

COMMISSION ON SECLUSION & RESTRAINT IN SCHOOLS

July 13, 2017
 IDOE Offices, 6th Floor, PNC Building
 115 W. Washington Street
 Virgil Grissom Conference Room
 2:00 p.m.

Meeting Minutes

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

Agenda:

- **Meeting to approve meeting notes from 5.2.17**

Motion made by: Kim Dodson

2nd by: John Elcesser

Approved: 9Y-0N

- **Introduction of newest member**

Commission members welcomed Lt. Mike Johnson, INSROA representative, School Safety Specialist Advisory Board Members, and Fishers Police Department Officer, to the Commission on Seclusion and Restraint in Schools. Mike explained how the use of force is reported by SROs. Use of force by police is not necessarily reported to the school. Documentation is also dependent on how the department directs it should according to policies and procedures but there will still be documentation. Additionally, the result of the incident is not necessarily reported back to the school.

- **Definition of the SRO**

The Commission asked for a definition of a school resource officer in the last meeting. School resource officer defined in statute – 20-26.18.2-1 - Sec. 1. (a) *As used in this chapter, "school resource officer" means an individual who:*

(1) has completed the training described in subsection (b);

(2) is assigned to one (1) or more school corporations or charter schools to:

(A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:

(i) protect against outside threats to the physical safety of students;

(ii) prevent unauthorized access to school property; and

(iii) secure schools against violence and natural disasters; and

(3) is:

(A) employed by a law enforcement agency;

(B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:

(i) is subject to the direction of the sheriff or appointing law enforcement agency;

(ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;

(iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and

(iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or

(C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

(2) received at least forty (40) hours of school resource officer training through:

(A) the Indiana law enforcement training board established by IC 5-2-1-3;

(B) the National Association of School Resource Officers; or

(C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

(1) school campuses; and

(2) school building security needs and characteristics.

- **Reappointment of Commission Members**

The organizational representative terms have expired and need confirmation for intent to return to serve the 2017-2019 term. All organization members confirmed intent to return. Each organizational member's term will expire July 2019. Parent representative, Nicole Hicks, terms will expire September 2017.

- **Discussion of replacing parent member of a student without a disability**

Ms. LeClair will not be able to fulfill the role of parent representative of a student without a disability. Kelly received another recommendation for parent representative, Holly Stachler, an 18 year educator from Yorktown Community Schools. The bio for Ms. Stachler was included in the meeting packet materials. Kim Dodson, suggested a community member that holds rulemaking experience. Commission members decided there needed to be further discussion about the role of the parent and the perspective they would like to be brought to the Commission. Kim forwarded a copy of the resume of the parent nominee nominated by her.

Motion to Table Discussion of nomination of parent representative made by: Dana Renay

2nd by: Kim Dodson

Approved: 6Y – 2N

- **Initiate development of new model S&R plan. Per SEA 61**

Mike shared with the Commission that one of the purposes of SEA 61 is to allow the commission to update and modify the model plan. In addition, SEA 61 will allow the Commission to update the plan contemporaneously with the rulemaking process. It was determined by the commission to start with the rulemaking first before addressing the Model plan.

- **Approval to initiate rulemaking for purposes of SEA 61: Emergency rules or engage in normal rulemaking process discussion.**

SEA 61 gave the Commission emergency rulemaking powers and, if the Commission decides to go that route, any emergency rules promulgated by the Commission will expire either November 2018 or the date on which permanent rules are promulgated by the Commission, whichever occurs first. The Commission has emergency rulemaking authority to determine how schools will be compiling seclusion and restraint data. The S & R Data collection window to submit currently opens March 10 and closes on June 19. What has been collected thus far is a simple number of seclusion and restraints, thus no disaggregation or explanation of what the data represents. SEA 61 requires some disaggregation, by type of restraint or seclusion.

Mike shared with the Commission the rulemaking timeline via the handout included the meeting packet. Mike also outlined how LSA, OMB, Attorney General and Governor’s Offices are all involved in the rulemaking process. Mike reminded the Commission that they extended the time period and regional public hearings.

Beginning with the 17-18 school year, the school must report all seclusions and restraints on the school property. SEA 61 requires the Commission to include in the seclusion and restraint data reporting incidents with SROS and address circumstances that would require a timely report by schools. The Commission needs to provide to the IDOE guidance for the data collection most importantly frequency, how, and by what medium the IDOE will collect the reports.

The Commission must at a minimum address:

1. Reporting incidences of S or R, including incidents involving SRO; (1)
2. Circumstances that may require more timely incident reporting and the requirement for such reporting; **513 IAC 1-2-7**
3. 513 IAC 1-2-1(b) SROs: SEA 61 removed this rule, Commission needs to draft new rule related to SROs; (1b)
4. Manner by which IDOE will review incident reports and submit findings to the Commission without violating FERPA;
5. Process for Commission to accept and review reports from the public and to make recommendations to the IDOE. Per SEA 61
6. Discrepancy: IDOE requires LEA to provide explanation
7. Commission decided the plan of action is to inform schools that below is how they should track data (see below) in the meantime while we promulgate the rules for data collection.

Corp Number				
	# of S		# of S w/ SRO	
	# of R		# of R w/ SRO	

	# of 60		# w/SRO	
--	---------	--	---------	--

Motion to Engage in Emergency Rulemaking

Motion made by: John Elcesser

2nd by: Joan McCormack

Approved: 7Y – 0N

The Commission decided that the Agenda for the next meeting would be:

1. Non-disabled parent representative/nominations
2. Start reviewing the model plan
3. Reporting incidences of S or R, including incidents involving SRO;
4. 513 IAC 1-2-1(b) SROs: SEA 61 removed this rule, Commission needs to draft new rule related to SROs; (1b)
5. Definition for “involved.”

Motion to approve next meeting’s agenda: Kelly Wittman

2nd by: Kim Dodson

Approved: 6Y-0N

Next Meeting Date

Discussion of Rules and Plan:

Date: July 31th at 1:30. This will be a 2 hour meeting to discuss Parent Nomination, Defining what “involve” means as part for data collecting purposes.

No Public Comments

No Commission Comments

Meeting Adjourned

Motion to end meeting: John Elcesser

2nd by: Joan McCormick

Approved: 6Y-0N