

ARKANSAS LEGISLATIVE TASK FORCE ON AUTISM
MEETING MINUTES
JANUARY 17, 2014

The Arkansas Legislative Task Force on Autism met Friday, January 17, 2014, at 1:00 p.m., in Room 130 of the State Capitol, Little Rock, Arkansas. Senator Uvalde Lindsey, Senate Co-Chair, and Representative Randy Alexander presided.

Task Force members present were Senator Uvalde Lindsey, Representative Mary Broadaway, Ms. Martha Kay Asti, Ms. Karan Burnette, Dr. Loretta Cochran, Dr. Charlie Green, Ms. Glenda Higgs, Dr. Steve Kahler, Ms. Leslie Henson-Kita, Dr. Michael Martin, Ms. Karen Massey, Ms. Kay Michael, Ms. Robin Lockhart (*for Mr. Eric Moxley*), Dr. Tyra Reid, Ms. Linda Rogers, and Ms. Dianna Varady.

Advisory members present were Representative Randy Alexander, Ms. Denise Ennett, and Ms. Veronica Myers.

Senator Lindsey called the meeting to order. The minutes from the December 20, 2013, Arkansas Legislative Task Force on Autism meeting were approved by acclamation.

Presentation of Guidelines on Restraints and Seclusion

Ms. Courtney Salas-Ford, Attorney, Special Education Unit, Arkansas Department of Education (ADE), was recognized to give a PowerPoint presentation (**Exhibit D1**), that summarized ADE's draft guidelines and definitions regarding restraints and seclusion. She said currently there are no federal or state regulations that require school districts to follow ADE restraint and seclusion guidelines. Ms. Ford said school districts develop their own policies and procedures. She said schools must burden the cost of training and materials if they choose to have their personnel trained on how to use restraints. She said ADE formed a committee to research how school districts in other states addressed restraints and presented a draft guideline to ADE administration for their review. Ms. Ford said ADE will gather more data and information regarding restraints and seclusion over the next six months and discuss any changes that need to be made to ADE guidelines.

Ms. Martha Kay Asti, Associate Director Special Education, Arkansas Department of Education (ADE), was recognized to present the Arkansas Department of Education Advisory Guidelines for the Use of Student Restraints in Public Schools draft document (**Exhibit D2-a**), and Physical Restraint/Seclusion Incident Record and Debriefing Report (**Exhibit D2-b**). Ms. Asti said ADE is currently working to have the guidelines available on the Student Management System website by 2015.

Ms. Kitty Cone, Attorney, Disability Rights Center of Arkansas (DRC), was recognized to give a PowerPoint presentation entitled The Protection & Advocacy (P&A) System (**Exhibit D3**). Ms. Cone explained DRC is the P&A system designated to protect and advocate for the legal and civil rights of Arkansans who have disabilities pursuant to federal laws. Under federal laws DRC has the authority to investigate complaints regarding public and private facilities around the state that provide services, supports, and other assistance for individuals with developmental disabilities who are being abused or neglected. Ms. Cone noted that many of the cases she is working on involve children being injured at school from being restrained or secluded. Ms. Cone has advised superintendents they are violating the mandatory reporter law when they fail to report injuries resulting from restraints and seclusion. Ms. Cone believes school personnel want to do the right thing but lack the resources and guidance needed to apply positive behavior supports. She said several cases are being litigated. Ms. Cone said she provided several resource suggestions to school districts that would eliminate using restraints but not all districts were receptive to the resources she suggested.

Representative Alexander suggested ADE modify their guideline to read that principals should attempt to notify parents the same day of the incident so parents can document any bruising or other physical harm their child may have encountered. Representative Alexander noted that school districts should be prohibited from using prone restraint because it inflicts the most serious physical injuries on the student. Representative Alexander suggested ADE develop recommendations that require school districts to follow ADE guidelines.

Ms. Varady feels restraints could be eliminated if school teachers received functional behavior assessment and positive behavior support training as part of their professional development hours. Ms. Varady feels parents and school districts can prevent escalating behavior and receive positive outcome from children if they will determine why that child is engaging in improper behavior.

Ms. Cochran explained how Dr. Ross Green's Collaborative Problem Solving (CPS) curriculum is an effective program that parents and school districts can use to eliminate restraints. Ms. Cochran feels autistic children lack the coping skills and ability to engage in good behavior. She said if school districts and parents work together, they will see a positive outcome in the child's behavior.

Senator Lindsey listed several discrepancies in the ADE guidelines that were not consistent with the United States Department of Education (USDOE) regulations such as:

- ADE omitted "seclusion" in their guidelines.
- ADE omitted "least restrictive" language.
- ADE's guidelines regarding prone or supine restraints reads "should only be used", USDOE regulations read prone or supine restraints "should never be used".
- USDOE regulations noted that when a school uses multiple restraints on a child, it's an indication that something is wrong.

Senator Lindsey suggestions to ADE:

- ADE's restraint and seclusion guidelines should parallel USDOE's twelve criteria.
- ADE should require schools to use constant, visual evaluation and monitoring when using restraints.
- ADE should add a field in their tracking mechanism that lists the number of multiple restraints used on a child, in a classroom, and from a school staff.
- Each restraint incident report should have the parents' signature.
- ADE should advise school districts that any technique that is abusive to the student is illegal and must be reported to the appropriate authorities.

Senator Lindsey requested ADE provide staff with ADE Section 20 Rules and Regulations to post online for the task force to view.

Ms. Massey is concerned that the state does not track pre-k students who are being sent home from school due to bad behavior.

Dr. Megan, Witonski, Assistant Commissioner, Learning Services, Arkansas Department of Education, was recognized. Ms. Witonski said that most school superintendents seek guidance regarding model policy from the Arkansas School Board Association (ASBA). Ms. Witonski suggested inviting Mr. Ron Harder, Policy Service and Advocacy Director, ASBA, to speak to the task force regarding policy writing. Also, invite Mr. Richard Abernathy, Executive Director, Arkansas Association of Educational Administrators (AAEA) to speak to the task force.

Meeting adjourned at 3:00 p.m.