

## UPDATES

### CEC/KYCASE Outstanding Special Education Administrator of the Year Award

- Due March 15, 2013
- [kycec.org](http://kycec.org) ( awards nomination form )

### Uninterrupted Scholars Act

- Amends FERPA (Family Ed. Rights and Privacy Act)
- Allows schools to release records to child welfare workers (foster care)
- Do not have to notify parents of the release; court notification is sufficient

### U.S. Dept. of Education's Office for Civil Rights

- SwD have the right under Section 504 of the Rehabilitation Act to an equal opportunity to participate in their schools' extracurricular activities
- Schools are encouraged to improve and expand upon athletic opportunities

### Restraint and Seclusion Reg

- KSBA is developing proposed policies and procedures...February
- KDE is developing a guidance document

Highlights of the new R & S regulation are:

#### *Law Enforcement Officers*

The regulation does not affect the ability of sworn law enforcement officers to perform law enforcement duties – but they must receive the training about the regulation and in how to reduce the need for restraint that all school personnel receive.

#### *Banned Types of Restraint*

1. Most mechanical restraint is banned – read the definition of mechanical restraint carefully for the exceptions.
2. Prone restraint is banned and is specifically defined.
3. Supine restraint is banned and is specifically defined.
4. Timeout is allowed and is specifically defined.

*Physical restraint:*

1. Cannot be used if staff knows restraint is contraindicated based on a medical or psychiatric condition;
2. Cannot interfere with the student's primary mode of communication, unless the student uses sign language as an augmentative mode of communication, and the implementer determines freedom of the student's hands for brief periods appears likely to result in physical harm to self or others;
3. Can be used by staff with only the basic training on the regulation and on how to reduce the need for restraint when necessary to prevent physical harm to self or others in an unavoidable emergency situation – more highly trained staff must be summoned as soon as possible;
4. Can be used to prevent property damage as allowed in KRS Chapter 503, including when personnel believe physical restraint is necessary to prevent intentional or wanton property damage, theft, or a felony involving the use of force.
5. Can be used as allowed in KRS 503.110 to maintain reasonable discipline/order.
6. Students physically restrained must be monitored for signs of physical or psychological distress.

*Seclusion:*

1. All staff using it must be trained in using it.
2. It may be used when student's behavior poses imminent danger of physical harm to self or others and less restrictive interventions have not stopped the imminent danger of physical harm.
3. Students in seclusion must be visually monitored at all times for signs of a medical condition that puts the student at risk of harm.

*Policy and Procedure:*

1. District policy must be in place or revised to be consistent with the regulation within ninety (90) days of February 1, 2013.
2. Districts must have procedure:
  - a. To ensure school personnel are aware of restraint and seclusion policies;
  - b. To insure parents are notified how to access policies and procedures on restraint and seclusion;
  - c. Require training in accordance with the regulation;
  - d. Outline requirements after each restraint or seclusion as to notifications, debriefing, documentation, etc.
3. Outline a parent complaint process;
4. Outline a regular data review process on restraint and seclusion and revising policies as needed.
5. Require notification to KDE and local law enforcement in the event of death, substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ, or mental faculty resulting from the use of physical restraint or seclusion.
6. KSBA's Policy and Procedure Service is developing policy in compliance with the regulation and procedure for districts to document compliance.

*Documentation:*

1. All physical restraints or seclusions must be documented in the student's education record.
2. District must report some aggregated data in the student information system.
3. Parent must be informed of restraint or seclusion within a timeline.
4. Principal must be informed the same school day the incident occurs.

*Debriefing Session:*

Parent or emancipated student can request a debriefing session after each restraint or seclusion.

*Training:*

1. All school personnel must be annually trained about the regulation, district policies and procedures regarding physical restraint and seclusion, how to deescalate problem behavior, how to monitor for physical signs of distress, obtain medical assistance, etc.
2. School personnel includes contractors – see definition.
3. A core team of personnel must be trained to implement physical restraint.
4. The core team, except sworn law enforcement officers, must receive additional annual training.