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Testimony to the Michigan House Education Committee
Regarding HB 5409 through HB 5418
Offered by Carol Greilick

April 21, 2016 REVISED from Testimony not Presented on April 14, 2016

Chairperson Price and distinguished Education Committee Members, thank you for this opportunity to speak to you. My name is Carol Greilick, and I am the Assistant Superintendent for Special Education at Traverse Bay Area Intermediate School District (TBAISD). TBAISD operates center-based special education programming for approximately 350 students with low incidence conditions in a five-county area and provides related services for approximately 3,000 additional students with Individualized Education Plans in all local districts, public school academies, and registered nonpublic schools in the same area.

In 1989, I was a practicing school psychologist and offered testimony on behalf of the Michigan Association of School Psychologists in support of a ban on corporal punishment in schools to the Senate Education Committee. In 2006, my colleagues and I read carefully the guidance published by the Michigan Department of Education (MDE) titled, "Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint." The care, welfare, safety, and security of students is primary.

TBAISD has always had protocols in place to ensure adherence to these guidelines. We continue to refine our implementation of a multi-tier system of supports and school-wide positive behavior supports to support pro-social behavior. Staff teach skills using the Six Pillars of Character, The Michigan Model, and Positive Behavior Supports. We conduct functional assessments in order to understand individual students' behavior difficulties, identify skills gaps, and arrange the environment to minimize the likelihood of behavior problems. Still, students sometimes pose a threat to the safety of themselves and others; we are obligated to keep both students and staff safe while deescalating a crisis and supporting a student.

We support a ban on non-emergency seclusion and restraint as stated in HB 5411. We support uniform policy and practice regarding the use of emergency seclusion and restraint in Michigan public schools as specified by HB 5409. We ask that you make changes to address the concerns below to provide clarity to ensure the uniform policy and practice, as well as safe implementation that you seek:

5413: Regarding documentation and reporting:

Sec. 1307D (C)(I) encourages districts to "use a trained behaviorist to conduct a functional behavioral assessment." *Trained behaviorist* is not defined anywhere in the package of bills, nor is it addressed in any certification, approval, or licensure in Michigan. We suggest this language be eliminated so that districts are encouraged to "conduct a functional behavioral assessment to inform a student-specific plan."

5414: Regarding an ISD's written "emergency intervention plan" and a human rights committee: The requirement in Sec. 1307E (A) that an ISD write a general *emergency intervention plan* that "provides a clear and detailed description of the procedures to be followed, and potential actions to be taken...along with examples of situation that could result in the use of emergency seclusion or emergency physical restraint" seems contrary to the IDEA requirement that plans addressing a student's needs be individualized. Additionally, there are an unlimited number of emergency situations and to specify in a plan the potential actions to be taken in all such situations is not possible. We suggest that ISDs be required to describe functional assessment to determine appropriate, student-specific plans; identify their staff training curriculum and training schedule; describe de-escalation strategies in crisis situations; and name permitted emergency interventions in a document more accurately titled as *Behavior Intervention Supports*.

Sec. 1307E (A) requires that the plan be "developed and periodically revised in partnership with parents and guardians" and (B) describes a human rights committee that includes three members of the ISD's parent advisory council with the responsibility to ensure training and appropriate staffing levels. We believe such responsibility belongs to the District and does not lie with a committee that includes parents. We suggest that (A) include *parent advisory council* and that (B) refer concerns back to that group, but the group NOT be charged with ensuring adequate staffing or that key personnel are trained. Finally, are the local school districts within the ISD required to follow the plan described in this bill? We suggest that this be specified.

5415: Regarding data collection:

Sec. 1307F (A) requires ISDs to develop data collection systems and (B) (v) requires submission to the Department. Will the Department specify the data to be collected? Are the local districts within the ISD required to report data to the ISD for ISD submission or will data be submitted by each local district? Will the data be submitted through the Michigan Student Data System (MSDS) or some other electronic data base? We further suggest that Sec. 1307F (B)(i) replace the article "the" preceding "school" and "school district" with the word "each" for clarity.

5417: Definitions:

We are concerned that the definition of emergency seclusion in Sec. 1307H (F) specifies that it may not take place in a location that is "outside the usual teaching environment." This is later defined in (V) as a room "regularly accessed by the general student body." TBAISD operates some limited programs in a segregated building; IEP teams may place a student in such a setting when placement in a less restrictive environment has not led to educational progress or has prevented the staff from keeping the student or others safe. We are concerned that we may not be able to maintain the care, welfare, safety, and security of all students if we could not make use of a location outside of the normal teaching environment that is generally accessed by the general student body in some cases in which student safety is at risk or the functional behavior assessment indicates that a student's behavior is reinforced, that is, strengthened, if not taken out of the normal teaching environment so social reinforcement is eliminated. Such restrictions may be contrary to best practice that is informed by applied behavior analysis.

Also "Mechanical Restraint" in (K) should be clarified. Seatbelts, harnesses, and so on are considered mechanical restraints but are not used by the general population in Michigan, so they do not fit the exclusion allowed by the definition. We suggest that this be addressed to allow

seatbelts, harnesses, and other positioning devices when the safety of the student and others is at risk during transport.

In August, 2015 I attended Lt. Governor Calley's Listening Tour in Traverse City, and I thank him for advocating on behalf of vulnerable students. I urge you to consider the negative impact on a district's ability to maintain student and staff safety and the extent to which best practice informed by research would be undermined should the concerns presented here go unaddressed.

Thank you, Chairperson Price and Committee members, for this opportunity to testify regarding our support of a ban on non-emergency seclusion and restraint and to point out important changes that TBAISD believes will ensure student care, welfare, safety, security, and dignity.