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Vermont House Committee on Education
Testimony on restricting the use of restraints and seclusion in schools
(H.409)
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Presented by
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Good afternoon Chairman Conlon and distinguished members of the House Committee on Education. Thank you for providing this opportunity to share my experiences as a school superintendent on the topic of the use of restraint and seclusion in public schools.

My name is Mike Leichter. I began my tenure as Superintendent of the Harwood Unified Union School District in Washington County on July 1, 2022. While I am in my first year as a school superintendent in Vermont, I have 32 years of experience as a teacher and administrator in eastern Pennsylvania in urban, suburban, and rural settings including 13 years as a school superintendent in a Lancaster, Pennsylvania school district of 5400 students.

I wish to note that while I am a member of the Vermont Superintendents Association, I am not speaking for the Association and that the Association does not yet have a position on the bill. Jeff Francis, executive director, expects that the Association will take a position on the bill in the future.

The use of physical restraints in schools is intended to be a late-stage intervention, typically reserved for incidents where students have not responded to de-escalation techniques and pose a safety risk to themselves or others. National data suggests that the use of restraints has remained consistently high since 2009-2010 when school districts were first required by the U.S. Department of Education to report data on restraints.

In April 2022, prior to my arrival as superintendent, the Harwood Unified Union School Board received public comment indicating concerns with the school district's use of restraint and seclusion in the school district in general and at Brookside Primary School in particular. In addition to concerns raised about the general use of restraint and seclusion, it was noted that the use of prone restraint was particularly troubling based upon the safety concerns with prone restraint that gained national attention in 2020 with the death of George Floyd.

It was noted that Harwood's data from the 2017-2018 school year submitted by the school district to the US Department of Education, Office of Civil Rights indicates that the frequency of restraints, in general, in the school district was well above the state average (281 reported incidents at Brookside alone in that year). While prone restraints represents a very small number of that overall total, it was still of concern to many in our community.

After extensive conversations upon my arrival in July the administrative team concurs with this concern. It is our belief that moving away from prone and supine restraints as well as the use of seclusion reflects a more current, comprehensive understanding of student behavior and our commitment to a more compassionate, appropriate way to support our students. As a result, I placed a districtwide moratorium on the use of prone/supine restraint effective with the start of this school year. Additionally, our administrative team identified multiple short-term and long-term student needs, additional academic social/emotional support needed for at-risk students, training needs of staff, as well as alternative approaches to restraint/seclusion in order to reduce our overall use of both restraint and seclusion. Additionally, the Harwood School Board has been working on a new policy to provide clear direction to the school district on the use of restraints and seclusion in schools.

While the 2017 data may merit further analysis and improvement, we are pleased to report that the total number of restraints used at Brookside has been declining and that there is a downward trend that is consistent across the entire school district. It is important to note that neither prone nor supine restraints have been used in Harwood schools this year. A year to date comparison shows the following trends:

August 26, 2021 - March 20, 2022 = 129 restraints (30 seclusions)

August 29, 2022 - March 20, 2023 = 38 restraints (0 seclusions)

This reduction in the use of all permitted restraints is the result of a concerted effort to reduce the use of restraints and seclusion. It involves hard work on the part of teachers, support staff, administrators, and our community mental health partners. We are placing an emphasis on both increased training in de-escalation techniques along with a critical eye on the actual implementation of restraints. While we have more work to do, the data suggests that consistent and sustained focus can produce positive outcomes.

One of the reasons I was attracted to living and working in Vermont is due to the state's strong and positive reputation for inclusivity. I have been impressed with the desire of our schools to educate all students in a mainstream setting closest to the child's home. Educators work closely with families so that either out-of-district or residential placements are a last resort. While this is commendable, it can also present unique challenges with many of our at-risk students. In addition to a ban on both seclusion as well as restraints that restrict breathing including prone and supine, I encourage the legislature to increase financial support for technical assistance and training for schools through the Agency of Education.

Schools want to focus on learning while also ensuring that all students' are safe and their academic and emotional needs are met. I encourage the committee to continue to work on making schools safer by through the provisions of House Bill 409.

Thank you for your consideration.