionality determines, based upon the results of a functional assessment of behavior and other relevant information, that an appropriate behavior intervention plan for the student should include the use of a seclusion room, the IEP team should include this information in the student's IEP or BIP and specify the location of each seclusion room to be used, the maximum length of any period of seclusion, the maximum number of times during a single school day that the student may be placed in a seclusion room, and any other relevant matter agreed to by the IEP team.
- Unless the behavior of a student with an exceptionality presents an imminent risk of harm, the student should not be placed in a seclusion room unless there is evidence that other less-restrictive, positive behavior intervention

strategies specified in the student's IEP or BIP, as appropriate to the behavior exhibited by the student, have been implemented with integrity but were documented to be ineffective. The use of seclusion should trigger a functional behavior assessment (FBA) and development of a BIP if those are not already in place.

- The IEP team also should specify the data to be collected to determine whether placement of the student in a seclusion room is effective with the student, including the number of times that the use of a seclusion room within a fixed period of time could signify the need for an IEP team meeting, and a date by which a review of the effectiveness of this intervention should be made and the name of each reviewer. A parent must be given the opportunity to participate in this review.
- Documentation of frequency and duration of time spent in seclusion should be maintained and reviewed at intervals agreed upon by the IEP Team. If the frequency and/or duration data do not indicate a decrease in the use of the procedure, the use of alternative strategies should be considered. An IEP team meeting may be requested at any time to review and consider making changes in the use of this behavior intervention strategy.

Procedures:

The LEA should develop written procedures so that the use of seclusion is consistent and planned in advance. Such procedures should include, but need not be limited to, what behaviors trigger the use of seclusion, which staff can make a determination that a particular student should be secluded, how parents will be notified, what data is to be kept and where, and how the building principal and/or other administrators will be notified.

Use/Restrictions:

- Seclusion should be used only for behaviors that are destructive to property and may involve a substantial risk of injury to a person, aggressive toward others or severely disruptive to the class environment. Such behaviors as general noncompliance, self-stimulation, and academic refusal can be responded to with less stringent and restrictive techniques. The seclusion room should be used only as a last resort if and when less restrictive means of controlling behavior have proven ineffective.
- No student with an exceptionality should be subjected to unreasonable, unsafe, or unwarranted use of seclusion rooms. Therefore, a child should be placed in a seclusion room only as a behavior intervention strategy and **not** for purposes of discipline or punishment, or for the convenience of staff.

- A student with an exceptionality should not be placed in a seclusion room if the child is known to have any medical or psychological condition that a licensed health care provider has indicated, in a written statement that is provided to the school and that is on file with the school, precludes this action.
- A student with an exceptionality should not be placed in a seclusion room except by a school employee who has had training in the appropriate use of seclusion rooms, including getting a student to a seclusion room, placing a student in a seclusion room, and supervising a student while the student is in the room.
- While a student with a disability is in a seclusion room, the school employee who is supervising the student should have the ability to see and hear the student at all times.
- Not more than one student with an exceptionality should be placed in the same seclusion room at the same time.
- Students with an exceptionality shall be removed from seclusion as soon as the reasons justifying the use of seclusion subside.

Notification: If a student is secluded, the parent must be notified in writing within 24 hours along with the reason for seclusion and the length of time for seclusion.

Guideline 3.

Seclusion room---size and characteristics

- Each seclusion room to be used for any particular child should be of a size that is appropriate to the student's chronological and developmental age, size, and behavior.
- Each seclusion room should have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located and should be equipped with heating, cooling, ventilation, and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located.
- Each seclusion room should be free of any object that poses a danger to the student with an exceptionality who is being placed in the room.
- Any seclusion room should not be locked while in use with a student with an exceptionality.

Guideline 4.

Physical restraint and mechanical restraint---use and restrictions

Purpose:

Restraint should be used only if a student presents a threat of imminent risk of harm to self or others and *only* as a last resort to protect the safety of all involved.

Written Policy:

The LEA should develop policy regarding restraint that provides a description and explanation of the method(s) of physical restraint, a description of training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

IEP/BIP:

- Unless the behavior of a student with an exceptionality presents an imminent risk of harm, physical restraint should be used only if there is evidence that other less-restrictive, positive behavior intervention strategies specified in the student's IEP or BIP, as appropriate to the behavior exhibited by the student, have been implemented with integrity but were documented to be ineffective. The use of physical restraint should trigger a functional behavior assessment (FBA) and development of a BIP if those are not already in place.
- If the IEP team of a student with an exceptionality determines, based upon the results of a FBA and other relevant information, that an appropriate behavior intervention plan for the student should include the use of a physical restraint when other less-restrictive, positive behavior intervention strategies have been implemented but were ineffective and the child poses a danger to himself or others, the IEP team should include this information in the child's IEP or BIP and any other relevant matter agreed to by the IEP team.
- The IEP team also should specify the data to be collected to determine whether the use of physical restraint is effective with the student to prevent the student from harming himself or others, including the number of times that the use of physical restraint within a fixed period of time could signify the need for an IEP team meeting, and a date by which a review of the effectiveness of this intervention should shall be made and the name of each reviewer. A parent must be given the opportunity to participate in this review.
- Documentation of frequency and duration of use of physical restraint should be maintained and reviewed at intervals agreed upon by the IEP Team. If the frequency and/or duration data do not indicate a decrease in the use of the procedure, the use of alternative strategies should be considered. An IEP team meeting may be requested at any time to review and consider making

changes in the use of this behavior intervention strategy. An IEP team meeting may be requested at any time to review and consider making changes in the use of physical restraint.

Use/Restrictions:

- A student with an exceptionality should not be subjected to any form of mechanical restraint.
- No school employee should use physical restraint on any student with an exceptionality except in accordance with the written policy of the LEA.
- No student with an exceptionality should be subjected to unreasonable, unsafe, or unwarranted use of physical restraint.
- Physical restraint should not be used for discipline, punishment, or the convenience of staff.
- A school employee should use physical restraint on a student with an exceptionality only if the student's behavior presents an imminent risk of harm.
- Each school employee applying physical restraint should use a method of physical restraint in which the employee has received training and should apply the physical restraint in a manner that is proportionate to the circumstances and to the student's size and age and the severity of the student's behavior.
- A student with an exceptionality should not be physically restrained if the child is known to have any medical or psychological condition that a licensed health care provider has indicated, in a written statement that is provided to the school and that is on file with the school, precludes this action.
- A student with an exceptionality should not be physically restrained except by a school employee who has had training in the appropriate use of physical restraint.
- School employees should be provided training in crisis intervention methods that include verbal de-escalation procedures, using an appropriate method of physical restraint and in determining the circumstances in which the use of physical restraint is appropriate.
- Students with an exceptionality shall be released from physical restraint as soon as the reasons justifying the use of physical restraint subside.

- Physical restraints shall be used so as not to cause physical injury to the student and so as to cause the least possible discomfort.

Notification:

If a child is physically restrained, the parent must be notified in writing within 24 hours along with the reason for using physical restraint and the length of time the child was physically restrained.

Guideline 5.

Seclusion rooms and physical restraint--- reports and notification.

- When any student with an exceptionality is placed in a seclusion room or is subjected to physical restraint, the procedures for parental notification should be implemented.
- As soon as possible after use of the seclusion room or physical restraint, the school employee who used the seclusion room or physical restraint, or an employee who witnessed its use, should document the use of the seclusion room or the physical restraint. This documentation should be completed no later than the school day following the day on which the seclusion room or physical restraint is used, and a copy of the documentation provided to the parent of the student when the documentation is completed.