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Before the U.S. House of Representatives
Subcommittee on Early Childhood, Elementary, and Secondary Education
Hearing on “Classrooms in Crisis: Examining the Inappropriate Use of Seclusion
and Restraint Practices”

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Rayburn House Office Building
Washington DC

Thank you for this invitation and opportunity to Testifying in favor of the “Keeping All Students Safe Act,” specifically, “To prohibit and prevent seclusion and to prevent and reduce the use of physical restraint in schools, and for other purposes.” And, to discuss comments and questions related to this important federal effort.

I applaud your interest in this Act and its important benefit to children and adults with behavior and mental health challenges, their families, and those educators, and other professionals who dedicate their careers to enhancing the quality of life for these individuals

I am Professor and Carole J. Neag Endowed Chair in the Neag School of Education at the University of Connecticut where I have worked for the past 15 years. Prior to being at UConn I was at the University of Oregon for 21 years. And, prior to that I worked as a special educator in the public schools.

My interests, experiences, and expertise focus on (a) educating students with disabilities, especially, students with behavior challenges; (b) developing positive and preventive classroom and school environments that are safe, respectful, effective, and relevant; (c) identifying and disseminating empirically supported behavior-related practices that range from general to specialized; and, (d) preparing and supporting educators and other school-related personnel with the capacity to delivery these supports through effective and doable implementation systems.

Over the last 20+ years, my colleagues and I have developed an implementation framework with support from the Office of Special Education Programs, U.S. Department of Education under an organizational framework, mostly commonly referenced as “Positive Behavioral Interventions and Supports” (PBIS).

I refer you to our technical assistance website at pbis.org for information about available resources and supports. I also submitted for the record a brief FAQ about the PBIS framework. For the record, I also refer you to a more detailed prepared statement about the importance of the Keeping All Students Safe Act.

I also ask that you review previous efforts on this important topic which I’ve included as selected resources. For example, in my preparation for this testimony, I re-read previous testimony by Dr. Daniel Crimmins in School of Public Health at Georgia State University.

On July 12, 2012, Dan testified before H.E.L.P. on a hearing titled “Beyond Seclusion and Restraint: Creating Positive Learning environments for All Students.” In this testimony, Dan provides an excellent summary related to definitions; prevalence; need for technical assistance, training, and research; and state level rule adoption to prohibit use of restraint and seclusion (R/S).

I also refer you to samples of excellent position statements by a number of experienced professional organizations that have presented clear evidence and solutions for the prohibition of the use of R/S, including, Council for Exceptional Children, Council for Children with Behavior Disorders, Association for Positive Behavior Supports, Association for Applied Behavior Analysis, Association of University Centers on Disabilities, and Association of School Psychologists

These are only a few examples of organizations many that provide clear, unified support and evidence for this important Bill.

In the remaining portion of my time, I have 4 messages. First, every student and educator has the right to a safe, respectful, effective, constructive learning environment, especially students who are high-risk for developing challenging behavior or have histories of such behavior.

Second, R/S is not a therapeutic treatment, intervention, or practice. Third, effective, empirically-supported, and relevant tools, practices, and systems are available for achieving safe, respectful, and constructive teaching and learning environments

Fourth, efforts like this Act are needed at the federal level to increase and maintain our focus on ensuring that we have the motivation, capacity, and

opportunity to protect all our children from harm at the classroom, school, district, and state levels by (a) increasing our attention to the teaching of the social, emotional, and behavior skills needed for academic, personal, interpersonal success; (b) arranging our teaching and classrooms so that behavior challenges are less likely to develop and occur and prosocial skills are more likely to be observed; (c) providing our educators and other school personnel with formal opportunities to learn, implement, and adjust the most effective and relevant behavior support practices; and (d) empowering school administrators, family and community members, professional organizations, and personnel training institutions to work collaboratively and effectively.

In support of these 4 messages I will use my remaining time to highlight a few considerations.

First, R/S is not a constructive treatment, intervention, or therapy. The evidence is clear that students who experience R/S do not learn proactive skills, but instead develop increased likelihood of future uses of challenging behavior.

They do not develop or maintain positive relationships with others, but instead maintain more negative, and sometimes adversarial, relationships. They do not enhance their capacity to function in more normalized environments, and they do not restore environments and relationships, but instead traumatize, worsen, or break these relationships.

Second, R/S may be required for a small number of crisis/emergency situations where the potential for students to harm self and/or others is eminent. R/S should never be used as a means of (a) enforcing rule violations, (b) assigning punishment, and/or forcing compliance.

Third, challenging behavior does not occur in a vacuum, and severe challenging behavior is likely to be at the end of a chain of escalating behavior interactions. The key word here is “interactions” which means that environmental or interpersonal conditions often “assist” the student to escalate to levels where the potential for harm and injury is elevated such that R/S is required. Many students who have experienced R/S have minor challenging behaviors that are linked to major challenging behavior that are associated with use of R/S.

Fourth, students who are high-risk for developing challenging behaviors or have histories of such behaviors must be provided preventive and constructive supports that (a) teach prosocial skills, (b) remove conditions that promote and weaken development and occurrence of problem behavior, and enhance

conditions that promote and strengthen development and occurrence of prosocial behaviors.

Fifth, school, district, and state leaders must provide multi-tiered organizational, policy, and procedural supports, like PBIS, that enable educators to be effective in preventing and responding to problem behaviors, including R/S.

Multi-tiered support systems, like PBIS, provide this organizational and implementation framework that includes (a) team-based decision making; (b) data-driven problem solving and action planning; (c) continuum of integrated and outcome-aligned empirically supported social, emotional, and behavioral practices; (d) classroom and school-wide teaching, prompting, and encouraging of prosocial expected behaviors for all students and staff and family members; (e) function-based, systemic, specialized, and individualized supports for students who are high risk for developing and/or have a history of serious challenging behavior; and (f) integration of social, emotional, and behavioral development efforts by school, family, and community.

Every effort should be directed to establishing, maintaining, and enhancing these environments in an effort to promote academic achievement and positive social, emotional, and behavioral development.

If done effectively, these efforts will be associated with reductions in the need for R/S and other aversive procedures by increasing the impact of preventive protective factors.

These protective factors include (a) academic engagement and success; (b) regular social skills teaching, prompting, and reinforcement (e.g., problem solving, anger and conflict management, requesting assistance); (c) regular and continuous positive interactions; (d) positive peer and adult mentoring; and (e) fluent use of restorative, de-escalation strategies.

Sixth, educators, family and community members, and other professionals must have opportunities to develop high levels of implementation fluency in the use of effective behavior support practices for all students, but especially, students who are high risk for developing challenging behavior or have histories of such behavior, including, pre-service personnel preparation, in-service professional development, supporting policy and procedural guidelines, preparation of school leaders, cross-disciplinary planning and problem solving, and family and community participation and engagement.

Finally, the challenge is formidable, but achievable; however, efforts thus far have been slow and variable with respect to sustained and scaled policy, funding, implementation, and impact.

The Keeping All Students Safe Act, therefore, is important because

- We must acknowledge the clear and strong messages expressed by professional organizations, researchers, and community and family advocates about the need to formalize our understanding of challenging behavior and the prohibition of the inappropriate use of R/S.
- We must provide informed and effective guidance and protections in response to the inappropriate use of R/S and the potential harm to students, educators, and family members.
- We must provide minimum criteria or benchmarks to motivate, focus, and evaluate improvement efforts at the classroom, school, district, state, and federal levels.
- Finally, we must encourage increased attention to the prevention aspects of supporting the social, emotional, academic, and behavioral development of all students, especially for students with challenging behaviors.

Use of R/S should be considered for exceptional and rare emergency/crisis situations where imminent potential for damage or harm to self, others, or property. R/S actions are not therapeutic interventions or treatments, disciplinary actions, or compliance-forcing responses.

Every student or adult who has risk factors for or history of high-risk behavior should experience actions that enhance protective factors.

- An assessment of the conditions under which high-risk behaviors are likely or have occurred in the past.
- Preplanned and practiced strategies for modifying those high probability conditions, removing triggers, adding prompts for desired behavior, and adding encouragement for displays of more appropriate behavior
- Directly and continuously teaching, practicing, and encouraging more appropriate than high risk behaviors
- Handling crisis/emergency situations should they occur

Every educator should be fluent on

- General strategies that promote a positive, preventive, and supportive classroom and school climate and emphasize establishment of protective factors
- Specific strategies that prevent likelihood of crisis/emergency situations that might require R/S to protect student and others
- Individual behavior support plans for students who have risk factors for or history of high-risk behavior
- Use of de-escalation, safety, and redirection strategies if directly involved in a situation that might require R/S
- Coaching and assistive techniques if indirectly involved in a situation that might require R/S
- Procedures and strategies for analyzing and debriefing crisis/emergency situations and explicitly developing plans to reduce likelihood of future situations

Every school administrator should

- Establish a school behavior-related leadership team to monitor status of classroom and school climate and the status of the social, emotional, and behavioral development of all students
- Establish school-wide behavior support policies that identify outcomes, data, practices, and related systems that support the social, emotional, and behavioral development of all students.
- Provide on-going professional development opportunities to (a) self-assess behavioral competence of school staff members, (b) train on positive behavior support practices and their implementation, and practice use of behavior support practices, including R/S protocols and policies.
- Actively participate in and model efforts to develop and implement school-wide positive behavior support practices and systems.
- Develop and regularly use school data to (a) systematically screen for students with high-risk factors, behaviors, or histories; (b) regularly evaluate status of classroom and school climate and social, emotional, and behavioral status of all students; and (c) assess implementation fidelity of required positive behavior support practices and systems, including R/S policies and procedures.

- Conduct annual evaluation of status of school-wide positive behavior supports that includes status of (a) social, emotional, and behavioral development of all students; (b) individualized, preventive and positive behavior support plans for students who have risk factors for or histories of high-risk behavior; (c) classroom and school climate; (d) implementation fidelity of positive behavior support practices, including R/S policies and procedures; and (d) disciplinary infractions across students, educators, settings, times, and locations.

Every district and state leadership team should

- Establish policies and guidance that supports effective behavior support practice at the school and classroom level.
- Establish integrated, cross disciplinary organizational structures that give priority to student academic, social, emotional, and behavioral development outcomes.
- Give priority to empirically valid practices that align with these outcomes.
- Develop a continuum of behavior support that supports all students, especially students who are high risk for challenging behavior or have histories of such behaviors.
- Ensure that short and long-term funding is in place to support implementation of effective implementation of behavior support.
- Include stakeholders (including students and family and community members) in decisions related to implementation of behavior support.
- Provide adequate funding and opportunity for continuous professional development that considers new and returning school personnel.
- Establish a data and information systems that aligns data collection, summarization, and reporting with important implementation decisions and questions.
- Develop and sustain implementation training and coaching supports at the classroom and school levels.
- Identify, acknowledge, and sustain high fidelity implementation examples that document improvement of student academic, social, emotional, and behavioral development of all students.

I applaud and encourage the effort of this subcommittee to prohibit the inappropriate use of R/S, and I hope my comments give supportive substance to this effort; give hope to students, educators, family and community members, and other care professionals who are concerned about promoting student social, emotional, academic, and behavioral development and preventing harm; and, promote the use of preventive and positive tiered systems of support as a framework for action.

I appreciate this opportunity to provide testimony in favor of the Act, and I look forward to further discussing your questions and comments.

Selected Resources

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FREQUENTLY ASKED QUESTIONS ABOUT PBIS

OSEP National Technical Assistance Center on PBIS

29 June 2018

1. What is Positive Behavioral Interventions and Supports (PBIS)?

- a. PBIS is an implementation **framework** for maximizing the selection and use of evidence-based prevention and interventions practices along a multi-tiered continuum that supports the academic, social, emotional, and behavioral supports of all students
- b. The interplay of 4 **implementation elements** is considered in all decisions
 - i. **Data** – What information is needed to improve decision making
 - ii. **Outcomes** – What students need to do for academic and behavior success
 - iii. **Practices** – What students experience to support the learning and improvement of their academic and behavior success, e.g., teaching, prompting, and recognizing expected social behaviors
 - iv. **Systems** – What do educators experience to support their use of evidence-based academic and behavior practices, e.g., school leadership teams, data-based decision making, continuous professional development and coaching
- c. The multi-tiered “**continuum**” is comprised of carefully selected, evidence-based practices at three different levels of support intensity. Specific practices are matched both to the level of support need, and the local cultural context
 - i. **Tier 1: Universal practices** are experienced by all students and educators across all settings to establish a predictable, consistent, positive and safe climate
 - ii. **Tier 2: Targeted practices** are designed for groups of students who need more structure, feedback, instruction and support than Tier 1 alone
 - iii. **Tier 3: Indicated practices** are more intense and individualized to meet the challenges of students who need more than Tiers 1 and 2 alone

2. What is the PBIS Center?

- a. Brief History
 - i. Initiated in 1997 and supported for the past **20 years** by the Office of Special Education Programs, US. Department of Education.
 - ii. Co-directed by Universities of OR, CT, and MO and comprised of a working group of 25 technical assistance providers

- iii. Began providing in 2013 TA support to 70 LEA and 20 SEA School Climate Transformation Grantees (OESE funding)
- iv. Currently (August 2017), the PBIS Center and it's national network support **26,316 schools, representing 13,896,697 students**
 - 1. Of 14,324 reporting Tier 1 fidelity in 2016-17, 9564 (65%) report high fidelity implementation
 - 2. Of 9407 reporting T2/3 fidelity, 3114 (33%) and 1837 (19%) report high fidelity, respectfully

3. Technical assistance (TA)

- a. Direct on-site TA to district and state leadership teams to enhance their capacity to establish and maintain a full continuum of implementation capacity for schools
- b. Indirect TA to school, district, and state leadership teams through websites, on-line webinars, regional and national conferences and forums, research and practitioner briefs, national database, and collaborations with other TA Centers and national organizations
- c. Facilitation of a national TA network of implementers comprised of (a) designated state contact person for each state, (b) assignment of PBIS Center partner to each state, and (c) regional coordination networks
- d. Collection and development of published evaluation and research articles that support implementation practices and systems

4. What do students and staff members gain in PBIS schools?

- a. All **students** enhance their social, emotional, and behavioral competence by
 - i. Regularly reviewing their school's agreed upon school-wide social values.
 - ii. Frequently experiencing specific recognition when they engage in expected behavior
 - iii. Extending expected behaviors to all parts of the school, especially in classrooms to enhance their academic engagement and success
 - iv. Experiencing predictable instructional consequences (reteaching) for problem behavior without inadvertent rewarding of problem behavior
 - v. Using a common language for communication, collaboration, play, problem solving, conflict resolution, and securing assistance
- b. All **educators** develop positive, predictable, and safe environments that promote strong interpersonal relationships with their students by
 - i. Prompting, modeling, teaching, and acknowledging expected student behavior

- ii. Actively supervising all their students across all settings
- iii. Maximizing academic instruction to enhance student achievement and support social, emotional, and behavioral development
- iv. Providing clear and predictable consequences for problem behavior and following up with constructive support to reduce probability of future problem behavior
- v. Intensifying their PBIS supports (T2/3) if students are unresponsive to universal practices (T1)

5. What do students and educators experience when PBIS is implemented with fidelity over time?

- a. Reductions in major disciplinary infractions, antisocial behavior, and substance abuse.
- b. Reductions in aggressive behavior and improvements in emotional regulation.
- c. Improvements in academic engagement and achievement.
- d. Improvements in perceptions of organizational health and school safety.
- e. Reductions in teacher and student reported bullying behavior and victimization.
- f. Improvements in perceptions of school climate.
- g. Reductions in teacher turnover.

6. How does PBIS contribute to the development of positive school climate, school safety, and student-educator relationships?

- a. In the context of school and community violence, a majority of kids consider school a safe place.
- b. Perceptions of safety are greater when students have an adult they can talk with, go to, receive support from, etc.
- c. Adult-student trusting relationships are the result of positive school and classroom climate, experiences of academic and social success, predictable school routines and supports, positive adult modeling.
- d. PBIS/MTSS framework provides a continuum of supports that enables educators to address the full range of student needs and experiences.

7. What is needed to put PBIS in place?

- a. At **district** level
 - i. Superintendent and school board endorsement
 - ii. Data-based decision making and problem solving
 - iii. Implementation leadership team
 - iv. Integrated initiative priority

- v. Implementation capacity
- vi. Multi-tiered systems approach and expertise
- vii. Policy supporting efficient and long term behavior support priority
- viii. Continuous and embedded professional development opportunities

b. At **school** level

- i. School Principal participation and modeling
- ii. School leadership team
- iii. Data-driven decision making
- iv. 3-5 year implementation investment
- v. Integrated initiative priority
- vi. Data-based decision making and problem solving
- vii. Implementation practice and systems capacity
- viii. Multi-tiered systems approach and expertise
- ix. Continuous and embedded professional development opportunities
- x. Participation by all staff members across all settings

c. At **classroom** at classroom

- i. Integration with school-wide expectations and classroom practices
- ii. Teacher participation in non-classroom settings
- iii. Effective instructional practices
- iv. Daily use of effective classroom management practices
- v. Peer collaborations and support

8. What is **NOT** PBIS?

- a. PBIS is **NOT** an intervention or practice.
 - i. PBIS **IS** an implementation framework for selection and use of proven practices
- b. PBIS is **NOT** just for special education students.
 - i. PBIS support the academic, social, emotional, and behavioral success of **ALL** students.
- c. PBIS is **NOT** a fad.
 - i. PBIS Center has been in place for 20 years and the PBIS framework is visible in all 50 states.
 - ii. The practices within PBIS have been used successfully in schools and documented in research literature since the 1980s.
- d. PBIS is **NOT** implementable in one professional development day.

- i. PBIS develops local organizational structures (e.g., leadership teams) and implementation capacity (e.g., coaching and data-based decision making) that enables continuous and local professional development and technical assistance.
- e. PBIS is NOT focused only on promoting positive behaviors.
 - i. PBIS develops preventive supports to enhance and align with the procedures outline in discipline handbooks and codes of conduct.
- f. PBIS is NOT implemented independently of academic instruction.
 - i. PBIS practices and systems are aligned with and integrated into academic instruction, professional development, school improvement goals, etc.
- g. PBIS is NOT a replacement for other effective social, emotional, and behavioral curricula and practices.
 - i. PBIS establishes a continuum framework that guides alignment and integration of practices aligned with prioritized student outcomes.
 - ii. PBIS provides the systems and organizational structure that align with social emotional learning, restorative practices, the Good Behavior Game, and other proven practices.

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