

**COMMISSION ON SECLUSION & RESTRAINT IN  
SCHOOLS**

July 17, 2019  
IDOE Offices, 6th Floor, PNC Building  
115 W. Washington Street  
Virgil Grissom Conference Room  
1:00 P.M.

<b>Commission Member Name</b>	<b>Title</b>	<b>Organization</b>	<b>Present (Y/N); note if by phone</b>
Dr. Ken Folks	Chair	Indiana Department of Education	<b>Y</b>
Dr. William Reichhart	Member	Assoc. of Public School Superintendents	<b>Y</b>
Greg Boyce	Member	Autism Society of Indiana	<b>N</b>
Kim Dodson	Member	The Arc of Indiana	<b>Y</b>
Nikki Sprunger	Member	ICASE	<b>Y</b>
Stephen McCaffrey	Member	Mental Health America	<b>Y</b>
John Elcesser	Member	Nonpublic Education Association	<b>N</b>
Nicole Hicks	Member	Parent	<b>Y</b>
Jean Renk	Member	Parent	<b>N</b>
Mike Johnson	Member	Indiana School Resource Officer Association (INSROA)	<b>N</b>

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

Andrew Bernlohr	Director of Legal Affairs
Leslie-Ann James	Legal Affairs Public Records Officer

**Meeting Minutes**

**I. Call to Order**

Chair, Dr. Ken Folks, called the Commission on Seclusion and Restraint in Schools to order at 1:05 PM, July 17, 2019, at the Indiana Department of Education.

*Motion to Approve 11.2.18 Minutes – Nikki Sprunger  
2nd by: Stephen McCaffrey  
6Y-0N*

**II. Final Rule & Model Plan**

The Commission was presented the final rule that was adopted by the Commission and published on December 21, 2018. Please note that this is now effective state law and provides more and clear definitions for schools. The Commission was informed that if members find that substantive changes that may need to be done in the future it is feasible but it would require rulemaking. Commission member Nicole Hicks asked some questions about the elements of the Model Plan in relation to the Final rule. Director of Legal Affairs Andrew Bernlohr noted that the elements of the Model Plan are in a section separate from the final rule. The main question was in reference to element ten that states that all SRO's shall be trained in response to resistance topics. The Commission asked for clarity on resistance topics but it was noted that that it was a proposed element by a member who was not in attendance at the meeting. The Commission was informed that is was an element open for discussion as the model plan has not been finalized. The concern was that the field or parents may not understand the meaning of resistance topics. The

Commission asked IDOE legal staff to get clarification on the term resistance topics in preparation for the next meeting. Commission member Kim Dodson identified areas where the Model Plan still needed to be replaced the words child/children with the students in the Elements.

The Commission then discussed IC 20-20-40-13 that outlines the Commission receiving complaints from the public about schools that are not following policies or statute. It was noted that the Commission will only review the submissions made by public to the Department and from that report the Commission make non-binding recommendations for the Department to take action. The Commission will be given incident reports that are reported to the Department using the Reports Related to the Use of Seclusion and Restraint form. Department staff will submit summary of incident reports for the Commission to review based on those incident reports. Commission member Bill Reichhart asked how due process will affect the Commission's responsibility providing non-binding recommendation made to the Department. Mr. Bernlohr explained that due process concerns would not be the responsibility of the Commission. Commission discussed refraining from using student's names on the form to protect identity and who will be responsible for the tracking the incident reports. It was clarified that the Commission will make non-binding recommendations but moving forward that the Department will make the final determination in the outcome in regards to the school.

### **III. Review and Finalize Complaint Form**

As earlier discussed the Commission will be given incident reports that are reported to the Department using the Reports Related to the Use of Seclusion and Restraint form. Commission members would like to track who is reporting on behalf of students so it was suggested to add a box labeled, "How did you become aware of this situation?" The Commission would like to see a drop down box for the school corporation to reduce confusion with similarly named school corporations and will be mandatory. The Commission decided to add "(Check all that apply)" wording next to "Issue" and "Who have you contacted," "School Employee" box in the "Who have you contacted" field, change "School Board" to "School Board Meeting" in "Who have you contacted field", and address Signature line issue, if an individual needs to type in their name, add "Type Name Here." Commission Member Steve McCaffrey asked if the form would be run through MetaMetrics Lexile to determine if this achieves 8<sup>th</sup> grade reading level. The Department staff will work on that reading level determination. Dr. Reichhart asked for clarification on the intent of the reporting form to resolve the incident or catching a school violating the statute. Furthermore, he asked whether the reporting form would be shared with the school. Mr. Bernlohr explained that the intent of the report is to resolve the incident and the Commission can provide in its non-binding recommendation that it can share the reporting form with the school.

Mr. Bernlohr asked whether the Commission would like to raise a motion for how the Commission would like to receive information from the incident reporting forms. Commission members discussed what would be the flag for the Department to take action or share with the Commission. Members said they were interested in the school and frequency. Dr. Reichhart asked what the purpose for the form of the information is because he would like to be careful that just because numerous forms gets submitted for a school corporation/school does not mean they have a problem. He suggested that he would like the Commission to only see the forms submitted that DOE cannot resolve with the school. Ms. Dodson said that she would like to see all forms received from the public so they can track whether the purpose of the legislation is working. The Commission decided to table the discussion on how they will receive the public incident reporting forms until further notice.

*Motion to incorporate all changes to the form by next meeting- Stephen McCaffrey  
2<sup>nd</sup> by: Kim Dodson  
6Y-0N*

#### **IV. Commission Comments**

Ms. James asked if the Commission members understand the annual three percent review of public schools. Dr. Reichhart asked for clarification about the annual three percent review. Ms. James explained that that the three percent review will be random audit of public and charter schools. Michelle Tubbs from the Department's Data Division explained to Commission that all seclusion and restraint data is collected at the end of the year when the schools submit their discipline data. Commission asked questions about the input process in reference to Seclusion & Restraint. Dr. Reichhart asked that the Commission could have a more set meeting schedule. Ms. James will follow up with a doodle poll for the next Commission meeting.

*Motion to Adjourn Meeting- Dr. Ken Folks  
2nd by: Nikki Sprunger  
Meeting adjourned Approved: 6Y-0N*