



AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

Keeping Schools Safe:

Ensuring Federal Policy Supports School Safety

Sasha Pudelski
Government Affairs Manager
American Association of School Administrators

July 2012

Table of Contents

Executive Summary	2
Introduction.....	4
Summary of findings.....	5
Part I. Wisconsin’s recent approach to seclusion and restraint demonstrates the shortcomings of S. 2020.....	6
A. S. 2020 dangerously limits the ability of school districts to intervene when a student is at risk of hurting himself.....	6
B. S. 2020 would burden school districts with unnecessary debriefing requirements and require disparate disciplinary measures for students.....	7
C. S. 2020 prohibits school districts from employing safe and effective seclusion interventions.....	8
Part II. S. 2020 undermines case law, best practices, empirical literature, and the intent of IDEA.....	9
A. Research demonstrates restraints implemented as part of a comprehensive intervention plan can decrease the frequency of dangerous behavior.....	9
B. Limiting what can be included in an IEP runs counter to the goal of individualization that is critical to IDEA’s purpose and success.....	11
C. Case law makes clear that seclusion and restraint should not justify a denial of Free Appropriate Public Education.....	12
D. S. 2020 undermines the professional judgment of school psychologists and other related service personnel by mandating a special-education evaluation whenever seclusion or restraint is used on a general education student.....	12
Part III. School districts employ strong seclusion and restraint policies and rarely use these techniques on students without emotional or behavioral disabilities.....	13
A. School district policies are often more rigorous than state law requirements.....	13
B. It is unrealistic to assume students with disabilities will respond to nonviolent crisis interventions as successfully as general education students.....	14
Part IV: Congress can assist districts in making sure seclusion and restraint are used as safely and effectively as possible.....	15
A. Some schools lack the funding to train school personnel in nonviolent crisis interventions and seclusion and restraint intervention	17
B. Congress must make funds available to districts, so school personnel can learn to appropriately implement a variety of intervention technique.....	17
Conclusion	18
References.....	21
Survey Results.....	22

Executive Summary

AASA believes that the use of seclusion and restraint is a local and state policy decision. Forty-one states have passed laws, regulations or issued guidance that best meet the needs of their school districts.¹ This past winter, Wisconsin school administrators and disability advocates joined hands to address discrepancies between the policy and practice of using seclusion and restraint within the state's schools. By creating clear, commonsense standards for when and how seclusion and restraint techniques should be used, Wisconsin serves as a model for what can happen when state leaders and advocacy organizations successfully unify around common principles and purposes.

Unfortunately, legislation introduced in December 2011, S. 2020, by Sen. Harkin of Iowa flies in the face of successful recent reform efforts like Wisconsin's. AASA firmly believes that passage of this legislation would significantly increase personnel and administrative costs without ensuring a safer school environment for students and school personnel. More significantly, the legislation would lead to a greater number of students with severe emotional and behavioral disabilities being educated exclusively in segregated non-public settings.

AASA is confident that the overwhelming majority of school personnel are acting to protect students when employing seclusion and restraint interventions. Seventy percent of AASA survey respondents invest local funds in annual training for school personnel to ensure they can accurately use seclusion and restraint, de-escalation techniques, and other nonviolent crisis intervention strategies. Unfortunately, challenging fiscal times have caused schools to cut back on professional development generally, and training for positive-behavioral supports, de-escalation techniques and crisis intervention systems are no exception.

While Congress previously funded efforts to cover training expenses or to implement school-climate initiatives proven to reduce behavioral problems for students, the Safe and Drug Free Schools' state grant funding stream was eliminated in 2009. Over 75 percent of AASA survey respondents indicated the loss of this funding stream has made it "considerably or moderately more difficult" to fund professional development, training, or programs like positive behavioral support systems and nonviolent crisis interventions. 91 percent of AASA survey respondents said their school districts would benefit from additional funding to implement school-wide positive behavioral support and intervention systems and nonviolent crisis interventions.

Yet, even with limited funding, local school board and school administrator policies continue to exceed state requirements on the use of seclusion and restraint.

- 97% of school administrators end the use of seclusion and restraint as soon as the emergency ends, although only 13 states require the use of seclusion and restraint to end when the emergency ends.
- 94% of school districts monitor students when they are in seclusion at all times, although only 16 states require continuous monitoring of students during seclusion.
- 97% of survey participants responded that they do not use mechanical restraints on students under any circumstances, although 15 states ban the use of mechanical restraints on students.
- 80% of all school personnel trained to use seclusion and restraint are also trained in nonviolent crisis intervention techniques like conflict de-escalation, although only 18 states mandate some school personnel be trained in conflict de-escalation and prevention techniques.
- 70% of respondents indicated that the majority of school personnel are trained in seclusion and restraint or nonviolent crisis interventions annually even though only 5 states require periodic re-training of staff on the seclusion and restraint interventions. Eight percent of school personnel are trained in these techniques and interventions more than once a year.

AASA believes Congress should more carefully consider the content and practical effects of recent initiatives at the state level to regulate seclusion and restraint interventions. The overwhelming majority of states have adopted suitable policies to effectively address this issue, with nine states passing robust legislation since 2010. Rather than cherry-picking from among these state policies without the benefit of drawing upon knowledge of their effectiveness, AASA believes much can and should be learned from state and local experience prior to proposing federal policy options. There have been no studies on what state legislative proposals have been most effective at reducing the inappropriate use of seclusion and restraint, yet advocates are rushing to mandate a one-size-fits all federal solution. The U.S. Department of Education's recently released resource document is a good guidepost for determining what elements should be in state and local policy, and AASA plans to engage with superintendents across the country to determine how the Department's recommendations could be employed in schools with varying student populations, funding levels, and needs.

Introduction

Keeping Schools Safe: Ensuring Federal Policy Promotes School Safety is the second of AASA's multi-part survey on the use of seclusion and restraint in schools. AASA will continue to monitor and report on changes to state seclusion and restraint policies and legislation throughout the year.

Part I of the report compares a statute passed in February 2012 in Wisconsin with "The Keeping Students Safe Act" (S. 2020), a federal seclusion and restraint legislative proposal by Senator Tom Harkin of Iowa. Unlike S. 2020, Wisconsin's bill was developed with broad stakeholder input and is a commonsense approach to ensuring that seclusion and restraint techniques are used only when circumstances warrant their use and when they are as brief and effective as possible. In contrast, S. 2020:

- Lacks a reasonable option for intervening when a student's behavior is dangerous and unmanageable
- Forbids school personnel from secluding a student for any reason, even if this technique has proven effective in the past
- Creates onerous reporting, meeting and record keeping requirements for school districts that will place large administrative burdens on school personnel without improving school practices and policies

Part II describes how S. 2020:

- Contradicts established case law by making the use of seclusion a violation of the Individuals with Disabilities in Education Act (IDEA)
- Ignores empirical literature and the opinions of experts who specialize in behavior management who have found that contingent restraint can reduce dangerous behavior
- Prohibits schools and parents from developing individualized approaches to meet a student's varied educational and emotional behavioral needs, thus contradicting the purpose of an individual education plan (IEP) in IDEA.

Part III details the findings from AASA's survey of 389 superintendents from April 2012. It also explores why students with emotional and behavioral disabilities are disproportionately secluded or restrained in schools.

Part IV reflects on the recently proposed guidance document released by the U.S. Department of Education. It also contains recommendations for how Congress could play a role in making seclusion and restraint safer and more effective without unduly burdening schools.

The conclusion of the report explores the common fears shared by disability rights advocates and superintendents regarding the prohibition of certain restraints in

schools. It also hypothesizes how schools might react if Congress banned seclusion and severely limited the use of restraint.

Summary of Findings from AASA Survey, April 9th-April 16th, 2012

- 97% of school districts do not use mechanical restraints under any circumstances
- 94% of school districts monitor students when they are in seclusion at all times
- 97% of school administrators end the use of seclusion and restraint as soon as the emergency ends
- Of the students that are restrained or secluded, two-thirds of districts reported they exclusively use these techniques on students with severe emotional or behavioral disabilities
- While not all students with disabilities need to have seclusion or restraint documented in either the IEP or the BIP, 42% of districts have seclusion and restraint outlined in 100% of their student's IEPs after a child is secluded or restrained
- Almost 30% of districts have these techniques mentioned in the vast majority (75-99%) of their student's IEPs
- Almost 90% of respondents stated that 25% or less of students who are restrained or secluded do not have a known disability
- 80% of all school personnel trained to use seclusion and restraint are also trained in nonviolent crisis intervention techniques
- In 92% of school districts, less than 10% of the time school personnel are not trained in how to use seclusion and restraint in situations where they have had to employ these techniques
- 78% of school personnel are trained in seclusion and restraint or nonviolent crisis interventions at least annually
- 21% of all school districts report that school personnel used 1-2 staff days each year or filed 1-2 cases of workers compensation when staff attempted to use seclusion and restraint on a student or when staff were assaulted by a student with an emotional behavioral disability.
- 43% of school administrators indicated the elimination of the Safe and Drug Free Funding has made it "considerably more difficult" to fund professional development, training, or programs like positive behavioral support systems and nonviolent crisis interventions. 34% of respondents indicated the loss of this funding stream has made it "moderately more difficult" to fund professional development, training or programs focused on improving school safety and school climate.
- 91% of respondents said their school district would benefit from f Safe and Drug Free Funding to implement school-wide positive behavioral support and intervention systems and nonviolent crisis interventions.

Part I: Wisconsin's Recent Approach to Seclusion and Restraint Demonstrates the Shortcomings of S.2020

Disability organizations cite the need for federal seclusion and restraint legislation, but AASA questions why federal policy is necessary when 41 states have legislation, regulations or guidance on the use of seclusion and restraintⁱⁱ. In the last three years, nine states have adopted executive orders, statutes, regulations or guidelines governing the use of seclusion and restraint.ⁱⁱⁱ One example of excellent legislation standardizing the use of seclusion and restraint in schools was passed in Wisconsin in February 2012.^{iv} School administrators and disability rights organizations joined forces^v to craft commonsense legislation that would limit the use of seclusion and restraint in schools without endangering students and school personnel. The Wisconsin statute ensures seclusion and restraint techniques are used as briefly and effectively as possible, and only when circumstances warrant the use of these interventions.

A. S. 2020 limits the ability of school personnel to intervene when a student is at risk of hurting himself

Wisconsin's statute allows trained school personnel to use seclusion or restraint if a pupil's behavior presents a "clear, present, and immediate risk to the physical safety of the pupil or others" and it is the least restrictive intervention available. In contrast, S.2020 would prohibit the use of seclusion entirely, and limit the use of restraint on general education and special-education students unless they are at risk of inflicting "serious bodily injury" on themselves or another person.

There are major problems with S. 2020's intervention standard. Courts have concluded that a broken nose does not constitute "serious bodily injury,"^{vi} nor does pain, discomfort, disorientation and pain that is rated at "7" on a scale of 1 to 10.^{vii} "Serious bodily injury" is limited to "the pain...of the type one would feel if losing a limb or suffering a near-death injury."^{viii} Therefore, if school personnel were unable to calm a student through nonviolent crisis intervention strategies and felt it was necessary to use restraints, this legislation would prohibit school personnel from intervening until the student was in "substantial risk of death." Consequently, a student would be able to self-injure or injure other students and school staff for a considerable period of time, and school personnel would be helpless to intervene until the situation was serious enough to risk "protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;"^{ix} public schools cannot allow that to happen.

The "serious bodily injury" standard also conflicts with provisions in many state laws created to ensure school personnel can act to protect themselves and students. In S. 2020, "physical restraint" is defined as "a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, body or head

freely.” However, a majority of states have said that school personnel can use reasonable physical force to immobilize a student for a variety of reasons, including quelling a disturbance that threatens physical injury, or in self-defense. Currently, no states have adopted the “serious bodily injury” standard for intervention found in S.2020; instead, state laws enable school personnel to intervene whenever they suspect physical injury is likely. For example, Iowa’s state legislature amended their seclusion and restraint law in 2008^x and it does not in any way indicate that a teacher can only intervene if a student is at risk of inflicting “serious bodily injury” on himself or others. Instead, Iowa’s statute states that no school employee can be prohibited from:

“using reasonable and necessary force^{xi}, not designed or intended to cause pain in order to accomplish any of the following: to quell a disturbance or prevent an act that threatens physical harm to any person; to obtain possession of a weapon or other dangerous object within a pupil’s control; for the purpose of self-defense or defense of others; for the protection of property; to prevent a student from the self-infliction of harm; to protect the safety of others.”^{xii}

If S. 2020 became law, then it would radically alter Iowa’s state law as well as those in 30 other states.^{xiii} Moreover, it is psychologically harmful to students when they witness that a teacher cannot effectively or appropriately intervene when another student destroys a classroom or threatens the health or safety of other students and school personnel. All students have the right to be protected from the physical and emotional consequences of the behavior of other students.

B. S. 2020 arbitrarily limits what interventions are most effective for a student, regardless of parent’s desire, student safety or past behavior

If a student is continuously monitored throughout his time in a seclusion room, it is extremely unlikely the student can be harmed in any way. However, S.2020 prohibits the use of seclusion regardless of the level of monitoring, type of room used to seclude a child, or past effectiveness of the intervention. According to AASA’s survey, it is rare for students to not be continuously monitored while in seclusion. 94% of survey respondents indicated that their districts monitor students in seclusion at all times.

If past behavior indicates that a student will more quickly recover from a behavioral episode if he is secluded, then seclusion should be permitted to be used on the student. If parents prefer that the school district seclude their child instead of employing other intervention strategies that may be less effective or more intensive, then federal legislation should not limit these parents’ options. If a student has an outburst in class and a behavioral specialist believes she would benefit from remaining in an isolated, safe space until she calms down, then AASA questions why school instructional support staff would be unable to recommend this

intervention strategy. AASA does not believe it is safer or healthier for the student, as well as other students, to experience a student's entire "meltdown" in a completely unrestricted setting.

S. 2020 also defines seclusion so broadly that it could create situations where school districts are unknowingly "secluding" students. In the legislation, seclusion is defined as "the isolation of a student in a room, enclosure or space that is locked; or unlocked and the student is prevented from leaving." In many schools, classrooms where in-school suspensions are held would be considered seclusion rooms under this definition. For example, if a high school student serving in-school suspension completed class work in an isolated classroom and school personnel monitored the student's progress intermittently throughout the day, the student would be considered "in seclusion" and the school district would be in violation of federal statute.

In contrast to S.2020, Wisconsin's law contains provisions on the length of time a student can be secluded and the type of room that can be used for seclusion interventions. The law permits seclusion to occur if a student is held in an unlocked room free of objects or fixtures that may injure them, has access to bathroom facilities, drinking water, meals and necessary medications. An elementary school student could be taken to a gym or padded room where school personnel could actively monitor the student and ensure he is safe at all times until the episode is over. Other states have even more specific guidelines on the kinds of rooms that can be used for seclusion and the type of monitoring that is required when a child is in seclusion,^{xiv} but stop short of the total prohibition of seclusion interventions found in S. 2020.

C. S. 2020 would burden school districts with unnecessary debriefing requirements and require disparate disciplinary measures for students

Wisconsin law requires school districts to notify parents when seclusion and restraint interventions are used on their children. It does not require districts to meet unreasonable timelines and cumbersome reporting and debriefing requirements. Parents are notified within one business day when interventions are used and are able to access a written report detailing the use of the intervention on their child.

In contrast, S. 2020 would require all school personnel in the proximity of the student immediately before and during the time of the restraint to gather for a debriefing session, along with the parents, the student, appropriate supervisory and administrative staff, and IEP team members. Although AASA is unaware of any empirical data to support the efficacy of a post-restraint debriefing, a meeting must occur within five days of the incident and parents must receive verbal or electronic

communication the day of the incident as well as formal written notification within 24 hours of the incident. It would be extremely difficult, if not impossible, given parents' schedules, school vacations, staff trainings, family emergencies, and other unanticipated scheduling complications to gather parents and large groups of staff for these debriefing sessions. This scheduling also requires considerable administrative time which adds costs and personnel. Despite good faith efforts, a school district that fails to assemble these individuals within five days would be in noncompliance with IDEA and subject to litigation, state monitoring, and a potential loss of federal funding.

The debriefing requirement would create a particular hardship for small schools where staff members are often needed in classrooms or in other educational settings to work with students. In a typical elementary school, a debriefing session would temporarily halt all teaching and service provisions by administrators, related service professionals, and a few teachers. Meeting this requirement would be onerous for districts, particularly in circumstances where contingent restraint is used once a week or several times a month. In addition, AASA questions why parents could not opt-out of attending a debriefing session if they do not believe it is necessary, or have other obligations that preclude their attendance, especially in instances where parents approve of the use of these techniques on their child. AASA also questions how the participation mandate squares with the reality that a parent may choose not to attend a debriefing session and there is nothing the school can do about it. If the intent of the debriefing session is to safeguard the student from inappropriate actions by the school district, there are certainly less time-intensive, administrative, and complex means to advance this purpose.

Furthermore, the debriefing session provisions outlined in S.2020 fundamentally undermine local control by requiring school districts to disregard recognized school conduct policies. Specifically, if a student admits to using illegal drugs or committing any other offense during a debriefing session, school personnel cannot discipline the student or refer him to law enforcement. Consequently, this provision requires school districts to treat student misconduct differently even when the offense is identical. AASA believes this provision undercuts school codes of conduct developed in coordination with school boards and parents, as well as district relationships with local law enforcement.

Wisconsin's statute demonstrates a good faith effort by school administrators and disability rights advocates to standardize the use of seclusion and restraint techniques in schools. Currently, only nine states lack any formal guidance, regulation, or laws on the use of seclusion and restraint in schools. AASA is confident these remaining states will address the issue of seclusion and restraint if concerns are raised about these practices in schools and believes that the lack of action on the part of these states does not justify federal intervention.

Part II: S. 2020 undermines case law, best practices, empirical literature, and the intent of IDEA

There have been horrific news accounts of school personnel who attempt to “seclude” or “restrain” students; however, it is important to apply scrutiny when reading these news accounts. The individuals portrayed in these articles are rarely trained school personnel applying evidence-based interventions according to approved methodologies. Rather, the school personnel depicted in these media reports are in no way secluding or restraining students in a manner approved by any state, school district, or training institution and to identify these acts as “seclusion” or “restraint” in the technical sense is misleading. Legislation like S. 2020 exemplifies what can happen when policymakers and advocates lose sight of the goal of ensuring students are not hurt in school, and in the process dismiss best practices, case law, and the intent of IDEA.

A. Research demonstrates restraints implemented as part of a comprehensive intervention plan can decrease the frequency of dangerous behavior

A considerable body of empirical literature attests to the efficacy of contingent restraint used in conjunction with a comprehensive behavior modification program as a means by which to change the frequency of dangerous or undesirable behaviors.^{xv} Restraint may not be a favored form of treatment for some individuals, but it is incorrect to say that it is not an effective form of treatment. For example, the neurobehavioral unit at Kennedy Krieger School Programs Institute of John Hopkins University, perhaps the pre-eminent acute behavioral treatment facility in the world, incorporates the use of contingent restraint into its programs to treat individuals with significant behavioral problems.

The Association for Behavior Analysis International, the principal international membership association of behavior analysts, supports the use of contingent restraint if it is incorporated into a student’s behavior modification plan and is used as part of an integrated effort to reduce the future probability of a specified target behavior. For example, the ABAI maintains that “when used in the context of a behavior intervention plan, restraint in some cases serves both a protective and a therapeutic function. These procedures can reduce risks of injury and can facilitate learning opportunities that support appropriate behavior.”^{xvi}

AASA questions the wisdom of considerably limiting the use of restraints when a body of leading domestic and international behavioral specialists recommends the contingent use of restraint and seclusion in schools based on empirical data.

B. Limiting what can be included in an IEP runs counter to the goal of individualization that is critical to IDEA's purpose and success

S. 2020 would forbid seclusion or restraint techniques from being referenced in a student's individual education plan, consequently prohibiting parents and school personnel from proactively discussing an intervention a school may need to employ on a student. Prohibiting the inclusion of seclusion and restraint in the IEP or behavioral intervention plan (BIP) where past behavior clearly indicates a need only leads to further conflicts and misunderstandings between parents and school staff. There is great value in talking to parents about the potential for the use of restraints for those students who present high risks, such as those with behavioral challenges, particularly if students have physical conditions that preclude the use of specific restraint techniques. If school personnel do not reach agreement with parents on individualized protocols for emergency situations that may require seclusion or restraint, this could lead to harm for the student, other students and school personnel.

More importantly, the prohibition of these techniques within an IEP runs counter to the goal of the Individuals with Disabilities in Education Act (IDEA), which was created to ensure that students with disabilities are given an individualized education plan to achieve their greatest potential. If IEP teams comprised of parents and school personnel agree the use of seclusion and/or restraint will enable a student to remain in the least restrictive environment possible and to educationally benefit from the teaching and services the student is accessing, then these techniques should be allowed to be written into the student's IEP. Moreover, ample time should be provided to evaluate the new intervention strategies; IEPs and BIPs frequently fail when they are changed too quickly. It is not uncommon for a student to exhibit frequent behaviors that may necessitate a physical restraint while the student deals with a crisis, a transition or a cycle of behavior.

S. 2020's prohibition on incorporating these techniques in an IEP would drastically augment school district practices. According to AASA's survey, when seclusion or restraint is used on a student with a disability, 42% of school districts always amend the IEP or BIP to describe how these techniques should be used in the future. In addition, 28% of districts reported that these techniques are incorporated into the overwhelming majority of their students' IEPs or BIPs if these interventions were necessary in the past. The reason this is common practice for many schools is that administrators strongly believe in the value of communicating with the parent about how school personnel should respond if seclusion and restraint is necessary to use on a student. The parent can always refuse to sign the IEP or to refuse to consent to these interventions and the school must respect the parent's decision. Ultimately, by formalizing the potential for the use of these interventions within the IEP, a school district ensures school personnel are aware of what interventions have been agreed to by the parent and how school personnel are expected to respond in any future emergencies involving the student.

C. Case law makes clear that seclusion and restraint should not justify a denial of Free Appropriate Public Education (FAPE)^{xvii}

S. 2020 would allow the improper use of seclusion and restraint to be considered a denial of FAPE under the IDEA statute. According to case law, when a school district has denied a student FAPE it means the student has not educationally benefited from the IEP created by the school district. Equating the use of seclusion or restraint with a denial of FAPE means that if a teacher ever uses a seclusion intervention or restrains a student prior to him being at risk for “serious bodily injury”, then the student cannot have educationally benefited from the district’s services. It is ridiculous to assume that a one-time use of restraint or seclusion automatically means the child cannot have benefited from his IEP or any of the numerous services school personnel have employed on the child’s behalf.

Moreover, a denial of FAPE for the use of seclusion and restraint is also contrary to nearly 37 years of FAPE jurisprudence and established case law.^{xviii} In 2006, the U.S. Court of Appeals for the Third Circuit ruled that placing a child in seclusion, if this was within the normal procedures for the school district, was appropriate and not a violation of IDEA. The U.S. Court of Appeals for the Eighth Circuit held that a third grade student who was progressing academically was receiving FAPE despite the school’s extensive use of seclusion. In another Eight Circuit decision, the court held that classroom staff were right to use seclusion and restraint interventions given that the IEP team, including the student’s parent, developed the IEP to include the use of these interventions. By relying upon the IEP to manage the student’s behavior, the teacher did not substantially depart from accepted professional judgment in using restraint and seclusion interventions and the child was not in denial of FAPE.^{xix}

D. S. 2020 undermines the professional judgment of school psychologists and other related service personnel by mandating a special-education evaluation whenever seclusion or restraint is used on a general education student

S. 2020 requires a special education evaluation as soon as seclusion or restraint interventions are used on a general education student. The school district would also be required to document why a special education evaluation for the student had not been completed earlier. This documentation could be very difficult to produce, and it is unclear what purpose it would serve for school personnel and parents. The National Association of School Psychologists believes it is inaccurate to assume that when a child receives interventions in school, including seclusion and restraint, that it is because the student has a disability. Moreover, requiring school personnel to prove they are not negligent in identifying a student’s disability would lead to a host of unintended consequences, including unnecessary referrals to special education

and costly litigation. AASA believes the provision in S.2020 undermines the professional judgment of teachers, school psychologists and other related service providers who may interact with the student on a regular basis and have no reason to assume the student has a disability.

III. School districts employ strong seclusion and restraint policies and rarely use these techniques on students without emotional or behavioral disabilities.

While disability rights advocates assert that school districts cannot protect students from inappropriate seclusion and restraint practices unless federal law is in place, AASA's survey demonstrates this is simply not true. The following results from AASA's survey of school administrators illustrate how local school districts' policies frequently exceed what is required of them by state statute, and additional federal mandates are not likely to improve local practices.

A. School district policies are often more rigorous than state law requirements

- 97% of school administrators end the use of seclusion and restraint as soon as the emergency ends even though only 13 states require the use of seclusion and restraint to end when the emergency ends.
- 94% of school districts monitor students when they are in seclusion at all times although only 16 states require continuous monitoring of students during seclusion.
- 97% of survey participants responded that they do not use mechanical restraints on students under any circumstances; 15 states ban the use of mechanical restraints on students.
- 80% of all school personnel trained to use seclusion and restraint are also trained in nonviolent crisis intervention techniques like conflict de-escalation 18 states mandate some school personnel be trained in conflict de-escalation and prevention techniques. Periodic re-training of staff on how to use seclusion and restraint techniques are only required in five states. In contrast, over two-thirds of respondents indicated that the majority of school personnel are trained in seclusion and restraint or nonviolent crisis interventions at least annually. 8% of school personnel are trained in these techniques and interventions more than once a year.

In light of AASA's survey responses that show how the majority of districts have policies that exceed the requirements set by state boards and state legislatures, the value of federal laws should be questioned. If many school districts have self-determined policies that go beyond what is statutorily required by their own state, why are more regulations necessary at the federal level? What are these laws actually ensuring? More importantly, how would federal legislation limiting the use of seclusion

and restraint on all students guarantee better outcomes when these interventions are regularly applied appropriately by trained professionals according to approved practices and policies?

B. It is unrealistic to assume students with disabilities will respond to nonviolent crisis interventions as successfully as general education students

Common sense tells us that general education students are more likely to respond to less intensive intervention measures than students with emotional behavioral disabilities. The very nature of their disability means that they lack the same control over their behavior and emotions as general education students. Students who have disabilities that put them at risk for self-inflicted injuries or unexpected aggressive behaviors are also more likely to endanger themselves through random outbursts of violent or inappropriate behavior than general education students. There are many possibilities for why some students with disabilities are restrained or secluded more frequently than other students. Perhaps the student's disability prevents him from processing a teacher's command to calm down or stop what he's doing. Perhaps the student cannot understand the danger he could be in by engaging in a certain behavior or activity. Perhaps the student will not control his behavior or emotions despite attempts by school personnel to use less-restrictive interventions that were effective in the past. These are just a few explanations for why school districts employ these more intensive interventions on students with disabilities as compared to general education students.

While there are circumstances where general education students need to be secluded or restrained, AASA's survey found that the majority of students who are secluded and restrained in schools have known behavioral or self-injurious disabilities. Only 12% of school administrators surveyed stated that more than 25% of the students they restrain or seclude do not have a diagnosed emotional or behavioral disability. In addition, 66% of school districts exclusively or almost exclusively restrain and seclude students with self-injurious behaviors or disabilities. The AASA data corroborates information collected by the Office of Civil Rights^{xx} which found that 70% of students who are secluded and restrained have a diagnosed disability.

More intentional efforts at integration for students with disabilities have made disability rights' advocates more aware of these techniques than in the past. Prior to IDEA, students with aggressive and self-injurious disabilities were universally educated exclusively in private, segregated facilities where they were not exposed to general education students and classrooms. Each IDEA re-authorization has pushed schools to improve the extent to which they integrate students with disabilities within the public school system; today, 60% of students with disabilities spend 80% of their time in the regular school environment.^{xxi}

Schools must be able to employ techniques like seclusion and restraint to ensure that, regardless of the setting, school personnel are able to care for all students safely and effectively when outbursts occur. If these techniques are prohibited from being applied, school districts cannot guarantee the safety of the majority of students and school personnel; consequently, students with severe emotional and behavioral disabilities will lose the ability to learn in integrated, public school settings.

Although a new placement for a student with severe emotional or behavioral disabilities is arguably safer for the student and his peers, is not necessarily a better option for the student. New placements, especially residential placements, can disrupt the student's routine, uproot families and cost districts and states thousands of dollars. Also, a student who must attend a residential center is invariably surrounded by other individuals with significant problem behaviors. The consequence is that he may learn new inappropriate behaviors from his peers in the segregated placement. In contrast, in a public school setting, a student with an emotional or behavioral disability can interact with both disabled and non-disabled peers alike. Unfortunately, it is less likely that a public school will risk educating a student with an emotional or behavioral disability in a less restrictive environment if these techniques are not permissible to use.

IV. Congress Can Assist Districts in Ensuring Seclusion and Restraint Interventions Are Used as Safely and Effectively as Possible

In May, the U.S. Department of Education released a resource document outlining fifteen principles that States and school districts should consider incorporating when developing practices, policies and procedures on the use of seclusion and restraint in schools. AASA agrees with many of the principles outlined in this document and appreciates the Department's good-faith effort to provide helpful guidance to school districts interested in reviewing and revising their current seclusion and restraint policies and practices. Unfortunately, fiscal constraints mean that many school districts cannot afford to comply with particular training and procedural suggestions outlined in the Department's resource document.

The Department recommends that all school personnel be trained "in school-wide programs of positive behavioral support, including de-escalation techniques, for preventing dangerous behavior that leads to the use of restraint or seclusion." In addition, the Department recommends that

"teachers and other school personnel [are trained] in how to safely implement procedures for physical restraint and how to collect and analyze individual student data to determine the effectiveness of these procedures in increasing appropriate behavior and

decreasing inappropriate behavior... including refreshers on positive behavior management strategies, proper use of positive reinforcement, the continuum of alternative behavioral interventions, crisis prevention, de-escalation strategies, and the safe use of physical restraint.”

While there is considerable variation in the number of contractually designated professional development days in every district, as well as the cost to hire substitutes and pay facilitators, trainers and buy requisite print or online materials, AASA asked a random sampling of school districts what the cost would be if they wanted to meet the Department’s training recommendations for all school personnel. Here are two of the responses AASA received.

Loudoun County School District in Virginia employs over 9,000 school personnel including teachers, administrators and classified schools staff. The district currently employs a well-recognized crisis intervention training program known as MANDT that incorporates positive behavioral interventions and supports (PBIS) into its basic trainings. The district calculated the cost of implementing the training recommendations for all school personnel outlined by the Department of Education using the MANDT program. This training encompasses a six-hour “relational” training, a three-hour refresher training, and a one-hour test. The total cost for Loudoun County School District would be \$121,000. If the district implemented the Department’s training recommendations for school personnel needing more extensive crisis intervention training that included physical restraint the district estimated the cost would be \$116,000. This figure represents the cost of the initial training given to all school personnel as well as more advanced training that incorporates physical restraint, emergency and crisis procedures, and more advanced de-escalation techniques. This training includes a seven-hour introductory course and a four-hour mid-year re-certification.

In contrast, Abington School District in Abington, PA has an enrollment of approximately 7,500 students and 1,000 staff members. The district calculated it would cost \$68,500 to conduct a three-hour, state-approved nonviolent crisis intervention training for all school personnel in positive behavioral support and de-escalation techniques. While some districts can afford to invest in school-wide PBIS programs for all school staff, as well as intensive physical restraint and de-escalation training for key school personnel, most school districts like Abington would struggle to meet the Department’s training recommendations if they were incorporated as unfunded mandates within federal law. As the next section of the report details, additional unfunded federal training mandates would only exacerbate the funding shortage many districts are experiencing.

A. Some schools lack the funding to train school personnel in nonviolent crisis interventions and seclusion and restraint interventions.

School districts have limited funds with which to implement professional development and training. If a superintendent wants to invest in proven crisis intervention programs, the current budget climate does not make this goal easily achievable. 81% of school superintendents describe their district as inadequately funded.^{xxii} The Safe and Drug Free Schools Program (SDFS), the single federal funding stream available to school districts to implement these evidence-based programs was discontinued in 2009.^{xxiii} 43% of superintendents surveyed indicated the elimination of this funding stream has made it “considerably more difficult” to fund professional development, training, or programs like positive behavioral support systems and nonviolent crisis interventions. A third of superintendents surveyed indicated the loss of SDFS Funding has made it “moderately more difficult” to fund professional development, training or programs focused on improving school safety and school climate.

The loss of the SDFS funding, coupled with funding cuts from the American Recovery and Reinvestment Act, has led some superintendents to believe they cannot afford to implement high-quality behavior intervention programs. 88% of AASA survey participants indicated they would benefit from funding to implement school-wide positive behavioral support and intervention systems and nonviolent crisis intervention systems. Unfortunately, in a separate survey of superintendents from March 2012, 40% of school superintendents predicted they will delay or eliminate instructional improvement initiatives in the 2012-2013 school year.^{xxiv}

B. Congress must make funds available to districts, so school personnel can learn to appropriately implement a variety of intervention techniques.

Nothing can eliminate poor decision-making in schools or anywhere else in society. However, appropriate training can prevent injuries by students and staff members when seclusion and restraint and nonviolent crisis intervention programs are implemented in emergency situations. Moreover, multi-tiered systems of support, such as positive behavior intervention systems, have proven effective in dramatically reducing the need to use seclusion and restraint. These systems rely on careful data monitoring, training and specific shifts in school culture and policies to support appropriate student behavior by providing a tiered system of supports and interventions for students with challenging behaviors. There is considerable research demonstrating the effectiveness of PBIS programs and how it leads to better behavior for all students, including those with significant emotional and behavioral disabilities. A 2009 report of Illinois schools^{xxv} implementing school-wide PBIS programs for students with significant emotional and behavioral problems

found a reduction in the number of students who needed to be removed from general education classrooms for more than 60% of the day.

AASA believes targeting federal resources to districts that would most benefit from funding to implement evidence-based, high-quality professional development and training programs will lead to dramatically fewer injuries of students and staff and lower rates of seclusion and restraint interventions generally. Grants would enable school districts to provide professional development, materials and coaching for principals, teachers, administrators, specialized instructional support personnel and other school personnel in employing school-wide systems of support and nonviolent crisis interventions that include proactive and preventative intervention strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. AASA recommends that grants be distributed to districts that meet one or both of the following criteria: 1) if a school has injured a child or staff member during the use of seclusion or restraint or other de-escalation techniques it would qualify for a grant; 2) if a school has data demonstrating a significant use or increase in the use of intensive interventions like seclusion or restraint compared to the prior school year, it could also qualify for federal funds. The U.S. Department of Education would determine which school districts receive the grants and require districts to submit an annual report describing how the funds were utilized and how school personnel responses have improved.

This capacity building approach realizes that limiting the use of these techniques alone will not make students or school personnel safer, but proper training and changes to the school climate and culture can effectively reduce the excessive or inappropriate use of seclusion and restraint interventions. According to AASA's survey, most school districts have not experienced any injuries of school personnel when applying seclusion and restraint techniques. However, 3% of all respondents indicated that they lose 11 or more staff days due to injuries resulting from implementing seclusion or restraint interventions. 20% of districts indicated that in the 2010-2011 school year, they had have one or two incidents resulting in workers' compensation payments as a result of an assault by a student with an emotional behavioral disability. These payments, coupled with payments to substitute staff members, can be very costly for districts. If districts could receive funding for more effective implementation of seclusion and restraint interventions as well as coaching in nonviolent crisis intervention programs, they would reduce workers' compensation and disability expenditures as well as ensure that school personnel are safe.

Conclusion

While Wisconsin is one success story of how stakeholders achieved common ground to pass meaningful legislation regulating seclusion and restraint in schools, other states have taken a variety of approaches, some of which are now being questioned by those

in the disability rights community. For example, in Minnesota, disability advocates who originally pushed to ban prone restraints in 2009, have reversed course and are now supporting legislation that would permit schools to use these restraints pending annual approval from the state legislature. As a result of advocates' change of heart, the Governor of Minnesota signed a bill in April 2012 to allow school districts to use prone restraints for another school year.

Disability advocates cited the unintended consequences of banning the use of restraints, alluding to fears of some students being turned away from their public schools because school personnel were uncomfortable educating these students unless they could use restraints when necessary. Other disability advocates objected to having school officials call in police to restrain their students, rather than rely on school personnel trained to work with students with disabilities. In the words of Sue Aberholden, one of leading advocates for the initial ban, banning [prone restraint] may not "get us what we want, which is for our kids to be in school and be safe."^{xxvi} She continued, "no one's promoting their use, but I think there are situations that school personnel will tell you they get into where a child really is imminently going to hurt themselves or others and they need to do something to protect everyone. And sometimes, prone restraints is what they use."^{xxvii} Aberholden articulates the rationale used by many superintendents for maintaining the use of these techniques in schools.

The reversal of Minnesota's disability advocates on the use of prone restraints is just one example of how local school districts and states are still considering the optimal course for ensuring school personnel are able to appropriately protect students and themselves from unanticipated behavioral outbursts. States are trying a variety of approaches to learn what is effective. From 2010-2012, nine states adopted or amended executive orders, statutes or regulations governing the use of seclusion and restraint in schools. In light of this variation, blanket federal legislation that cherry-picks from untested state policies cannot be a worthwhile endeavor, particularly when states have not been able gauge their effectiveness.

The goal of state and local policy must be to end the *inappropriate* use of seclusion and restraint, not to eliminate the appropriate use of these necessary interventions. Legislation that incentivizes districts to employ a stricter admission criterion that denies access to students at risk for significant behavior problems is not the answer; nor is pressuring parents to increase the use of psychotropic medications for students. While medications may somewhat ameliorate challenging behavior, they do not teach students how to calm down. In contrast, a well-designed crisis management system used in combination with well-designed individualized behavioral support plans can instruct a student on how to appropriately react to various experiences or situations.

There is a philosophical divide over whether government should encourage school districts to adopt best practices, or require school districts to comply with ineffective

data mandates that have unintentional consequences. AASA's data shows that the vast majority of superintendents are not waiting for state or federal legislation before implementing robust monitoring and training standards. School districts are overwhelmingly using these interventions only in emergencies circumstances and not for punishment or misbehavior. While a handful of school districts may not be employing these interventions appropriately or effectively, compliance-driven, unfunded mandates will not improve student and school personnel health and safety. S. 2020 is a classic example of how Washington politicians have chosen to mandate changes to school district practices that will not benefit most school districts while simultaneously ignoring evidence-based solutions that would aid school districts in need of the most help. Instead of focusing on compliance-driven systems, state and federal governments should steer funding to the small number of school districts with demonstrated seclusion and restraint problems, so that these administrators can train school personnel to successfully utilize nonviolent crisis interventions and mitigate the inappropriate use of seclusion and restraint.

AASA hopes members of Congress and the disability rights community will gain a better understanding of what seclusion and restraint policies and practices are reasonable and effective for schools. The fact that AASA must vigorously oppose current federal policy despite the fact that many of AASA's state affiliates have endorsed, and even led attempts to improve seclusion and restraint intervention practices in state legislation signals that federal proposals have not been good-faith efforts to craft common-sense, helpful, policies that superintendents can support. AASA does not want to expend resources opposing policy proposals that undermine school safety and local control.

AASA will continue to track and monitor various state approaches to how seclusion and restraint could be used in schools. AASA will also disseminate best practices for its members on the use of seclusion and restraint in schools, as well as the resource recommendations released by the U.S. Department of Education. AASA is also committed to hosting online and in-person professional development for members about how these interventions should be used and how to craft evidence-based school-level policies to ensure these techniques are safely and effectively employed only in emergency situations. AASA is optimistic that these two reports will shed light on the need to retreat from misguided federal proposals on seclusion and restraint and incentivize federal actors to investigate approaches that could ensure school districts have the funding they need to adequately train school staff and ameliorate negative school climates.

References

- ⁱ States with binding and non-binding guidance, regulations, or statute on the use of seclusion and restraint are: AL, AK, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, LA, MA, MD, ME, MI, MN, MO, MT, NC, NE, NH, NM, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, VT, UT, VA, WA, WI, WV, WY
- ⁱⁱ Butler, Jessica. (2012). *How Safe is the Schoolhouse?* Retrieved from Autcom.
<http://www.autcom.org/pdf/HowSafeSchoolhouse.pdf> p.10
- ⁱⁱⁱ AL, FL, GA, LA, ME, VT, WI, WV, WY
- ^{iv} <https://docs.legis.wisconsin.gov/2011/related/proposals/sb353>
- ^v http://dpi.wi.gov/eis/pdf/dpinr2012_09.pdf
- ^{vi} *Pocono Mountain Sch. Dist.*, 109 LRP 26432 (SEA PA 12/12/08)
- ^{vii} *In re: Student with a Disability*, 54 IDELR 139 (SEA KS 2010)
- ^{viii} *In re: Student with a Disability*, 108 LRP 45824 (SEA WV 06/04/08)
- ^{ix} Section 1365(h)(3) of Title 18, U.S. Code
- ^x http://educateiowa.gov/index.php?option=com_content&view=article&id=1002&Itemid=1299
- ^{xi} "Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment.
- ^{xii} ICA §280.21
- ^{xiii} AL, AK, AZ, CA, CO, CT, DE, FL, HI, IA, IL, KY, LA, MA, MI, MO, MT, NC, ND, NJ, NY, NV, OH, OK, OR, SD, VA, VT, WA, WI, UT
- ^{xiv} Butler, Jessica. (2012). *How Safe is the Schoolhouse?* Retrieved from Autcom.
<http://www.autcom.org/pdf/HowSafeSchoolhouse.pdf> p. 25
- ^{xv} <http://www.abainternational.org/aba/statements/randsreferences.pdf>
- ^{xvi} <http://www.abainternational.org/aba/statements/restraintseclusion.asp>
- ^{xvii} 20 U.S.C Section 602(9)
- ^{xviii} 183 Fed. Appx. 184 (3d Cir. 2006); 323 F.3d 630 (8th Cir. 2003)
- ^{xix} 591 F. 3d. 724 (8th Cir., 2010)
- ^{xx} <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>
- ^{xxi} <http://www.ed.gov/news/speeches/all-means-all-secretary-duncans-remarks-american-association-people-disabilities>
- ^{xxii} Ellerson, Noelle. "Weathering the Storm: How the Economic Recession Continues to Impact Schools." American Association of School Administrators. March 2012.
- ^{xxiii} <http://www.schoolsecurityblog.com/2010/08/safe-and-drug-free-schools-grant-elimination-hits-schools-hard/>
- ^{xxiv} Ellerson, Noelle. "Weathering the Storm: How the Economic Recession Continues to Impact Schools." American Association of School Administrators. March 2012.
- ^{xxv} FY09 Annual Statewide Report. (2009). *Illinois Positive Behavioral Interventions and Support (PBIS) Network*.
- ^{xxvi} Sherman, Mark. "Minn. disability group worries about moving too fast on prone restraint." *Special Ed Connection*. March 27, 2012.
- ^{xxvii} Weber, Tom. "Bill would extend Minnesota's prone restraint law until late 2013." *Minnesota Public Radio*. February 23, 2012.

Ensuring Federal Policy Supports School Safety Survey Data

While AASA is not in the habit of releasing our survey data because we believe AASA’s methodological practices are sound, the organization has chosen to release the survey responses in light of the unmediated attack from our report earlier in the year. For *Preventing Federal Policy from Undermining School Safety*, AASA surveyed hundreds of superintendents and school administrators across the country in urban, rural and suburban school districts to learn more about how school personnel are trained and what students are frequently involved in certain interventions. These new data points coupled with our prior survey results make clear there was no reason to dispute the original findings reported.

Survey Title: S&R Survey
Report Type: Bar Graph
Start Date: 09-Apr-12
End Date: 16-Apr-12
Completed Responses: 389

Q1. Do school personnel in your district need to use seclusion and/or restraint on students?							
Responses	Count	%	Percentage of total respondents				
Yes	313	81.30%					
No	67	17.40%					
Unsure	5	1.30%					
Total Responses	385		20%	40%	60%	80%	100%

Q2. Are these techniques used to punish students for misbehavior?							
Responses	Count	%	Percentage of total respondents				
Yes	58	15.18%					
No	320	83.77%					
Unsure	4	1.05%					
Total Responses	382		20%	40%	60%	80%	100%

Q3. Do you support these techniques being used to punish students for misbehavior?							
Responses	Count	%	Percentage of total respondents				
Yes	71	18.73%					
No	289	76.25%					
Unsure	19	5.01%					
Total Responses	379		20%	40%	60%	80%	100%

Q4. Do school personnel in your district use mechanical restraints such as straightjackets, bungee cords, straps, ties, or chairs/furniture that students are strapped into? See definition above more more clarity.				
Responses	Count	%	Percentage of total respondents	
Yes	9	2.36%		
No	369	96.60%		
Unsure	4	1.05%		
Total Responses	382		20%	40% 60% 80% 100%

Q5. Do school personnel in your district monitor students at all times when they are in seclusion?				
Responses	Count	%	Percentage of total respondents	
Yes	330	94.02%		
No	10	2.85%		
Unsure	11	3.13%		
Total Responses	351		20%	40% 60% 80% 100%

Q6. Do school personnel in your district end the use of restraints or seclusion as soon as the emergency ends?				
Responses	Count	%	Percentage of total respondents	
Yes	337	93.61%		
No	17	4.72%		
Unsure	6	1.67%		
Total Responses	360		20%	40% 60% 80% 100%

Q7. Of all the students in your school districts who at some point during the 2010-2011 academic year needed to be secluded or restrained, what percentage of these students have diagnosed disabilities relating to their emotional or behavioral health? For examples of emotional behavioral disabilities see above examples.				
Responses	Count	%	Percentage of total respondents	
25% or less	82	23.10%		
26-50%	15	4.23%		
51-75%	25	7.04%		
76-99%	127	35.77%		
100%	106	29.86%		
Total Responses	355		20%	40% 60% 80% 100%

Q8. What percentage of the students with disabilities who are secluded or restrained have these techniques referenced in their IEP or BIP?				
Responses	Count	%	Percentage of total respondents	
25% or less	88	24.93%		
26-50%	8	2.27%		
51-75%	11	3.12%		
76-99%	99	28.05%		

100%	147	41.64%	
Total Responses	353		20% 40% 60% 80% 100%

Q9. What percentage of all students who are secluded and restrained have no known diagnosed disability?			
Responses	Count	%	Percentage of total respondents
25% or less	306	88.70%	
26-50%	11	3.19%	
51-75%	8	2.32%	
76-99%	9	2.61%	
100%	11	3.19%	
Total Responses	345		20% 40% 60% 80% 100%

Q10. How often does the use of seclusion and restraint lead to a consultation or referral with mental health or behavioral specialists to see if a student does have a disability?			
Responses	Count	%	Percentage of total respondents
25% or less	130	37.14%	
26-50%	33	9.43%	
51-75%	32	9.14%	
76-99%	65	18.57%	
100%	90	25.71%	
Total Responses	350		20% 40% 60% 80% 100%

Q11. What percentage of school personnel trained to use seclusion or restraint are also trained in nonviolent crisis intervention techniques?			
Responses	Count	%	Percentage of total respondents
26-50%	12	4.03%	
76-99%	46	15.44%	
100%	240	80.54%	
Total Responses	298		20% 40% 60% 80% 100%

Q12. How frequently do personnel who must use seclusion and/or restraint lack the training in how to appropriately use these techniques?			
Responses	Count	%	Percentage of total respondents
Less than 10% of the time	326	91.83%	
10-25% of the time	11	3.10%	
26-50% of the time	7	1.97%	
51-76% of the time	1	0.28%	
76-99% of the time	4	1.13%	
100% of the time	6	1.69%	

Total Responses	355		20%	40%	60%	80%	100%
------------------------	------------	--	------------	------------	------------	------------	-------------

Q13. How often are staff trained on how to use seclusion and restraint or nonviolent crisis intervention?							
Responses	Count	%	Percentage of total respondents				
More than once a year	31	8.52%					
Annually	255	70.05%					
Bi-Annually	33	9.07%					
Every 3-5 years	45	12.36%					
Total Responses	364		20%	40%	60%	80%	100%

Q14. During the 2010-2011 school year, in the event school personnel were injured during the implementation of seclusion or restraint techniques, how many days of staff absences were necessary?							
Responses	Count	%	Percentage of total respondents				
No staff days	228	63.69%					
1-2 staff days	76	21.23%					
3-5 staff days	35	9.78%					
6-10 staff days	7	1.96%					
11 or more staff days	12	3.35%					
Total Responses	358		20%	40%	60%	80%	100%

Q15. During the 2010-2011 school year, how many cases of workers compensation were the result of an assault by a student with an emotional behavioral disability?							
Responses	Count	%	Percentage of total respondents				
0 cases	235	64.74%					
1-2 cases	81	22.31%					
3-5 cases	31	8.54%					
6-10 cases	10	2.75%					
11 or more cases	6	1.65%					
Total Responses	363		20%	40%	60%	80%	100%

Q16. Would your school district benefit from funding to implement school-wide positive behavioral support and intervention systems and nonviolent crisis interventions?							
Responses	Count	%	Percentage of total respondents				
Yes	344	91.25%					
No	13	3.45%					
Unsure	20	5.31%					
Total Responses	377		20%	40%	60%	80%	100%

Q17. Has the elimination of the Safe and Drug Free Schools funding stream made it more difficult for you to fund professional development, training, or programs aimed at improving school safety and school climate?				
Responses	Count	%	Percentage of total respondents	
Yes, considerably	167	43.83%		
Yes, moderately	129	33.86%		
Unsure	47	12.34%		
Not at all	38	9.97%		
Total Responses	381		20%	40% 60% 80% 100%

Q18. Which of the following most closely describes your professional title?				
Responses	Count	%	Percentage of total respondents	
Superintendent	259	66.93%		
Assistant Superintendent	29	7.49%		
Special Education Director	83	21.45%		
Pupil Services Director	9	2.33%		
Special Education Teacher	2	0.52%		
None of the above	5	1.29%		
Total Responses	387		20%	40% 60% 80% 100%

Q19. What was your district enrollment as of January 2010?				
Responses	Count	%	Percentage of total respondents	
1 - 999	101	26.23%		
1,000 - 2,999	139	36.10%		
3,000 - 4,999	58	15.06%		
5,000 - 9,999	45	11.69%		
10,000 - 24,999	27	7.01%		
25,000 - 49,999	9	2.34%		
50,000 - 99,999	4	1.04%		
100,000 or more	2	0.52%		
Total Responses	385		20%	40% 60% 80% 100%

Q20. My school district is best described as:				
Responses	Count	%	Percentage of total respondents	
Rural	224	58.33%		
Suburban	131	34.11%		
Urban	29	7.55%		
Total Responses	384		20%	40% 60% 80% 100%

Q21. The state where my district is located is:				
Responses	Count	%	Percentage of total respondents	
Alabama	23	5.93%		

Alaska	2	0.52%	█
Arizona	5	1.29%	█
Arkansas	7	1.80%	█
Armed Forces Asia	0	0%	
Armed Forces Europe	0	0%	
Armed Forces Pacific	0	0%	
California	4	1.03%	█
Colorado	0	0%	
Connecticut	23	5.93%	█
Delaware	0	0%	
District of Columbia	0	0%	
Florida	6	1.55%	█
Georgia	5	1.29%	█
Hawaii	0	0%	
Idaho	3	0.77%	█
Illinois	20	5.15%	█
Indiana	34	8.76%	█
Iowa	9	2.32%	█
Kansas	5	1.29%	█
Kentucky	0	0%	
Louisiana	2	0.52%	█
Maine	23	5.93%	█
Maryland	1	0.26%	█
Massachusetts	3	0.77%	█
Michigan	16	4.12%	█
Minnesota	17	4.38%	█
Mississippi	1	0.26%	█
Missouri	13	3.35%	█
Montana	25	6.44%	█
Nebraska	6	1.55%	█
Nevada	0	0%	
New Hampshire	3	0.77%	█
New Jersey	9	2.32%	█
New Mexico	0	0%	
New York	15	3.87%	█
North Carolina	1	0.26%	█
North Dakota	5	1.29%	█
Ohio	9	2.32%	█
Oklahoma	30	7.73%	█
Oregon	2	0.52%	█
Pennsylvania	12	3.09%	█
Rhode Island	1	0.26%	█

South Carolina	1	0.26%	█					
South Dakota	6	1.55%	█					
Tennessee	3	0.77%	█					
Texas	9	2.32%	█					
Utah	1	0.26%	█					
Vermont	0	0%						
Virginia	5	1.29%	█					
Washington	6	1.55%	█					
West Virginia	1	0.26%	█					
Wisconsin	14	3.61%	█					
Wyoming	2	0.52%	█					
Total Responses	388			20%	40%	60%	80%	100%