

SECLUSION, RESTRAINT, AND ABUSE/MISTREATMENT OF CHILDREN WITH DISABILITIES IN PUBLIC SCHOOLS

LOUISIANA DEPARTMENT OF EDUCATION

PERFORMANCE AUDIT SERVICES

Issued December 11, 2024

**LOUISIANA LEGISLATIVE AUDITOR
1600 NORTH THIRD STREET
POST OFFICE BOX 94397
BATON ROUGE, LOUISIANA 70804-9397**

LEGISLATIVE AUDITOR
MICHAEL J. "MIKE" WAGUESPACK, CPA

FIRST ASSISTANT LEGISLATIVE AUDITOR
BETH Q. DAVIS, CPA

DIRECTOR OF PERFORMANCE AUDIT SERVICES
KAREN LEBLANC, CIA, CGAP, MSW

PERFORMANCE AUDIT MANAGER
GINA V. BROWN, CIA, CGAP, CRMA, MPA

AUDIT TEAM
MISTY PERRY, CIA, MBA
ALISON BUTTS, MA

Under the provisions of state law, this report is a public document. A copy of this report has been submitted to the Governor, to the Attorney General, and to other public officials as required by state law. A copy of this report is available for public inspection at the Baton Rouge office of the Louisiana Legislative Auditor and online at www.la.la.gov. When contacting the office, you may refer to Agency ID No. 9726 or Report ID No. 40220033 for additional information.

This document is produced by the Louisiana Legislative Auditor, State of Louisiana, Post Office Box 94397, Baton Rouge, Louisiana 70804-9397 in accordance with Louisiana Revised Statute 24:513. Six copies of this public document were produced at an approximate cost of \$10.35. This material was produced in accordance with the standards for state agencies established pursuant to R.S. 43:31.

In compliance with the Americans With Disabilities Act, if you need special assistance relative to this document, or any documents of the Legislative Auditor, please contact Jenifer Schaye, General Counsel, at 225-339-3800.

December 11, 2024

The Honorable J. Cameron Henry, Jr.,
President of the Senate
The Honorable Phillip R. DeVillier,
Speaker of the House of Representatives

Dear Senator Henry and Representative DeVillier:

This report provides the results of our evaluation of the Louisiana Department of Education's (LDOE) oversight of the use of seclusion and restraint for students with disabilities, as well as our evaluation of Louisiana's laws and regulations related to allegations of staff abuse of students with disabilities.

We found that while LDOE is not required by state or federal law to monitor how school systems use seclusion and restraint, such monitoring would help ensure students with disabilities are provided with the protections specified in state law. LDOE stated that it does not have the legal authority to conduct this monitoring and would need additional resources to do so. However, we found that while state law does not explicitly require LDOE to monitor how and under what circumstances school systems use seclusion and restraint, it does give LDOE this authority.

We found as well that LDOE could improve the way it reviews seclusion and restraint data submitted by school systems so it can identify systems that may be underreporting. For example, in academic year 2023-2024, 115 (72.3%) of 159 school systems reported zero incidents of seclusion and restraint.

We also found that while school systems are required by state law to submit their seclusion and restraint policies to LDOE, the department does not review these policies to ensure they contain required provisions. Out of the 50 policies we reviewed, 46 (92.0%) were missing important required information.

While recent legislation clarified Louisiana's mandatory reporter law, a review of school systems' policies and interviews with staff considered to be mandatory reporters found that allegations of abuse committed by school personnel still may not be reported as required by state law.

We found, too, that unlike other states, Louisiana does not have a process to ensure teachers who abuse, improperly use seclusion or restraint, or otherwise mistreat students have their certification sanctioned if they have not been criminally convicted. In addition, Louisiana does not have a central registry of

school employees who have not been certified by the Board of Elementary and Secondary Education who have abused or mistreated students.

The Legislature provided LDOE with \$8.8 million in state general funds to help school systems to install and maintain cameras in self-contained special education classrooms. As of August 2024, according to LDOE, 66 (39.8%) of the 166 school systems had installed cameras using \$2.8 million (31.8%) of the \$8.8 million provided.

The report contains our findings and recommendations. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the Louisiana Department of Education for its assistance during this audit.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA
Legislative Auditor

MJW/aa

SPED

Louisiana Legislative Auditor

Michael J. “Mike” Waguespack, CPA



Seclusion, Restraint, and Abuse/Mistreatment of Children with Disabilities in Public Schools Louisiana Department of Education

December 2024

Audit Control #40220033

Introduction

We evaluated how Louisiana addresses seclusion, restraint, and abuse/mistreatment of students with disabilities in elementary and secondary public schools. We reviewed seclusion and restraint practices because a 2023 U.S. Department of Education’s (U.S. ED) Office for Civil Rights (OCR) report¹ found that students with disabilities nationwide make up 14% of total K-12 student enrollment, but account for 81% of students physically restrained, and 75% of students secluded. Additionally, while we were unable to identify statistics showing the number of incidents of abuse or mistreatment of students with disabilities in Louisiana, research found² that children and adolescents with disabilities globally are approximately twice as likely to experience physical, emotional, or sexual violence, or neglect as young people without disabilities. This is our third report on special education in Louisiana³ and contains two areas: one relating to seclusion and

A student with a disability means a child evaluated as having one of the following exceptionalities: an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

Source: 20 USCA § 1401(3)(A)

¹ U.S. Department of Education, Office for Civil Rights. (2023). A First Look: Students’ Access to Educational Opportunities in U.S. Public Schools. <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/crdc-educational-opportunities-report.pdf>

² The Lancet. (2022). *Global Estimates of Violence Against Children with Disabilities: An Updated Systematic Review and Meta-Analysis* [https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(22\)00033-5/abstract](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(22)00033-5/abstract)

³ Our first report on LDOE’s complaint process was issued September 2023 ([https://app.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/\\$file/00001s28.pdf?openelement&.7773098](https://app.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/$file/00001s28.pdf?openelement&.7773098)) and our second report on LDOE’s risk-based monitoring of special education services was issued May 2024 ([https://app2.lla.state.la.us/publicreports.nsf/0/9971a4a5105df4be86258b1e0063d5db/\\$file/000047fc.pdf?openelement&.7773098](https://app2.lla.state.la.us/publicreports.nsf/0/9971a4a5105df4be86258b1e0063d5db/$file/000047fc.pdf?openelement&.7773098))

restraint, and one relating to abuse/mistreatment of students receiving special education services.

Seclusion and Restraint

Seclusion and Restraint Regulations. While the federal Individuals with Disabilities Education Act (IDEA) does not specifically mention seclusion and

restraint, it requires LDOE to ensure that all children with disabilities are provided a free appropriate public education (FAPE) in the least restrictive environment, that educational services are designed to meet their unique needs, and that their rights and their parents' rights are protected.⁴ Unlike IDEA, Louisiana state law⁵ specifically addresses seclusion and restraint. State law provides protections to students with exceptionalities and outlines rules that school systems must follow. For example, it limits seclusion and restraint to be used as a **last resort** for behaviors that present a threat of **imminent harm** to the student or others. It also bans restraints that place excessive pressure on the student's chest or back, bans mechanical restraint, requires students to be continuously monitored, ensures parents are notified, and specifies other guidelines for the use of seclusion and restraint. Furthermore, under this law, school systems are required to submit seclusion and restraint policies to LDOE.

There are multiple ways in which the use of restraint or seclusion might deny FAPE. For example, the use of restraint or seclusion may have a traumatic impact on that student, such that even if they were never again restrained or secluded, they might nevertheless have new academic or behavioral difficulties that, if not addressed promptly, could constitute a denial of FAPE. That traumatizing effect could manifest itself in new behaviors, impaired concentration or attention in class, or increased absences, any of which could, if sufficiently severe and unaddressed, result in denial of FAPE for that student. Other effects could include socially withdrawn behavior, or diminished interested or participation in class.

Source: U.S. ED's OCR 2016 Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities (<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-201612-504-restraint-seclusion-ps.pdf>)

Types of Seclusion and Restraint. Both physical restraint and seclusion are allowed by state law in Louisiana.

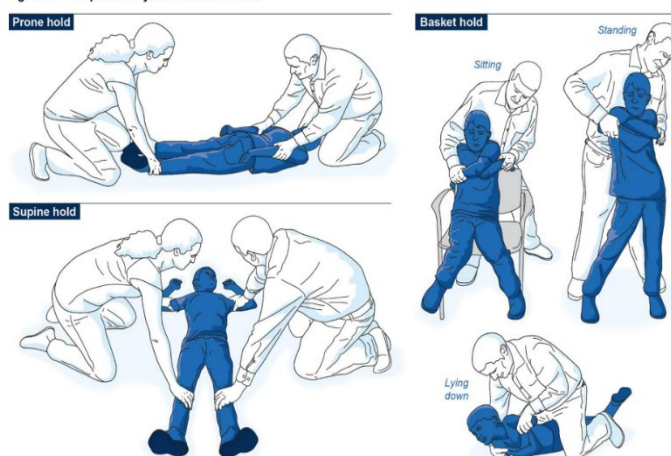
⁴ 20 United States Code Annotated (USCA) § 1400(d).

⁵ Louisiana Revised Statute (R.S.) 17:416.21

- ***Physical restraint*** refers to a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. Physical restraint is allowed by state law as long as it does not interfere with the student's ability to breathe. Throughout the report we will refer to this as restraint. Exhibit 1 shows examples of physical restraint holds.

Exhibit 1 Examples of Physical Restraint Holds

Figure 1: Examples of Physical Restraint Holds



Source: April 2020 GAO Report – Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data.

- ***Seclusion***⁶ refers to the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion rooms must be free of any object that poses a danger to students, have an observation window, and have a ceiling height, heating, cooling, ventilation, and lighting systems comparable to other classrooms. Exhibit 2 shows examples of seclusion rooms in Louisiana elementary schools.

⁶ Seclusion does not include timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Exhibit 2 Examples of Seclusion Rooms in Louisiana Elementary Schools



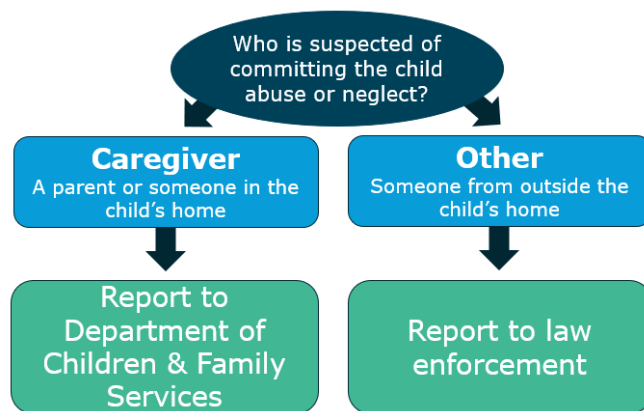
Source: Prepared by the legislative auditor’s staff using pictures from schools in Louisiana.

Abuse/Mistreatment

Abuse/Mistreatment Regulations. Louisiana has established the following regulations that help address abuse and/or mistreatment in school systems by school personnel.

- Mandatory Reporting.** State law designates teachers and other school staff⁷ as mandatory reporters which means they are required by law to report abuse or neglect of a child and failure to report can result in being fined and/or imprisoned. According to state law⁸, the person suspected of child abuse or neglect dictates which agency the mandatory reporter contacts to file a report. As shown in Exhibit 3, if the alleged perpetrator is someone other than a caregiver, law enforcement is

Exhibit 3 Abuse Reporting Requirements



Source: Prepared by legislative auditor’s staff using Louisiana’s mandatory reporting law.

⁷ As defined in Children’s Code Article 603, this includes a teacher’s aide, instructional aide, school principal, school staff member, school resource officer, bus driver, coach, social worker, or provider, or any individual who provides these services to a child in a voluntary or professional capacity.

⁸ Children’s Code Article 610

required to be notified. According to LDOE, they do not investigate any allegations of abuse.

- **Cameras in Self-Contained Classrooms.**⁹ In 2021, legislation was passed¹⁰ requiring schools to install cameras in self-contained classrooms upon a parental request approved by the school system. Additional legislation was passed requiring schools to adopt camera policies no later than December 31, 2022, for the installation and operation of cameras that record both video and audio in a self-contained classroom.¹¹ Schools were also required to submit a copy of these policies to LDOE no later than January 15, 2023. State law mandates these policies include specific provisions including procedures on how parents can request cameras to be installed.
- **Teacher Certifications.** According to state law,¹² the Louisiana State Board of Elementary and Secondary Education (BESE) prescribes the qualifications and provides for the certification of teachers in accordance with applicable law, which qualifications and requirements shall ensure that certification shall be a reliable indicator of the minimum current ability, the proficiency of the teacher to educate at a certain grade level, and in the subjects to which the teacher is assigned. BESE is also responsible for imposing sanctions on teachers' certifications in accordance with state law.¹³ LDOE implements and maintains teacher certification procedures as mandated by legislation and BESE policy.

This audit had the following objectives:

Objective 1: To evaluate LDOE's oversight of the use of seclusion and restraint for students with disabilities.

Objective 2: To evaluate Louisiana's laws and regulations regarding abuse allegations perpetrated by school staff on students with disabilities.

Our results are summarized in more detail throughout the remainder of the report. Appendix A contains LDOE's response to this report. Appendix B details our scope and methodology. Appendix C contains excerpts of select parent survey responses regarding students' experiences with seclusion and restraint. Appendix D provides, by school system and year, the number of seclusion and restraint incidents, the number of students secluded and restrained, and the total number of

⁹ A self-contained classroom is an educational setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more of these classrooms for at least fifty percent of the instructional day.

¹⁰ Act 456 of the 2021 Regular Legislative Session

¹¹ A self-contained classroom is an educational setting in which a majority of students in regular attendance are provided special education and related services and are assigned to one or more of these classrooms for at least fifty percent of the instructional day.

¹² R.S. 17:7(6)

¹³ R.S. 17:8.9

students receiving special education services. Appendix E provides LDOE’s Seclusion and Restraint Guidance Document. Appendix F lists the crimes for which BESE is required to revoke a teacher’s certification once they are convicted.

Objective 1: To evaluate LDOE’s oversight of the use of seclusion and restraint for students with disabilities.

- **While LDOE is not required by state or federal law to monitor how school systems use seclusion and restraint, monitoring would help to ensure students with disabilities are provided protections in state law.** Given the risk of the negative impacts of improper seclusion and restraint, monitoring to ensure school systems use seclusion and restraint in accordance with protections in state law is vital. Other states and the U.S. Department of Education monitor the use of seclusion and restraint. LDOE stated that it does not have the legal authority to conduct this monitoring and would need additional resources to do so. However, we found that while state law does not explicitly require LDOE to monitor how and under what circumstances school systems use seclusion and restraint, it does give LDOE this authority.
- **LDOE could improve its process of reviewing seclusion and restraint data submitted by school systems to identify systems that may be underreporting. For example, in academic year 2023-24, 115 (72.3%) of 159 school systems reported zero incidents of seclusion and restraint.** LDOE could contact school systems that report no incidents or what appears to be too few incidents of seclusion and restraint to understand potential concerns the department may have with the numbers reported. Collecting accurate data is important to ensure the public and LDOE can make decisions based on reliable data.
- **While school systems are required by state law to submit their seclusion and restraint policies to LDOE, LDOE does not review these policies to ensure they contain provisions that are required to be followed in state law. We reviewed 50 policies and found 46 (92.0%) were missing important information provided in state law.** In addition, while LDOE has provided guidance to school systems relating to what to include in their seclusion and restraint policies and procedures, this guidance could be strengthened.

Our results and recommendations are discussed in more detail below.

While LDOE is not required by state or federal law to monitor how school systems use seclusion and restraint, monitoring would help to ensure students with disabilities are provided protections in state law.

According to the Health, Education, Labor, and Pensions Committee of the U.S. Senate¹⁴, many teachers and school personnel do an outstanding job of educating students with behavioral challenges, including those with disabilities. However, this committee also found there have been a number of families whose children have been physically or emotionally harmed by the use of seclusion and restraint, including children in Louisiana. Additionally, a 2009 Government Accountability Office (GAO) report¹⁵ on seclusion and restraint documented “hundreds of cases of alleged abuse and death related to the use of these methods on school children.” These cases of alleged abuse occurred throughout the nation, but the report did not state if any were in Louisiana.¹⁶ The U.S. Department of Education (U.S. ED)¹⁷ recommends that the use of seclusion and restraint should be avoided to the greatest extent possible to avoid endangering the safety of students and staff and, in all circumstances, should never harm a child. Finally, the U.S. ED states that there is no evidence that using seclusion or restraint is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques. In Louisiana, the legislature passed the following protections in state law:¹⁸

- No student is restrained in a manner that places excessive pressure on the student's chest or back or that **causes asphyxia**.

Excerpts from Two Parent Survey Responses

- “Four [school officials] pinned him to the ground in restraint that was banned at the district level because it is known to cause **positional asphyxiation**. The school called me to pick him up, I walked into the ISSP room and saw [School Official] pinning him to the ground. Also, I never received an official report of the restraint.”
- “My son described being ‘**sat on**’ and ‘**suffocated**’ and a staff member reported viewing this occurring through a classroom window but asked to remain anonymous. The restraints and seclusions he experienced were so traumatic that his life and ours are forever changed.”

Source: LLA 2023 SPED Parent Survey

¹⁴United States Senate Health, Education, Labor, and Pension Committee: Dangerous Use of Seclusion and Restraints in Schools Remains Widespread and Difficult to Remedy: A Review of Ten Cases, February 2014 (<https://files.eric.ed.gov/fulltext/ED544755.pdf>)

¹⁵United States Government Accountability Office: Seclusions and Restraints, Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers, May 2009 (<https://www.gao.gov/assets/gao-09-719t.pdf>)

¹⁶ We researched and could not find more reliable recent studies of injuries or deaths relating to seclusion and restraint in schools in Louisiana.

¹⁷ U.S. Department of Education: Restraint and Seclusion Resource Document, May 2012 (<https://www.ed.gov/sites/ed/files/policy/seclusion/restraints-and-seclusion-resources.pdf>)

¹⁸ R.S. 17:416.21, Passed in 2011, Last amended in 2017

- Seclusion and restraint are used **as a last resort** for behaviors that present a threat of **imminent harm** to the student or other students and is not used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel.
- Students are not to be placed in seclusion or restraint if he or she is known to have any **medical or psychological condition** that precludes such action.
- Seclusion rooms are **free from any object that poses danger** and have an observation window of an appropriate size.
- Students are **continuously monitored** during seclusion and restraint incidents.
- **Parents are notified** of each incident of seclusion or restraint as soon as possible and also in writing within 24 hours.
- A student's **Individualized Education Program Plan is reviewed** and the student's behavior intervention plan is revised to include any appropriate and necessary behavioral supports once a student has five seclusion and/or restraint incidents in a single school year.
- Adopting written procedures that include **training requirements** relating to seclusion and restraint.

LDOE receives and investigates allegations from parents, which could include allegations of seclusion and restraint violating IDEA's free and appropriate education (FAPE) requirement. Given the results of our September 2023 report on LDOE's complaint process¹⁹ and the risk of the negative impacts of improper seclusion and restraint, monitoring to ensure school systems use seclusion and restraint in accordance with protections in state law is vital.

LDOE does not monitor whether school systems seclude and restrain students with disabilities to ensure these students are afforded the protections in state law.²⁰

According to LDOE staff, it does not have the legal authority to monitor school systems' use of seclusion and restraint and would need additional resources to do so. However, we found that while state law does not explicitly require LDOE to

According to both the federal IDEA law and LDOE's mandates under R.S. 17:416.21, LDOE may, but is not required to, be more proactive in its monitoring of the use of seclusion and restraint to ensure school systems are providing a safe and supportive learning environment for students with disabilities. Such monitoring will indirectly assist in ensuring that the provisions of IDEA are being met.

¹⁹[https://app2.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/\\$file/0000Is28.pdf?openelement&.7773098](https://app2.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/$file/0000Is28.pdf?openelement&.7773098)

²⁰ R.S. 17:416.21

monitor how and under what circumstances school systems use seclusion and restraint, it does give LDOE this authority. In place of state monitoring, each school system is independently responsible for ensuring that they use seclusion and restraint in accordance with state law. However, our surveys of parents and special education staff (e.g., special education teachers, general education teachers teaching students with disabilities, paraprofessionals, etc.) indicate potential misuse of seclusion and restraint in school systems. For example, when we asked in what circumstances special education staff would use seclusion, 195 (27.4%) of 712 special education staff who responded²¹ to this question *did not* say that they would only use seclusion as a last resort for behaviors that involve an imminent risk of harm, which is required in state law. Instead, some staff explained that they would use seclusion when students were being loud, when students were destroying property, when behavior was disruptive, when a student needed to calm down, or was having a tantrum. All of these responses do not meet the requirement in state law that seclusion should be used only as a last resort, nor do they align with guidance provided by the U.S. ED. Appendix C includes parent and staff survey responses that demonstrate the need for monitoring the use of seclusion and restraint.

Other states²² and the U.S. ED’s Office of Civil Rights (OCR) monitor the use of seclusion and restraint. For instance, since January 2019, the OCR has completed a limited number of compliance reviews²³ focused on the inappropriate restraint and seclusion of students with disabilities. None of these reviews have been in Louisiana. The Maryland State Department of Education also monitors school systems to ensure staff are receiving training, incidents are documented consistently, and school systems are following state regulations. Lastly, the Florida Department of Education monitors school systems to ensure they are complying with state seclusion and restraint laws. For seclusion and restraint, Florida reviews individualized education programs, functional behavioral

U.S. ED’s Office of Civil Rights (OCR) findings for school systems in other states included:

- Student resource officers that were not properly trained were involved in restraint incidents
- Gaps in documentation
- Failure to provide clear notice to parents/guardians
- Untrained staff using prone restraint
- Failure for staff to re-evaluate students for additional supports after frequent restraint
- Several students who were repeatedly restrained were diagnosed with PTSD but were not re-evaluated or provided services to address this additional diagnosis.

Source: U.S. ED’s Website (https://ocrcas.ed.gov/ocr-search?sort_order=ASC&sort_by=field_recipient_name&keywords=seclusion*)

²¹ Not all respondents answered every question on the surveys (i.e., not applicable).

²² For this report we reviewed 10 other states’ practices (Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, Maryland, Oklahoma, Virginia, and Texas) and were able to find evidence that Florida and Maryland have monitored school systems’ use of seclusion and restraint.

²³ Agency-initiated investigations which target problems that U.S. ED has determined are particularly acute.

assessments, behavior intervention plans, discipline records, parent notification letters, and observes classrooms. As a result of these reviews, Florida required school systems to provide training for developing functional behavior assessments and behavior intervention plans, provide additional mental health services, and revise the school system’s notifications to include a reference to injuries related to seclusion or restraint.

LDOE could monitor Louisiana school systems’ use of seclusion and restraint to determine if these issues are occurring and, if they are, make recommendations for improvements. For instance, LDOE already conducts monitoring of school systems’ special education services and could incorporate these reviews into this process. LDOE stated it needs additional legal authority and staff to monitor seclusion and restraint. LDOE also stated that although it is not monitoring for seclusion and restraint, it does focus on addressing antecedents for behaviors in order to prevent reactive outcomes, which will hopefully limit the instances of seclusion and restraint. This included developing a Positive Behavior Interventions and Supports (PBIS) Consortium State Plan, where methods are research-based and proven to significantly reduce the occurrence of problem behaviors in the school, resulting in a more positive school climate and increased academic performance. Louisiana also has two initiatives to expand mental health services in schools (i.e., Social Work Expansion Initiative, and Mental Health Supports Initiative).

Recommendation 1: LDOE should develop a process to monitor school systems’ use of seclusion and restraint of students with disabilities.

Summary of Management’s Response: LDOE partially agrees with this recommendation and stated it agrees with LLA’s assertion that LDOE “is not required by state or federal law to monitor how school systems use seclusion and restraint.” LDOE also agrees with LLA’s conclusion that “state law does not explicitly require LDOE to monitor how and under what circumstances school systems use seclusion and restraint.” However, LDOE disagrees with LLA’s contention that LDOE has the necessary authority to monitor how school systems use seclusion and restraint. See Appendix A for LDOE’s full response.

LLA Additional Comments: According to both the federal IDEA law and LDOE’s mandates under R.S. 17:416.21, LDOE may, but is not required to, be more proactive in its monitoring of the use of seclusion and restraint to ensure school systems are providing a safe and supportive learning environment for students with disabilities. Such monitoring could indirectly assist in ensuring that the provisions of IDEA are being met.

Recommendation 2: LDOE should determine if additional staff and funding is needed to monitor seclusion and restraint and work with the legislature to determine how to meet these staffing needs.

Summary of Management’s Response: LDOE agrees with this recommendation. See Appendix A for LDOE’s full response.

Matter for Legislative Consideration 1: The legislature may wish to consider amending state law to give LDOE the explicit authority to monitor school systems’ use of seclusion and restraint.

LDOE could improve its process of reviewing seclusion and restraint data submitted by school systems to identify systems that may be underreporting. For example, in academic year 2023-24, 115 (72.3%) of 159 school systems reported zero incidents of seclusion and restraint.

State law²⁴ requires school systems to report all instances of seclusion or restraint to LDOE. It also requires that LDOE annually compile a comprehensive report regarding the use of seclusion and restraint of students with disabilities and publish this report on its website. However, according to LDOE, state law does not specifically require LDOE to verify the number of seclusion and restraint incidents self-reported by school systems before posting this information publicly. Nationally, the U.S. ED’s OCR collects data from all states relating to incidents of seclusion and restraint. However, the GAO released a report²⁵ in 2020 that found inaccuracies in this data. Similarly, we found Louisiana’s seclusion and restraint data may not always be complete or accurate. Exhibit 4 details the number of seclusion and restraint incidents self-reported by school systems to LDOE and the number of students with disabilities (SWD) secluded and restrained according to this data. See Appendix D for reported seclusion and restraint data by school system.

Exhibit 4 Seclusion and Restraint Reported Incidents* Academic Years 2018-19 through 2023-24			
Year	Number of SWD**	Number of Incidents	Number of Students with Incidents
2018-19	90,318	1,300	394
2019-20	92,510	1,113	349
2020-21	89,688	758	256
2021-22	89,688	830	294
2022-23	89,681	856	312
2023-24	97,206	1,154	396

*The number of incidents of seclusion and restraint are self-reported by school systems.
 **These numbers are based on October counts for each academic year.
Source: Prepared by legislative auditor’s staff using self-reported information from school systems provided to LDOE.

²⁴ R.S. 17:416.21

²⁵ GAO Report to Congressional Committee: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data, April 2020 (<https://www.gao.gov/assets/gao-20-345.pdf>)

LDOE could improve its process of reviewing seclusion and restraint data submitted by school systems to identify systems that may be underreporting.

In academic year 2023-24, 115 (72.3%) of 159 school systems reported zero incidents of seclusion and restraint.

Currently, LDOE annually pulls the number of incidents of seclusion and restraint self-reported by school systems in its Special Education Reporting System²⁶ (eSER) and sends this data back to school systems. LDOE asks school systems to update eSER if the number of seclusion and restraint incidents they previously reported in eSER is inaccurate. We reviewed incidents of seclusion and restraint reported to LDOE by school systems for academic years 2018-19 through 2023-24 and found multiple examples of how LDOE could evaluate the data to identify any potential underreporting and when follow up is needed.

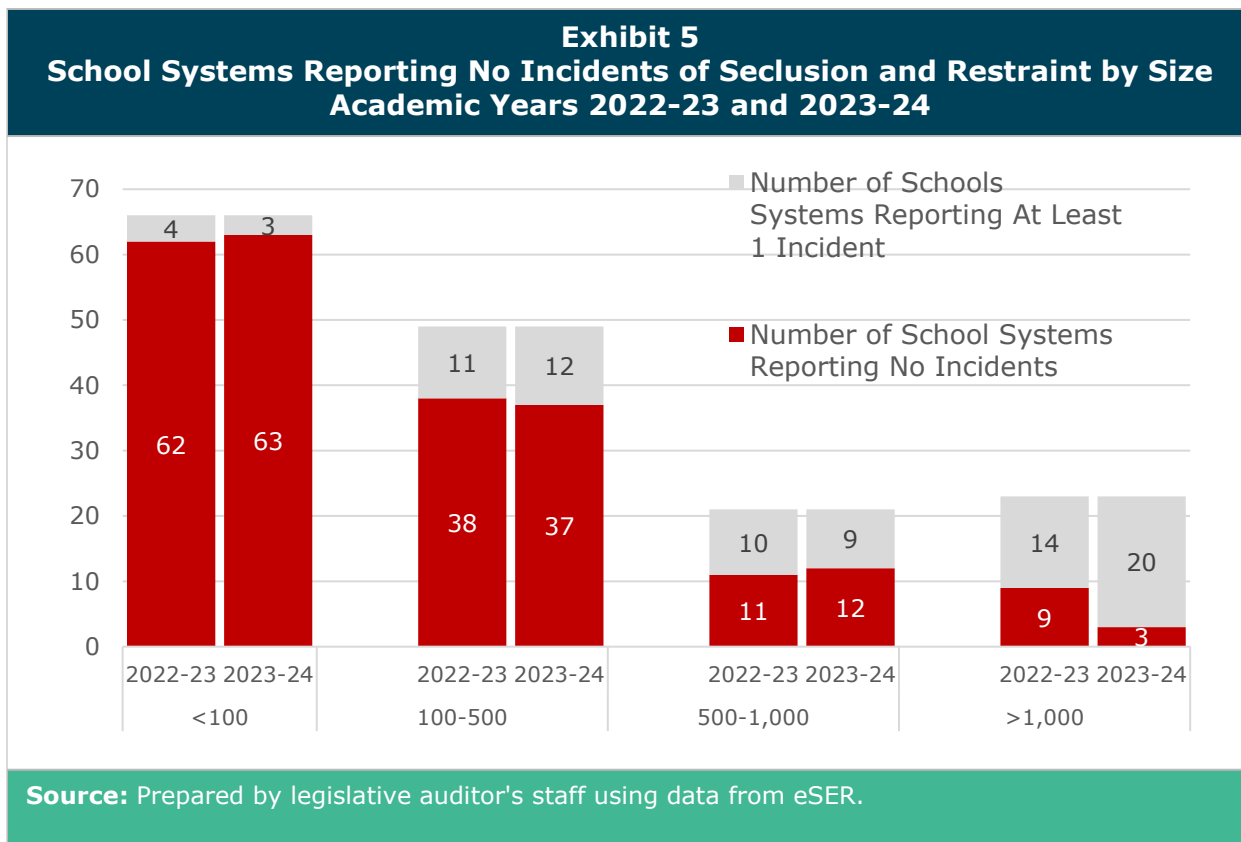
Only 315 (39.7%) of the 793 special education staff who responded to our survey agreed that all instances of seclusion and restraint were reported to LDOE.

Source: LLA 2023 SPED Staff Survey

- One school system with more than 4,000 students with disabilities reported less than 10 incidents of seclusion and restraint for the last six years, including not reporting any incidents for academic years 2020-21 through 2022-23, and reporting one incident in 2023-24. We visited this school system and spoke to two special education teachers from two separate schools. Both stated that they have been involved in multiple seclusion and/or restraint incidents, but these incidents were not reported by the school system. One teacher commented that administration told them that this year they needed to start reporting incidents.
- Two school systems' seclusion and restraint policies stated that they would fax incidents of seclusion and restraint to LDOE. These two school systems did not report any seclusion or restraint incidents for the six years we reviewed.
- 89 (56.0%) of the 159 school systems did not report any incidents of seclusion and restraint for the six years we reviewed. This includes two school systems with more than 1,000 students receiving special education services.
- In academic year 2022-23, we found that 62 (93.9%) of 66 school systems with fewer than 100 students with disabilities reported no incidents, and nine (39.1%) of 23 school systems with more than 1,000 students with disabilities reported no incidents. Exhibit 5 shows the number and percent of school systems reporting no incidents

²⁶LDOE's eSER system is a statewide special education student database that houses data relating to the provision of special education services, including student evaluations, IEPs, incidents of seclusion and restraint, progress reports, etc. This information is entered by school system personnel and the system is maintained by LDOE.

during academic years 2022-23 and 2023-24 by the size of the school system’s special education population.



A school system that does not enter any incidents of seclusion and restraint in eSER would be reported by LDOE as having no incidents. The GAO²⁷ recommended that U.S. ED contact districts that reported all zeros for seclusion and restraint to ask them to ensure that zeros actually represented zero incidents. The Maryland State Department of Education also reviews documentation at school systems when monitoring for seclusion and restraint. Louisiana could adopt similar procedures to help ensure seclusion and restraint data is accurate. Collecting accurate data is important to ensure the public and LDOE can make decisions based on reliable data and that the information they are posting publicly is accurate. LDOE could contact school systems that report no incidents or what appears to be too few incidents of seclusion and restraint to understand potential concerns the department may have with the numbers reported. LDOE again stated they need additional staff to monitor seclusion and restraint data or contact school systems. If LDOE adopts a process to ensure that seclusion and restraint data is accurate, it could use this data to monitor school systems’ use of seclusion and restraint. For instance, one larger school system in Louisiana uses data to monitor seclusion and restraint, which helps them identify teachers or other staff who may need additional training.

²⁷ GAO Report to Congressional Committees: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data April 2020 (<https://www.gao.gov/assets/gao-20-345.pdf>)

Recommendation 3: LDOE should improve its process to verify the accuracy of the number of seclusion and restraint incidents reported. This could include taking a sample of districts that reported zero incidents and interview SPED teachers about any incidents in the classroom that were not reported to LDOE.

Summary of Management’s Response: LDOE partially agrees with this recommendation and stated that although not required by current state law, LDOE does have an annual verification process to ensure accuracy of the seclusion and restraint data. As with Recommendation 1, the Department’s current practices are consistent with the relevant provisions of law. However, LDOE is willing to engage in additional data verification activities with regard to large school systems reporting zero incidents. See Appendix A for LDOE’s full response.

LLA Additional Comments: LDOE’s current verification process relies on school systems to *self-identify* and correct inaccuracies in the number of incidents of seclusion and restraint.

Recommendation 4: LDOE should use seclusion and restraint data as a tool to monitor school systems’ use of seclusion and restraint.

Summary of Management’s Response: LDOE partially agrees with this recommendation and stated that this recommendation relies on the consideration of resources, including funding, staffing, and time. See Appendix A for LDOE’s full response.

Matter for Legislative Consideration 2: The legislature may wish to consider specifically requiring LDOE to develop a process to verify the accuracy of the number of seclusion and restraint incidents reported.

While school systems are required by state law to submit their seclusion and restraint policies to LDOE, LDOE does not review these policies to ensure they contain provisions that are required to be followed in state law. We reviewed 50 policies and found 46 (92.0%) were missing important information provided in state law.

While school systems are required by state law to submit their seclusion and restraint policies to LDOE, LDOE does not review these policies to ensure they contain provisions that are required to be followed in state law. According to LDOE staff, they do not have the authority in state law to review these seclusion and restraint policies. We reviewed 50 policies and found

46 (92.0%) were missing important information provided in state law. As seen in Exhibit 6, 22 (44.0%) of 50 policies reviewed did not contain language stating that parents should be notified as soon as possible. The parents we surveyed also indicated they were not always notified of incidents of seclusion and restraint. For example, a parent stated in our survey, “My child is unable to communicate specifics. The school has a history of me having to request the appropriate restraint documentation. I know they seclude him but [I have] never seen paper work.” Also, when special education staff were asked if parents/guardians are notified of all instances of seclusion and/or restraint relevant to their student, 61 (7.7%) of the 793 special education staff who responded disagreed.

Exhibit 6 State Law Protections Missing from Seclusion and Restraint Policies 50 Policies Reviewed		
Language Not Included in Policy	Number Not Included	Percent
Explanation and/or definitions of the different types of restraints, seclusion, and seclusion room.	5	10.0%
Seclusion and restraint should only be used as a last resort for behavior that presents a threat of imminent risk of harm to self or others.	10	20.0%
Incidents of seclusion and restraint should be reported to LDOE and/or entered into eSER.	12	24.0%
Students should be monitored continuously, monitoring shall be documented at least every 15 minutes and adjustments should be made accordingly.	19	38.0%
Provides for medical/psychological exemptions from seclusion and restraint.	13	26.0%
Seclusion room requirements/description.	14	28.0%
Mechanical restraint prohibition.	10	20.0%
Restraint should not interfere with the ability to breathe or communicate.	16	32.0%
Parents should be notified as soon as possible.	22	44.0%
Parent receives written notification within 24 hours.	5	10.0%
School staff (i.e., principal and special education director) notified of each incident.	8	16.0%
Specifies who receives training and what type of training is provided.	26	52.0%
Source: Prepared by the legislative auditor’s staff using information from 50 school policies reviewed.		

Well-developed seclusion and restraint policies are important because they help a school system establish rules and procedures which create expectations and standards for safety.

In addition, while LDOE has provided guidance to school systems on what to include in their seclusion and restraint policies and procedures, this guidance could be strengthened.

Specifically, this guidance only includes 11 of the 15 principles recommended for the development and implementation of seclusion and restraint policies and procedures by the U.S. ED. (See Appendix E for LDOE’s seclusion and restraint guidance document.) We also found that LDOE’s guidance document does not include other vital

information such as how long school

systems have to enter incidents of seclusion and restraint into eSER. Other states²⁸ provide more detailed seclusion and restraint guidance to school systems including topics that seclusion and restraint training should cover, how often training should be provided, who should receive this training, and detailed guidance on what

When asked what could be improved relating to the use of seclusion and restraint, teachers and other special education staff surveyed predominately stated ensuring staff had the proper training. According to a SPED teacher interview, training is important because it helps to ensure the safety of both the student and teacher.

Source: LLA 2023 SPED Staff Survey and a 2024 Teacher Interview

The U.S. ED principles not included in LDOE’s guidance document include:

1. Ensuring behavioral interventions are consistent with the child’s right to be treated with dignity and free from abuse.
2. Behavior strategies should address the underlying cause or purpose of the dangerous behavior.
3. Every instance of seclusion or restraint should be monitored carefully and continuously.
4. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated appropriately.

Source: USDOE’s website and LDOE’s guidance document

incidents count as seclusion and restraint. For example, the Arkansas Department of Education recommends that appropriate personnel are trained annually on how to respond to students in a behavioral crisis and a core team is designated to respond to crisis and emergency situations and trained annually on prevention and administering of physical restraint. Florida’s Department of Education also instructs school systems to report any injuries or visible marks that may have occurred during restraints.

Recommendation 5: LDOE should develop a review process to ensure that school systems’ seclusion and restraint policies align with state law.

Summary of Management’s Response: LDOE disagrees with this recommendation and stated this is not a requirement of state or federal law and depends on the consideration of resources, including funding, staffing, and time. LDOE further stated that LLA’s legislative interpretation far exceeds the statutory language, and would require LDOE to interfere in the policy-writing authority of local school boards and charter operators. See Appendix A for LDOE’s full response.

²⁸ Of the 10 states we reviewed Alabama, Arkansas, Florida, Georgia, Kentucky, Maryland, and Texas had more detailed guidance.

LLA Additional Comments: R.S. 17:416.21 requires school systems to submit their seclusion and restraint policies to LDOE. It is unclear why the legislature would require policies to be submitted to LDOE without the intent for LDOE to review these policies.

Recommendation 6: LDOE should review the U.S. ED’s 15 principles and guidance provided by other states and update its seclusion and restraint policy and procedure guidance provided to school systems.

Summary of Management’s Response: LDOE agrees with this recommendation and stated it will add the additional 4 principles to the current guidance document. See Appendix A for LDOE’s full response.

Matter for Legislative Consideration 3: The legislature may wish to clarify state law to *require* LDOE to review school systems’ seclusion and restraint policies that they are already required to collect.

Objective 2: To evaluate Louisiana’s laws and regulations regarding abuse allegations perpetrated by school staff on students with disabilities.

- **While recent legislation clarified Louisiana’s mandatory reporter law, we reviewed school systems’ policies and interviewed staff considered mandatory reporters and found that allegations of abuse committed by school personnel still may not be reported as required by state law.** LDOE should work with school systems to ensure that all mandatory reporters are aware that non-caregiver abuse allegations should be reported to law enforcement. This could involve developing a mandatory reporting policy template that school systems can use to help ensure consistency throughout the state.
- **Unlike other states, Louisiana does not have a process to ensure teachers who abuse, improperly use seclusion or restraint, or otherwise mistreat students have their certification sanctioned if they have not been criminally convicted.** In addition, Louisiana does not have a central registry of school employees who are not certified by the Louisiana State Board of Elementary and Secondary Education (BESE), but have abused or mistreated students.
- **The legislature provided LDOE \$8.8 million in state general funds for school systems to install and maintain cameras in self-contained special education classrooms.** As of August 2024, according to LDOE, 66 (39.8%) of the 166 school systems installed cameras using \$2.8 million (31.8%) of the \$8.8 million provided.

Our results and recommendations are discussed in more detail below.

While recent legislation clarified Louisiana’s mandatory reporter law, we reviewed school systems’ policies and interviewed staff considered mandatory reporters and found that allegations of abuse committed by school personnel still may not be reported as required by state law.

State law²⁹ designates teachers and other school staff as mandated reporters, which requires them to report suspected abuse or neglect of a child. Failure to report can result in an individual being fined and/or imprisoned. While already required in law, in 2024, Act 216 of the Regular Legislative Session clarified that abuse perpetrated by anyone other than a caregiver should be reported directly to law enforcement. After this clarification, a July 2024 Louisiana Attorney General’s opinion³⁰ was issued stating that a school board may not enact a policy that interferes with a teacher’s obligation or ability to contact law enforcement when abuse of a child by someone other than a caregiver is suspected. The opinion says that teachers are mandatory reporters and are required to report abuse or neglect by someone other than a caregiver to law enforcement. Act 216 also states that a mandatory reporter can file a complaint with local or state law enforcement and cannot be prohibited from immediately making the report directly to Department of Children and Family Services (DCFS) or law enforcement because of an employer’s policies or employee manual.

Mandated Reporters in K-12 Schools

- Teacher
- Teacher’s aide
- Instructional aide
- School principal
- School staff member
- School resource officer
- Bus driver
- Coach
- Social worker
- Provider, or any individual who provides these services to a child in a voluntary or professional capacity

Source: Louisiana Children’s Code Article 603

While recent legislation clarified Louisiana’s mandatory reporter law, we reviewed school systems’ policies and interviewed staff considered mandatory reporters and found that allegations of abuse committed by school personnel still may not be reported as required by state law. Prior to the clarification in Act 216, 1,134 (45.0%) of 2,518 special education staff who responded to our survey stated they would only report directly to school administration. We also interviewed four special education staff after this legislation was passed, who all stated that they would still report first to their school administration. Additionally, we found at least five school system policies³¹ that provide unclear guidance on who to report suspected abuse perpetrated by school staff to. For example, each of these policies require that non-caregiver abuse should be reported to law enforcement, but later these policies state if the accused

²⁹ As defined in Children’s Code Article 603.

³⁰ Opinion 24-0091

³¹ We were unable to review all school systems’ mandatory reporting policies because LDOE is not required to collect them.

is an employee of the school, then the suspected abuse should be reported to the employee's immediate supervisor and the principal will investigate.

LDOE has notified school systems of the new legislation (i.e., called superintendents, released a YouTube video, and published newsletters that can be found on its website). However, due to the confusion and inconsistencies among school systems, LDOE should work with school systems to ensure that all mandatory reporters are aware that non-caregiver abuse allegations should be reported to law enforcement. This could involve developing a mandatory reporting policy template that school systems can use to help ensure consistency throughout the state. Currently, state law does not require school systems to submit their mandatory reporting policy to LDOE. If this was required, LDOE could review school systems' policies to ensure they include the correct guidance to follow the state mandatory reporting laws.

Recommendation 7: LDOE should continue to work with school systems to help ensure that all mandatory reporters in school systems are aware that they are required to report abuse perpetrated by non-caregivers to law enforcement.

Summary of Management's Response: LDOE agrees with this recommendation and stated it provided evidence of multiple communications and support for school systems around this requirement and will continue to support school systems. See Appendix A for LDOE's full response.

Matter for Legislative Consideration 4: The legislature may wish to consider requiring LDOE to collect and review school systems' mandatory reporting policies.

Unlike other states, Louisiana does not have a process to ensure teachers who abuse, improperly use seclusion or restraint, or otherwise mistreat students have their certification sanctioned if they have not been criminally convicted. In addition, Louisiana does not have a central registry of school employees who are not certified by BESE, but have abused or mistreated students.

Certification is a licensing process for qualified professionals to become legally authorized to teach or to perform designated duties in K-12 schools and early learning centers under the jurisdiction of the Louisiana State Board of Elementary and Secondary Education (BESE).³² State law³³ provides BESE with the authority to determine the qualifications for the certification of teachers in Louisiana. State law³⁴ requires that BESE revoke the certification of any person convicted of a felony offense or certain other criminal offenses.³⁵ However, it appears BESE does not have the authority to sanction a teachers' certification for lesser crimes (e.g., simple battery of a student) or unethical behavior. Appendix F summarizes the crimes that BESE is required to revoke a teacher's certification once they are convicted.

Sanctions are disciplinary actions taken on an individual's license and can include:

- Written warnings or reprimands
- Required remedial or continuing education
- Additional monitoring or reporting requirements
- Monetary penalties or fines
- Participation in substance abuse counseling or treatment programs
- Probation
- License suspension
- License revocation

Source: New York State Education Department and Florida Department of Education

Unlike other states,³⁶ in Louisiana teacher certifications cannot be sanctioned for abuse or mistreatment, unless they are convicted of certain crimes. As discussed above, state law requires that a teacher's certifications be revoked for certain criminal actions. State law has outlined other acts, such as submitting fraudulent documentation to LDOE, that can warrant a sanction of a teacher certification. None of these apply to circumstances where the teacher may have abused and/or mistreated a student in Louisiana, but have not been convicted of a crime specifically listed in state law. Additionally, state law³⁷ only requires school systems to report to LDOE when employees are dismissed because of

³² LAC Bulletin 746

³³ R.S. 17:7

³⁴ R.S. 17:8.9

³⁵ See Appendix F for what constitutes a criminal offense.

³⁶ See Exhibit 7 for the results of the 10 other states we reviewed.

³⁷ R.S.15:17

criminal conviction. Therefore, if a teacher abuses or mistreats a student, but is not convicted of one of the crimes listed in law,³⁸ BESE never becomes aware of this abuse or mistreatment. As a result, BESE cannot investigate allegations that do not rise to the level of a conviction to determine if sanctions are warranted to protect students in Louisiana. For example, these allegations may include:

- If a teacher hits a student and is charged with simple battery. This crime is not a felony and is not listed as one of the crimes that state law requires a teacher's certification to be revoked once they are convicted.
- If a teacher is arrested for abuse for charges such as cruelty to a juvenile, but charges are dropped or a plea deal for a lesser offense is accepted.
- If a teacher's conduct (e.g., emotional abuse) is unethical but does not rise to the level of criminal charges.

Louisiana also does not have a process to ensure a teacher certification is suspended or has other sanctions in place while the teacher is awaiting trial. LDOE is aware of arrests of teachers, but will not notify BESE until a conviction occurs and the certification is suspended. As a result, while a teacher may have been terminated in one school district, another school district may not be aware of all the circumstances surrounding that teacher.

Other states' education boards have developed codes of ethics that allow them to sanction for inappropriate conduct, such as abuse of a student. We found that 7 (70%) of the 10 other southern states we reviewed have created a code of ethics for teachers. Establishing a framework of professional responsibility, or a code of ethics, establishes the baseline behaviors that the public can and should expect of professional educators and what a practitioner can and should expect of him or herself. A code of ethics could also provide guidance for sanctioning an educator even if their behavior does not rise to a criminal conviction. For example, Arkansas' Professional Licensure Standards Board has developed a Code of Ethics for Educators that all educators must adhere to. Anyone can file an allegation of an educator's possible ethics violation with the Professional Licensure Standards Board. The Ethics Subcommittee of this board investigates the allegation and if the subcommittee finds that a preponderance of evidence exists, they will recommend one of the following sanctions: letter of caution; written reprimand; probation; suspension; or revocation. Any sanction may also be accompanied by trainings or a rehabilitation program with all costs being paid for by the educator.

While the remaining 3 (30%) of the 10 states do not have a code of ethics, they do have the ability to issue sanctions under their state regulations for actions that are considered unethical and do not rise to a criminal conviction. However, as illustrated in Exhibit 7, Louisiana does not have either a statewide code of ethics or the ability to issue sanction for actions less than criminal offenses.

³⁸ RS 17:8.9 and RS 15:587.1 (C)

Exhibit 7 Other State Comparison Teacher License Sanctions		
State	Code of Ethics*	Can Issue Sanction for less than a Conviction
Alabama	No	Yes
Arkansas	Yes	Yes
Florida	Yes	Yes
Georgia	Yes	Yes
Kentucky	Yes	Yes
Louisiana	No	No
Maryland	No	Yes
Mississippi	Yes	Yes
Oklahoma	Yes	Yes
Texas	Yes	Yes
Virginia	No	Yes
<p>*May also be called Professional Standards, Standards of Performance and Conduct, or Principles of Professional Conduct. Source: Prepared by the legislative auditor’s staff using information from the 10 other states’ Department of Education or equivalent we reviewed.</p>		

In addition, unlike teachers certified through BESE in Louisiana, other professionals (i.e., speech, physical, and occupational therapists) who work with students receiving special education services are required to follow ethics or professional conduct standards set in state law or by the board that licenses them. These boards also receive and investigate complaints from the public and sanction licenses for actions other than criminal convictions. For example, the Louisiana Board of Speech-Language Pathology and Audiology accepts complaints from the public and has sanctioned therapists’ licenses for failure to follow the board’s standards by requiring them to complete continuing education, pay a fine, suspending, or revoking their license.

In addition, if a teacher’s certification is sanctioned by BESE, LDOE does not disclose the reason for the sanction on its website. State law³⁹ requires LDOE to maintain and make available on its website the identity of any person whose teaching certification or teaching authorization has been denied, suspended, or revoked if the person has been convicted of or has pled no contest to certain crimes. This law also requires this disclosure for teachers who have cheated or submitted fraudulent documentation. LDOE complies with this requirement through its website⁴⁰ where the public can enter either the name or certification


³⁹ R.S. 17:8.9

⁴⁰ <https://www.teachlouisiana.net/teachers.aspx?PageID=416>

number of a teacher and the website shows if a teacher has a valid certification. However, because there is no requirement for non-traditional public schools (i.e., charter schools) to hire certified teachers, having more detailed information (e.g., the reason the teacher’s certification was revoked) may help school systems make more informed hiring decisions if a former teacher does apply that has had their license revoked.

Other states’ Departments of Education⁴¹ and other professional boards⁴² in Louisiana do disclose the reason licenses were sanctioned. Exhibit 8 shows an example of a state that discloses the reasons teacher licenses were sanctioned in that state.

Exhibit 8 Example of Transparency of Teacher License Sanctions



First Name	Last Name	Action	Cause	Effective Date	End Date
WILLIAM	VAN LEUVAN	Revocation	Child abuse/neglect	02/23/1990	
GERALD	WARD	Revocation	Child abuse/neglect	11/26/1990	
ALFRED	VOGEL	Revocation	Child abuse/neglect	11/26/1990	
DAVID	HULING	Revocation	Moral turpitude	05/14/1991	
RIAN	HILEMAN	Revocation	Is dismissed or resigns after allegations of misconduct involving student in any school system or a minor	07/22/1991	
DAVID	REITZ	Revocation	Child abuse/neglect	07/23/1991	
RIAN	HILEMAN	Revocation	Is dismissed or resigns after allegations of misconduct involving student in any school system or a minor	09/05/1991	
ERIC	VANDERVEEN	Revocation	Contributing to the delinquency of a minor	11/07/1991	
DAVID	UNDERWOOD	Revocation	Child abuse/neglect	12/07/1993	
RONALD	PRICE	Revocation	Child abuse/neglect	12/10/1993	
GERALD	KENNEDY	Revocation	Moral turpitude	12/23/1993	
ANDREW	KOPEC	Revocation	Is dismissed or resigns after allegations of misconduct involving student in any school system or a minor	06/13/1994	
JOHN	WILLETTS	Revocation	Child abuse/neglect	06/22/1995	
GEORGE	ALLICA	Revocation	Contributing to the delinquency of a minor	08/14/1995	
JEFFREY	FERNER	Revocation	Is dismissed or resigns after allegations of misconduct involving student in any school system or a minor	08/22/1995	
ALAN	REESE	Revocation	Is dismissed or resigns after allegations of misconduct involving student in any school system or a minor	09/01/1995	
MICHAEL	MASOOD	Revocation	Child abuse/neglect	10/31/1995	
MICHAEL	SIMS	Revocation	Child abuse/neglect	11/22/1995	
JOHN	ZIOMEK JR	Revocation	Is dismissed or resigns after notice of allegations of sexual child abuse	03/15/1996	
SHAWN	BAKER	Revocation	Moral turpitude	03/22/1996	

Source: Prepared by legislative auditor’s staff using information from the Maryland State Department of Education’s website, pulled December 2024.

(<https://marylandpublicschools.org/about/Documents/DEE/Certification/Revocations/MD-Revoked-and-Voluntarily-Surrendered-Certificates-A.pdf>)

⁴¹ Arkansas, Florida, Maryland

⁴² Louisiana Board of Speech-Language Pathology and Audiology, Louisiana Physical Therapy Board, and Louisiana State Board of Medical Examiners.

Louisiana does not have a central registry of school employees who are not certified by BESE, but have abused or mistreated students, whereas Texas has a “do not hire registry” for school systems to utilize when making hiring decisions. Louisiana does not require teachers to be certified in Louisiana to teach in non-traditional public schools (i.e., charter schools). For example, in our May 2022 report⁴³ on teacher qualifications and impact on school performance, we found that 12.5% of Louisiana public school teachers are not certified. In addition, paraprofessionals, bus drivers, maintenance personnel, and food service workers also do not have to be certified by BESE but work with students with disabilities. Unless the school employee is certified through BESE, there is no process for BESE to become aware if these employees have abused or mistreated students. Louisiana has a central registry where some abuse substantiated by the Department of Children and Family Services (DCFS) is maintained. However, DCFS does not investigate abuse committed by non-caregivers (e.g., school employees) and therefore this type of abuse would not be included on the DCFS central registry. Instead, it is up to each school system to properly screen out employees that may pose a risk to students.

In 2019, Texas created a “do not hire registry” or Registry of Persons Not Eligible for Employment in Public Schools, where school systems are required to report to the Texas Education Agency when there is evidence that a non-certified employee abused a student or minor. This registry is available to the public who may search the Registry website by entering a first and last name of an individual to determine their employment eligibility. Texas advises school systems to create procedures to periodically check current employees against the registry to ensure appropriate records are maintained and address any issues with current employees.

Recommendation 8: LDOE should disclose the reason teachers’ certifications were sanctioned on its website.

Summary of Management’s Response: LDOE neither agrees nor disagrees with this recommendation and stated the State Board of Elementary and Secondary Education has been authorized to establish and apply certification standards for educational professionals. The Board requires LDOE to identify on its website those educators whose certification has been denied, suspended, or revoked. See Appendix A for LDOE’s full response.

Recommendation 9: LDOE should evaluate the feasibility of maintaining a central registry on its website of school employees who are not certified by BESE, but have abused or mistreated students.

Summary of Management’s Response: LDOE neither agrees nor disagrees with this recommendation and stated the State Board of Elementary and Secondary Education has been authorized to establish and

⁴³[https://app2.lla.state.la.us/publicreports.nsf/0/dbc5a77413cc3af18625884f00707605/\\$file/00026da1b.pdf?openelement&.7773098](https://app2.lla.state.la.us/publicreports.nsf/0/dbc5a77413cc3af18625884f00707605/$file/00026da1b.pdf?openelement&.7773098)

apply certification standards for educational professionals. However, neither LDOE nor the Board are authorized by law to supervise the private behavior of local school employees who do not hold or are not seeking a Louisiana teaching certification. LDOE stands ready to assist the Legislature and the Board if they seek to create a central registry for the purpose of identifying uncertified educators who have abused or mistreated students. See Appendix A for LDOE’s full response.

Matter for Legislative Consideration 5: The legislature may wish to consider granting BESE clear authority to develop a code of ethics that allows for sanctions for behavior that does not rise to criminal conviction.

Matter for Legislative Consideration 6: The legislature may wish to consider requiring school systems to notify LDOE when they dismiss employees for student abuse or unethical conduct regardless of conviction status.

The legislature provided LDOE \$8.8 million in state general funds for school systems to install and maintain cameras in self-contained special education classrooms. As of August 2024, according to LDOE, 66 (39.8%) of the 166 school systems installed cameras using \$2.8 million (31.8%) of the \$8.8 million provided.

Act 456 of the 2021 Regular Legislative Session required schools to adopt policies for the installation and operation of cameras that record both video and audio in self-contained special education classrooms upon parent request approved by the school system. Act 588 of the 2022 Regular Legislative Session required LDOE to assist in identifying funding that can be used for the installation of cameras and required school systems to submit camera policies to LDOE no later than January 15, 2023. HB1 of the 2022 and 2024 Regular Legislative Sessions dedicated a total of \$8.8 million dollars for school systems to install and maintain cameras. According to legislative testimony, Act 456 was, “limited to self-contained classrooms because in most cases these children have severe disabilities and, in many times, cannot communicate and in the unfortunate situation of a child being injured in the classroom, the camera would help protect the child and the teachers to find out if there is a situation to investigate.” LDOE has consistently communicated to stakeholders throughout the past few years about cameras in special education classrooms. They have communicated through many venues including Developmental Disability Council and the Governor’s Advisory Council on Disability Affairs.

In 2022, LDOE provided \$8 million in state general funds for school systems to install cameras in self-contained special education classrooms.

An additional \$800,000 in state general funds was provided in 2024 for camera maintenance. As of August 2024, according to LDOE, 66 (39.8%) of the 166 school systems installed cameras using \$2.8 million (31.8%) of the \$8.8 million provided. LDOE follows up with schools that have not submitted any records to determine if any additional cameras have been installed, and it has a process to sample school systems to test the accuracy but has not finished verifying fiscal year 2024 data as of November 2024.

As of August 2024, according to LDOE, there have been no cameras installed in 100 (60.2%) of the 166 school systems that received camera funding.

According to data provided by these 100 school systems, as of August 2024, 98 have not received a parent request to install a camera in their child's self-contained classroom and two did not approve the parents' requests.⁴⁴ The lack of parent requests could be due to parents being unaware that they can request camera installation. We found as of fiscal year 2023-24, 77 (42.1%) of 183⁴⁵ school systems have not included in their policy how parents can request camera installation as required by state law. We also found that 9 of these school systems did not have a policy. State law⁴⁶ requires that camera policies include procedures for parents to request that cameras be installed, procedures for the school system to approve the request, procedures for the parents to review a recording, and for the retention of camera recordings for 30 days. However, LDOE staff stated that it does not have the authority in state law to review these policies.

While not required by state law, as of August 2024, 37 (22.3%) of 166 school systems LDOE provided camera funding to proactively installed cameras, instead of waiting for a parent request. We also found that 68 (37.2%) of 183 school systems did not have camera policies on their website. It is important for school systems to be transparent because, of the 292 parents of students with disabilities who responded to our survey, 161 (55.1%) stated they did not know or were unsure that they could make a request for the child's school to install cameras in the classroom. In addition, of the 174 school systems with a policy, some of these policies were missing other procedures required by state law. This includes missing procedures for parents to request to view footage and how long school systems should retain footage. Exhibit 9 summarizes these missing procedures.

⁴⁴ R.S. 17:1948 (C) requires school systems to adopt procedures for the approval or disapproval of a request for the installation and operation of cameras in a classroom.

⁴⁵ The number of school systems is different because this is for a different fiscal year and includes all school systems, not just those that received funding from LDOE for cameras.

⁴⁶ R.S. 17:1948

Exhibit 9 State Law Requirements Missing from Camera Policies 174 School Systems with Policies*		
Language Not Included in Policy	Number Not Included	Percentage
Procedures regarding how a parent/legal guardian may request camera installation	77	44.3%
Procedures regarding how a parent/legal guardian may request to review a recording	74	42.5%
Procedures for the approval/disapproval of a request for the installation of cameras in a classroom	80	46.0%
Camera recording retained for a month	9	5.2%
*Nine school systems could not provide its camera policy. Source: Prepared by the legislative auditor's staff using information from school policies.		

In addition, LDOE should ensure the information they have on camera installation is accurate. While LDOE has a verification process they use to ensure data is accurate for the ten school systems that report the most spending each year, we found at least 10 school systems that did not have supporting documentation matching the amounts spent and cameras installed. For example, one school system is listed as having installed two cameras for \$6.00. Another school system reported spending more than \$35,000 on the installation of cameras but only provided LDOE with receipts supporting \$10,000. A third school system provided receipts that included cameras for bus security, not a special education classroom. This is important so LDOE can more effectively monitor how the money is being spent. According to LDOE, it is not required by law to collect any data on how school systems use the \$8.8 million dollars provided by the state general fund, but is tracking this data due to legislative interest.

Recommendation 10: LDOE should review school systems' camera policies to ensure they follow state law.

Summary of Management's Response: LDOE disagrees with this recommendation and stated it has and will continue to support the special education camera initiative. However, R.S. 17:1948 does not require LDOE to review all school systems' camera policies. R.S. 17:1948 was first enacted in 2021. The statute does not explicitly state or imply that LDOE is required to do anything more than serve as a repository for camera policies and contains no funding for the LDOE to fulfill any additional obligations beyond merely collecting the camera policies. See Appendix A for LDOE's full response.

LLA Additional Comments: R.S. 17:1948 requires school systems to submit their camera policies to LDOE. It is unclear why the legislature would

require policies to be submitted to LDOE without the intent for LDOE to review these policies.

Recommendation 11: LDOE should review the supporting documentation provided by school systems to ensure the amount spent and number of cameras installed is correct.

Summary of Management’s Response: LDOE agrees with this recommendation and stated it will continue to verify this data with school systems. See Appendix A for LDOE’s full response.

LLA Additional Comments: While LDOE agrees with this recommendation and stated that it will continue to verify this data, LDOE’s current verification process only involves ensuring data is accurate for the 10 school systems that report the most spending each year.

Matter for Legislative Consideration 7: The legislature may wish to clarify state law to *require* LDOE to review school systems’ SPED camera policies that they are already required to collect.

Matter for Legislative Consideration 8: The legislature may wish to consider requiring school systems to notify parents on their website of their right to request cameras in self-contained classrooms.

APPENDIX A: MANAGEMENT'S RESPONSE

Michael J. Waguespack, CPA
1600 North 3rd St.
P.O. Box 94397
Baton Rouge, La. 70804-9397

Dear Mr. Waguespack,

Please accept this letter as the Louisiana Department of Education's (LDOE) response to the Louisiana Legislative Auditor's (LLA) audit report entitled, *Seclusion, Restraint, and Abuse/Mistreatment of Children with Disabilities in Public Schools*.

I would like to start by thanking you and your team's steadfast commitment to increasing governmental transparency and upholding the highest ethical standards. Your team conducted itself with immense professionalism, integrity, and dedication throughout the entirety of this process.

LDOE is committed to the safety and well-being of all students and fully recognizes the profound responsibility to ensure that all children are provided with the support and care they need to succeed in school. It is essential to create an educational environment where every child can thrive, and this includes providing guidance and support to school systems regarding appropriate crisis response, behavioral supports, and early intervention services tailored to their individual needs.

LDOE's position on LLA's recommendations are as follows:

Recommendation 1: *LDOE should develop a process to monitor school systems use of seclusion and restraint of students with disabilities.*

LDOE partially concurs. LDOE agrees with LLA's assertion that LDOE "is not required by state or federal law to monitor how school systems use seclusion and restraint." LDOE also agrees with LLA's conclusion that "state law does not explicitly require LDOE to monitor how and under what circumstances school systems use seclusion and restraint." However, LDOE disagrees with LLA's contention that LDOE has the necessary authority to monitor how school systems use seclusion and restraint.

Since its initial adoption in 2011, R.S. 17:416.21 has defined the terms "physical restraint" and "seclusion" and established restrictions on the use of physical restraint or seclusions by local educational agencies with regard to students with disabilities.¹ The 2011 enactment also directed the State Board of Elementary and Secondary Education to adopt rules requiring the LDOE to "maintain a database of all reported instances of seclusion and physical restraint of students with exceptionalities and shall disaggregate the data for analysis."

¹ Acts 2011, No. 328, § 1, eff. June 29, 2011.

A 2016 amendment to R.S. 17:416.21 expanded upon the obligations of the LDOE.² Specifically, the amended law required to “annually compile a comprehensive report regarding the use of seclusion and physical restraint of students with exceptionalities” and to distribute the report.

As such, LLA’s Matter for Legislative Consideration 1 would require amendment to current law to authorize additional authority to monitor for seclusion and restraint as well as additional resources to carry out the functions recommended by the LLA.

Recommendation 2: *LDOE should determine if additional staff and funding is needed to monitor seclusion and restraint and work with the legislature to determine how to meet these staffing needs.*

LDOE concurs. This recommendation is directly tied to recommendation 1 and LLA’s Matter for Legislative Consideration 1, which impacts further action regarding this recommendation.

Recommendation 3: *LDOE should improve its process to verify the accuracy of the number of seclusion and restraint incidents. This could include taking a sample of districts that reported zero incidents and interview SPED teachers about any incidents in the classroom that were not reported to LDOE.*

LDOE partially concurs. Although not required by current state law, LDOE does have an annual verification process to ensure accuracy of the seclusion and restraint data. As with Recommendation 1, the Department’s current practices are consistent with the relevant provisions of law. However, LDOE is willing to engage in additional data verification activities with regard to large school systems reporting zero incidents.

Recommendation 4: *LDOE should use seclusion and restraint data as a tool to monitor school systems’ use of seclusion and restraint.*

LDOE partially concurs. This recommendation would also overlap the additional monitoring activities recommended in recommendations 1, 2, and 3, therefore, also relying on LLA’s Matter for Legislative Consideration 1 and consideration of resources, including funding, staffing, and time.

Recommendation 5: *LDOE should develop a review process to ensure that school systems’ seclusion and restraint policies align with state law.*

LDOE disagrees. This is not a requirement of state or federal law and depends upon LLA’s Matter for Legislative Consideration 3 as well as consideration of resources, including

² Acts 2016, No. 522, § 1, eff. June 13, 2016.

funding, staffing, and time. Moreover, the current statutory provisions governing this recommendation are clear and unambiguous, and, as such, those provisions “shall be applied as written and no further interpretation may be made in search of the intent of the legislature.”³

LLA’s legislative interpretation far exceeds the statutory language, and would require LDOE to interfere in the policy-writing authority of local school boards and charter operators. This substantial expansion of LDOE’s obligations results from LLA’s erroneous conclusion that the Legislature intended for LDOE to collect and review local policies even when the relevant statutes call for only the collection of such policies. This interpretation is a misreading of the statute and would impermissibly expand the Legislature’s grant of authority to LDOE in this area.

Recommendation 6: *LDOE should review the U.S. ED’s 15 principles and guidance provided by other states and update its seclusion and restraint policy and procedure guidance provided to school systems.*

LDOE concurs. LDOE will add the additional 4 principles to the current guidance document.

Recommendation 7: *LDOE should continue to work with school systems to help ensure that all mandatory reporters in school systems are aware that they are required to report abuse perpetrated by non-caregivers to law enforcement.*

LDOE concurs. LDOE provided evidence of multiple communications and support for school systems around this requirement and will continue to support school systems. Local school systems are urged to seek legal advice from their counsel relative to reporting of abuse perpetrated by non-caregivers to law enforcement.

Recommendation 8: *LDOE should disclose the reason teachers’ certifications were sanctioned on its website.*

LDOE neither agrees or disagrees. The State Board of Elementary and Secondary Education has been authorized to establish and apply certification standards for educational professionals.⁴ The Board requires LDOE to identify on its website those educators whose certification has been denied, suspended, or revoked.⁵ LDOE will continue to comply with the current requirement that it identify individuals who are no longer certified and stands ready to expand the information reported upon request from the Board.

³ La. Civ. Code art. 9 (2024)

⁴ R.S. 17:7 (2024).

⁵ LAC 28:CXXX:1901 (October 2024).

Recommendation 9: *LDOE should evaluate the feasibility of maintaining a central registry on its website of school employees who are not certified by BESE, but have abused or mistreated students.*

LDOE neither agrees or disagrees. The State Board of Elementary and Secondary Education has been authorized to establish and apply certification standards for educational professionals.⁶ However, neither LDOE nor the Board are authorized by law to supervise the private behavior of local school employees who do not hold or are not seeking a Louisiana teaching certification. LDOE stands ready to assist the Legislature and the Board if they seek to create a central registry for the purpose of identifying uncertified educators who have abused or mistreated students.

Recommendation 10: *LDOE should review school systems' camera policies to ensure they follow state law.*

LDOE disagrees. LDOE has and will continue to support the special education camera initiative. However, R.S. 17:1948 does not require LDOE to review all school systems' camera policies. R.S. 17:1948 was first enacted in 2021. It contained a requirement that local educational agencies install cameras in certain special education classrooms under certain circumstances. The enactment contained a single obligation for the LDOE: that it "assist public school governing authorities in identifying state and federal funds that may be used for the installation and operation." The statute was amended a single time in 2022 to require local education agencies to submit their camera policies to the Department upon the initial adoption or revision of the policies. The statute states that "each governing authority shall submit a copy of the policies adopted pursuant to this Section to the state Department of Education. Within ten days of any revision of the policies, each governing authority shall submit a copy of the policies to the department."

Even though the final statute does not explicitly state or imply that LDOE is required to do anything more than serve as a repository for camera policies and contained no funding for the LDOE to fulfill any additional obligations beyond merely collecting the camera policies, LLA believes LDOE is required by law to review the legality of every school system camera policies submitted. LDOE disagrees with LLA's interpretation of the statute and believes it has fulfilled all legal obligations under the statute.

Recommendation 11: *LDOE should review the supporting documentation provided by school systems to ensure the amount spent and number of cameras installed is correct.*

LDOE concurs. While R.S. 17:1948 does not require LDOE to collect information about special education cameras and while no additional staff or resources were provided to LDOE to administer this initiative, LDOE put a system in place to collect this data annually.

⁶ R.S. 17:7 (2024).

LDOE will continue to verify this data with school systems. The LDOE did provide evidence of correction of data entry errors to LLA and will continue this verification process.

Sincerely,

DocuSigned by:

218D597963C3499...

Meredith Jordan
Executive Director of Diverse Learners

APPENDIX B: SCOPE AND METHODOLOGY

This report provides the results of our performance audit of how Louisiana addresses seclusion, restraint, and abuse/mistreatment of students with disabilities in elementary and secondary public schools. We conducted this performance audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. This audit covered academic years 2018-19 through 2023-24. Our audit objectives were:

Objective 1: To evaluate the Louisiana Department of Education’s (LDOE) oversight of the use of seclusion and restraint for students with disabilities.

Objective 2: To evaluate Louisiana’s laws and regulations regarding abuse allegations perpetrated by school staff on students with disabilities.

We conducted this performance audit in accordance with generally-accepted *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our conclusions based on our audit objective.

We obtained an understanding of internal controls that are significant to the audit objective and assessed the design and implementation of such internal control to the extent necessary to address our audit objective. We also obtained an understanding of legal provisions that are significant within the context of the audit objective, and we assessed the risk that illegal acts, including fraud, and violations of applicable contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

To answer our objectives, we performed the following audit steps:

- Reviewed federal laws and state laws and regulations regarding special education, including but not limited to, LDOE’s monitoring authority, seclusion and restraint, mandatory reporting, teacher certification process, and cameras in special education classrooms. We also reviewed Louisiana Attorney General’s Opinion relating to mandatory reporting when school personnel are accused of abuse.
- Researched and reviewed the U.S. Department of Education’s Office of Civil Rights data collection of seclusion and restraint incidents,

compliance reviews, reports released, and other guidance provided to state and local education agencies.

- Researched statistics about the prevalence of abuse of students with disabilities.
- Reviewed the U.S. Senate’s Health, Education, Labor, and Pensions Committee report relating to dangerous Use of Seclusion and Restraints in Schools.
- Reviewed seclusion and restraint reports released by the Government Accountability Office (GAO).
- Selected 10 other Southern Regional Education Board states⁴⁷ that were either meeting U.S. ED’s Office of Special Education Programs requirements, has a similar size population of students receiving special education services, and/or were a surrounding state. We reviewed each states’ relevant processes by reviewing applicable state laws and regulations and researching each states’ website.
- Conducted site visits of local school systems, which included interviewing Special Educations Teachers, Special Education Directors and other school staff and observing cameras in special education classrooms and areas where seclusion and restraint occur.
- Surveyed parents and guardians of students receiving special education services, special education directors, and special education staff from local school systems to obtain their input on LDOE’s monitoring processes. The numbers may vary throughout the report as some respondents started, but did not complete the survey or answer every question.
 - We surveyed 145 special education directors and received 111 (76.6%) responses from these directors of public-school systems across the state.
 - We asked these directors to forward the survey to staff that work with students receiving special education services and we received 2,819 staff responses. Because special education directors sent this survey out, the response rate is unavailable.
 - We asked these directors to forward the survey to parents of students with disabilities in their school system and we received 954 parent responses. Because special education directors sent this survey out, the response rate is unavailable.
- Interviewed stakeholders including parents and advocates to understand their experiences regarding seclusion, restraint, and abuse

⁴⁷ Alabama, Arkansas, Florida, Georgia, Kentucky, Maryland, Mississippi, Oklahoma, Texas, and Virginia

of children with disabilities in public school receiving special education services.

- Interviewed LDOE and BESE staff to understand their processes for seclusion and restraint, mandatory reporting, teacher certifications, and camera funding documentation. We also provided LDOE and BESE with our results to review for accuracy and reasonableness.
- Pulled seclusion and restraint incidents from LDOE’s Special Education Reporting (eSER) database for academic years 2018-19 through 2023-24.
- Using Excel’s Random Number Generator, we selected 50 of the 155 school systems’ seclusion and restraint policies collected by LDOE to ensure certain protections in state law were included. If the same policy was submitted for more than one charter, we did not review but instead proceeded to the next policy.
- Reviewed mandatory reporting policies that were available on school systems’ websites. We also reviewed all camera policies submitted to LDOE to ensure that they contained the requirements in state law.
- Used data provided by LDOE and data and receipts pulled from LDOE’s Electronic Grants Management System (EGMS) to determine the amount spent on camera installation, number of cameras installed and the number of school systems that installed them in self-contained special education classrooms.

APPENDIX C

Excerpts of Select Parent Survey Response Experiences with Seclusion and Restraint*

"My son was restrained more times than I know. It wasn't reported but my son described being '**sat on**' and '**suffocated**' and a staff member reported viewing this occurring through a classroom window but asked to remain anonymous. The restraints and seclusions he experienced were so traumatic that his life and ours are forever changed. We viewed hallway tapes and he was not escalated at all when he was dragged to the seclusion room. My son begged us to protect him from [School Official] after this incident and described it as "being thrown in the dungeon" and he was "so hot I couldn't breathe". He soiled himself in the room during the incidents. After the last seclusion I described, my son spiraled and ended up in the hospital. Our family fell apart. By the time I was able to submit my formal complaint to LDOE, I was told too much time had passed and my complaint would not be accepted."

"My son, then 40lbs, was pinned down to the ground by four [School Officials]. I saw one of them pinning him down to the ground. This is because he was screaming in the ISSP** room, not being violent, and instead of letting him scream, according to the school's own incident report the principal, [School Official] walked in the ISSP room and yelled, "What's all this hollering about?". [School Officials] told my son if he did not stop screaming they were going to call his mom. At this point after being threaded and provoked, my son charged and hit the phone, keyboard, and hit a teacher. Note - he was screaming and they wouldn't let him. They provoked him and the. Four [School Officials] pinned him to the ground in restraint that was banned at the district level because it is known to **cause positional asphyxiation**. The school called me to pick him up, I walked into the ISSP room and saw [School Official] pinning him to the ground. Also, I never received an official report of the restraint."

"My son was tied to a desk using his jacket and bruised by staff multiple times in 2020-2021. He was also put into isolation in the sensory room multiple times."

"I am aware of one event that child locked in a closet staff taunting him through glass in door."

"My child had to follow up with doctors. My child was traumatized and would not allow anyone touch him post the event."

"My child was not having a good day and was strapped to a safety chair. She came home with marks on herself and I was not made aware of what happened until I went to the school."

*While these responses represent a small percentage of survey responses and only share the perspective of the parent, they demonstrate the need for LDOE monitoring, especially given the potential effects of improper seclusion or restraint.

**In School Suspension (ISSP)

Source: LLA 2023 SPED Parent Survey

APPENDIX D: SECLUSION AND RESTRAINT INCIDENTS BY SCHOOL SYSTEMS AND ACADEMIC YEAR

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
001	Acadia Parish	1,153	15	3	5	4	27	7	19	7	9	5	18	33
321	New Vision Learning Academy	30	0	0	0	0	0	0	0	0	0	0	0	0
329	V. B. Glencoe Charter School	47	0	0	0	0	0	0	0	0	0	0	0	0
331	International School of Louisiana	105	0	0	0	0	0	0	0	0	0	0	0	0
015	Concordia Parish	384	0	0	1	1	0	0	2	2	0	0	0	3
002	Allen Parish	495	1	1	4	3	11	1	4	1	24	5	27	15
020	Evangeline Parish	986	0	0	0	0	2	2	7	5	5	11	18	23
003	Ascension Parish	2,755	25	10	22	10	15	9	18	10	50	17	49	72
334	New Orleans Center for Creative Arts	<10	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
336	Delhi Charter School	50	0	0	2	1	13	1	0	0	0	0	0	2
337	Belle Chasse Academy	103	0	0	0	0	0	0	0	0	0	0	0	0
004	Assumption Parish	404	6	2	0	0	0	0	0	0	2	0	0	4
340	The MAX Charter School	25	0	0	0	0	0	0	0	0	0	0	0	0
006	Beauregard Parish	913	0	0	0	0	1	1	0	0	0	0	0	1
024	Iberville Parish	465	0	0	7	2	4	1	15	3	4	6	85	13
343	Community School for Apprenticeship Learning, Inc.	32	0	0	0	0	0	0	0	0	0	0	0	0
005	Avoyelles Parish	651	28	6	10	5	36	7	3	2	2	4	9	26
039	Pointe Coupee Parish	441	0	0	0	0	0	0	0	0	0	0	0	0
344	Voices for International Business & Education	15	0	0	0	0	0	0	0	0	0	0	0	0
007	Bienville Parish	301	0	0	0	0	1	1	1	1	0	2	2	4

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
008	Bossier Parish	3,311	108	28	42	16	33	18	76	17	125	31	152	139
009	Caddo Parish	4,277	26	12	125	2	118	13	12	9	16	12	15	58
010	Calcasieu Parish	5,084	19	11	27	11	8	8	21	13	10	2	2	52
013	Catahoula Parish	126	0	0	0	0	0	0	0	0	0	0	0	0
069	Central Community School District	542	1	1	5	1	0	0	0	0	0	0	0	2
011	Caldwell Parish	309	0	0	0	0	0	0	1	1	0	0	0	1
066	City of Bogalusa School District	348	12	5	0	0	0	0	0	0	2	0	0	6
065	City of Monroe School District	1,269	0	0	0	0	0	0	0	0	0	0	0	0
012	Cameron Parish	175	0	0	0	0	0	0	0	0	0	0	0	0
345	University View Academy, Inc. (FRM LA Connections)	474	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
346	Lake Charles Charter Academy Foundation, Inc.	79	0	0	0	0	0	0	0	0	0	0	0	0
347	Lycee Francais de la Nouvelle-Orleans	95	0	0	0	0	0	0	0	0	0	0	0	0
348	New Orleans Military & Maritime Academy	112	0	0	0	0	0	0	0	0	0	0	0	0
045	St. Charles Parish	1,196	145	29	135	31	80	20	136	24	82	30	116	162
014	Claiborne Parish	327	0	0	0	0	0	0	0	0	0	0	0	0
055	Terrebonne Parish	1,793	0	0	0	0	0	0	0	0	0	3	9	3
363	Crescent City Schools	383	39	14	167	22	54	6	154	8	70	14	76	71
341	D'Arbonne Woods Charter School	112	0	0	0	0	0	0	0	0	0	0	0	0
364	Community Leaders Advocating Student Success	54	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
368	Morris Jeff Community School	210	0	0	0	0	0	0	0	0	1	1	1	2
369	ReNEW-Reinventing Education Inc.	506	0	0	3	1	0	0	0	0	0	0	0	1
068	City of Baker School District	74	0	0	0	0	0	0	0	0	0	0	0	0
016	DeSoto Parish	567	0	0	0	0	3	3	0	0	0	2	2	5
382	Collegiate Academies	362	4	4	17	10	2	2	5	4	9	2	2	28
333	Avoyelles Public Charter School	56	0	0	0	0	0	0	0	0	0	0	0	0
017	East Baton Rouge Parish	4,406	5	5	3	2	0	0	0	0	0	1	1	8
018	East Carroll Parish	93	0	0	0	0	0	0	0	0	0	0	0	0
019	East Feliciana Parish	227	0	0	0	0	0	0	0	0	0	0	0	0
360	Educators for Quality Alternatives	88	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
397	Institute for Academic Excellence	64	0	0	0	0	0	0	0	0	0	0	0	0
395	Algiers Charter Schools Association (ACSA)	146	0	0	0	0	0	0	0	0	0	0	0	0
396	Recovery School District-LDE	74	1	1	0	0	0	0	0	0	0	0	0	1
399	FirstLine Schools, Inc.	355	24	15	18	7	4	1	11	2	0	0	0	25
021	Franklin Parish	425	12	7	0	0	5	3	6	2	3	3	5	18
3C6	Homer Plessy Community School	104	0	0	0	0	0	0	0	0	0	0	0	0
3C1	Thrive Academy	<10	0	0	0	0	0	0	0	0	0	0	0	0
3C2	Hynes Charter School Corporation	219	0	0	0	0	0	0	0	0	0	0	0	0
022	Grant Parish	539	0	0	0	0	0	0	1	1	0	0	0	1
023	Iberia Parish	1,622	4	4	1	1	1	1	0	0	0	1	1	7
025	Jackson Parish	236	0	0	0	0	0	0	0	0	0	1	2	1

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
027	Jefferson Davis Parish	835	0	0	2	2	4	2	1	1	4	3	4	11
WAL	JS Clark Leadership Academy	25	0	0	0	0	0	0	0	0	0	0	0	0
398	Knowledge is Power Program (KIPP) N.O.	807	51	5	1	1	2	1	1	1	1	1	1	10
3C3	Community Academies of New Orleans	124	0	0	0	0	0	0	1	1	0	1	3	2
029	Lafourche Parish	1,468	28	7	0	0	26	7	10	5	6	7	10	29
W33	Lincoln Preparatory School	142	0	0	0	0	0	0	0	0	0	0	0	0
W1A	JCFA-East	27	0	0	0	0	0	0	0	0	0	0	0	0
032	Livingston Parish	3,676	82	18	39	10	81	25	60	24	39	31	73	121
026	Jefferson Parish	6,427	0	0	11	8	10	7	6	5	18	11	20	41
W1B	Advantage Charter Academy	55	0	0	0	0	0	0	0	0	0	0	0	0
W1D	JCFA Lafayette	<10	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
W2B	Willow Charter Academy	48	0	0	0	0	0	0	0	0	0	0	0	0
3C5	St. Landry Primary School, Incl.	22	0	0	0	0	0	0	0	0	0	0	0	0
3C7	Rooted School	32	0	0	0	0	0	0	7	2	3	2	2	7
W3B	Iberville Charter Academy	61	0	0	0	0	0	0	0	0	0	0	0	0
W4A	Delta Charter Group	61	0	0	0	0	0	0	0	0	0	0	0	0
W4B	Lake Charles College Prep	59	0	0	0	0	0	0	0	0	0	0	0	0
W5B	Northeast Claiborne Charter	16	0	0	0	0	0	0	0	0	0	0	0	0
W6B	Acadiana Renaissance Charter Academy	178	0	0	0	0	0	0	0	0	0	0	0	0
028	Lafayette Parish	2,914	15	11	18	15	1	1	22	12	12	17	28	62
034	Morehouse Parish	530	5	2	0	0	0	0	1	1	0	0	0	3
W7A	Louisiana Key Academy Baton Rouge	286	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
W7B	Lafayette Charter Foundation	112	0	0	0	0	0	0	0	0	0	0	0	0
W8A	Impact Charter School	30	0	0	0	0	0	0	0	0	0	0	0	0
030	LaSalle Parish	302	14	1	8	2	11	1	5	2	5	1	1	11
031	Lincoln Parish	967	8	5	3	2	2	2	2	1	1	4	6	15
WAG	Louisiana Virtual Charter Academy	239	0	0	0	0	0	0	0	0	0	0	0	0
WAK	Southwest Louisiana Charter Academy	88	0	0	0	0	0	0	0	0	0	0	0	0
3C8	Young Audiences at Crocker Elementary	41	0	0	0	0	0	0	6	1	0	0	0	1
W18	Noble Minds	27	0	0	0	0	0	0	0	0	0	0	0	0
WAU	GEO Prep Academy of Greater Baton Rouge	95	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
WAZ	Audubon Charter School	143	0	0	1	1	0	0	0	0	0	0	0	1
WBA	Einstein Charter School	21	0	0	0	0	0	0	0	0	0	0	0	0
WBB	Benjamin Franklin High School	15	0	0	0	0	0	0	0	0	0	0	0	0
033	Madison Parish	183	0	0	0	0	0	0	0	0	0	0	0	0
W31	Dr Martin Luther King Charter School for Sci Tech	67	0	0	0	0	0	0	0	0	0	0	0	0
WBC	InspireNOLA	71	0	0	0	0	0	0	0	0	0	0	0	0
035	Natchitoches Parish	552	0	0	0	0	0	0	0	0	0	0	0	0
WBD	InspireNOLA	96	0	0	1	1	0	0	0	0	0	0	0	1
WBR	Athlos Academy of Jefferson Parish	102	0	0	0	0	0	0	0	0	0	0	0	0
WBF	InspireNOLA	58	1	1	0	0	0	0	0	0	0	0	0	1
WBG	Robert Russa Moton Charter School	12	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
WBH	Lake Forest Elementary Charter School	49	0	0	0	0	0	0	0	0	0	0	0	0
WBI	New Orleans Charter Science and Mathematics HS	78	0	0	0	0	0	0	0	0	0	0	0	0
WBK	Bricolage Academy	193	0	0	13	3	0	0	0	0	0	2	13	5
036	Orleans Parish	1,044	2	2	0	0	1	1	1	1	0	2	7	6
037	Ouachita Parish	2,416	25	5	0	0	0	0	0	0	0	0	0	5
WBL	InspireNOLA	71	0	0	0	0	0	0	0	0	0	0	0	0
038	Plaquemines Parish	559	1	1	3	2	0	0	0	0	1	0	0	4
WBU	Collegiate Academies	90	0	0	1	1	0	0	0	0	0	1	1	2
WBM	Einstein Charter School	46	0	0	0	0	0	0	0	0	1	0	0	1
040	Rapides Parish	3,072	149	45	165	47	65	28	72	33	129	47	139	239
3AP	Redesign Schools Louisiana	53	0	0	0	0	0	0	0	0	0	0	0	0
WBN	Einstein Charter School	23	0	0	0	0	0	0	1	1	0	0	0	1

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
041	Red River Parish	165	0	0	0	0	0	0	0	0	0	0	0	0
WBO	Einstein Charter School	43	0	0	0	0	0	0	0	0	0	0	0	0
WBP	InspireNOLA	71	0	0	0	0	0	0	0	0	0	0	0	0
WBQ	New Harmony High Institute	31	0	0	0	0	0	0	0	0	0	0	0	0
WBT	Audubon Charter Gentilly	67	0	0	0	0	0	0	0	0	0	0	0	0
042	Richland Parish	381	0	0	0	0	2	1	0	0	0	0	0	1
WBV	InspireNOLA	67	0	0	0	0	0	0	0	0	0	0	0	0
WBW	Living School, Inc.	41	0	0	0	0	0	0	0	0	0	0	0	0
043	Sabine Parish	482	1	1	3	2	2	2	4	3	2	1	3	10
WBX	GEO Next Generation High School	64	0	0	0	0	0	0	0	0	0	0	0	0
101	Special School District	230	0	0	0	0	0	0	0	0	0	0	0	0
044	St. Bernard Parish	924	8	4	0	0	7	2	0	0	4	1	1	8
WZN	GEO Prep Baker	12	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
046	St. Helena Parish	174	0	0	0	0	0	0	0	0	0	0	0	0
047	St. James Parish	553	0	0	0	0	0	0	1	1	4	4	20	9
048	St. John the Baptist Parish	738	7	1	1	1	0	0	0	0	0	0	0	2
049	St. Landry Parish	1,644	0	0	0	0	0	0	0	0	0	0	0	0
WBY	Red River Charter Academy	14	0	0	0	0	0	0	0	0	0	0	0	0
050	St. Martin Parish	843	0	0	1	1	0	0	0	0	0	0	0	1
051	St. Mary Parish	1,306	0	0	1	1	1	1	0	0	0	3	4	5
WZO	Louisiana Key Academy-Northsore	145	0	0	0	0	0	0	0	0	0	0	0	0
WBZ	InspireNOLA	127	0	0	0	0	0	0	0	0	1	0	0	1
053	Tangipahoa Parish	2,740	184	32	36	19	17	11	28	16	40	29	52	124
054	Tensas Parish	77	0	0	0	0	0	0	0	0	0	0	0	0
052	St. Tammany Parish	6,500	237	73	161	63	89	40	85	44	139	55	131	321
WC2	Collegiate Academies	78	0	0	16	4	5	3	6	2	1	3	8	13

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
WJ5	Collegiate Academies	92	0	0	0	0	0	0	0	0	0	0	0	0
WZ8	GEO Prep Mid-City of Greater Baton Rouge	88	0	0	0	0	0	0	0	0	0	0	0	0
056	Union Parish	219	0	0	0	0	0	0	0	0	0	0	0	0
WZB	Warren Easton Charter Foundation, Inc.	82	0	0	0	0	0	0	0	0	1	0	0	1
374	Success Preparatory Academy	54	0	0	0	0	0	0	0	0	0	0	0	0
057	Vermilion Parish	1,245	0	0	11	7	3	2	6	4	24	1	1	26
058	Vernon Parish	1,047	0	0	2	1	5	3	6	3	0	1	1	8
WZP	Discovery Health Sciences Foundation	11	0	0	0	0	0	0	0	0	0	0	0	0
WBE	The Willow School	118	0	0	0	0	0	0	0	0	0	0	0	0

School System #	School System Name	# of Students receiving special education services	2018-2019		2019-2020		2020-2021		2021-2022		2022-2023		2023-2024	
			# of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents	Number of Incidents	Number of Students with Incidents
WZQ	Pelican Educational Foundation-Kenilworth Science	70	0	0	0	0	0	0	0	0	0	0	0	0
059	Washington Parish	884	5	4	12	4	0	0	5	4	2	0	0	14
WZT	Louisiana Key Academy-Caddo	10	0	0	0	0	0	0	0	0	0	0	0	0
060	Webster Parish	771	2	2	9	6	6	4	1	1	4	10	33	26
061	West Baton Rouge Parish	540	0	0	0	0	0	0	0	0	0	0	0	0
062	West Carroll Parish	231	0	0	0	0	0	0	0	0	0	0	0	0
063	West Feliciana Parish	315	0	0	0	0	0	0	0	0	0	0	0	0
064	Winn Parish	256	0	0	0	0	0	0	0	0	0	0	0	0
WZV	Prescott K-8 Academy	31	0	0	0	0	0	0	0	0	0	0	0	0
067	Zachary Community School District	599	0	0	0	0	0	0	0	0	0	0	0	0

APPENDIX E: LDOE'S SECLUSION AND RESTRAINT GUIDANCE DOCUMENT

DEVELOPING LOCAL GUIDELINES AND PROCEDURES FOR IMPLEMENTING SECLUSION AND RESTRAINT FOR STUDENTS WITH DISABILITIES

Introduction

All local education agencies (LEAs) must have local written guidelines and procedures for appropriate responses to the behavior of students with disabilities that may require immediate intervention in the form of seclusion and restraint. These written guidelines and procedures must be provided to every parent of a child with a disability in the LEA and to all school employees, posted at each school and on the LEA's website, and a copy must be provided to the Louisiana State Department of Education (LDOE).

This document outlines factors to consider when developing local guidelines and procedures for the appropriate use of seclusion and restraint with students with disabilities and includes key considerations for developing guidelines and procedures around:

- Defining Seclusion and Restraint
- Using Seclusion and Restraint
- Communicating and Reporting Incidents of Seclusion and Restraint

Factors to consider when developing guidelines and procedures for the use of seclusion and restraint:

Defining Seclusion and Restraint

When developing local guidelines and procedures each LEA should define what methods of seclusion and restraint may be used in the LEA and how each is managed.

Key Considerations	Resources
<ul style="list-style-type: none">• What definitions are mandated by law?• Are there additional local definitions that need to be consistent across the LEA?• How do unique student needs impact definitions of seclusion and restraint?	<p>LDOE Guide for Defining Seclusion and Restraints</p> <p>Bulletin 1706 §540</p> <p>USDOE Guidance</p>

DEVELOPING LOCAL GUIDELINES AND PROCEDURES FOR IMPLEMENTING SECLUSION AND RESTRAINT FOR STUDENTS WITH DISABILITIES

Using Seclusion and Restraint

Every effort should be made to prevent the need for using seclusion and restraint techniques. Environments should be structured and focused on positive interventions and supports to greatly reduce, and in many cases eliminate, the need to use restraint and seclusion. In the event that such measures are needed, local guidelines and procedures should describe how seclusion and restraint should be used in the LEA. Additionally each LEA should have a plan that outlines how all school employees are trained on appropriate behavior management techniques including the use of seclusion and restraint techniques.

Key Considerations	Resources
<ul style="list-style-type: none"> • What are the legal requirements for using seclusion and restraint techniques? • What are the legal requirements when incidents for one student exceeds 5 times in one school year? After repeated use? • Are additional local requirements/ clarifications on the use of seclusion and restraint necessary? • How do school employees know when to use seclusion and restraint techniques? • Are school employees trained to appropriately respond to student behavior using methods outlined in the local guidelines? 	<p>LDOE Guide for Using Seclusion and Restraint Bulletin 1706 §541-543</p>

Communicating and Reporting Incidents of Seclusion and Restraint

Each incident of seclusion and restraint must be properly documented and reported to school officials and to the parent(s) of the student who was been placed in seclusion or physically restrained based on local guidelines and procedures. Each incident must be reported to the LDOE through the Special Education Reporting (SER) system. LEAs must have consistent procedures in place that outline responsibilities for documenting and reporting incidents of seclusion and restraint. These guidelines and procedures must be adopted by the LEA's governing board.

Key Considerations	Resources
<ul style="list-style-type: none"> • Are teachers and school staff using consistent protocols/ tools/timelines for collecting and maintaining data? • What are the follow-up and intervention procedures when seclusion and restraint procedures repeatedly occur with the same student and/or adult? • In what manner and under what timelines are incidents of seclusion and restraint communicated to principals, local special education directors, and parents? • Who is responsible for submitting incidents of seclusion and restraint in SER? 	<p>LDOE Guide for Reporting Incidents in SER</p>

When developing local guidelines and procedures each LEA should define what methods of seclusion and restraints may be used in the LEA and how each is managed. The definitions below are included in Bulletin 1706. 450 and must be included in local guidelines.

Mechanical Restraint: A Mechanical Restraint is the use of any device or object used to limit a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- restraints for medical immobilization; or
- orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

It also does not include any device used by a duly licensed law enforcement officer in the execution of his official duties.

Physical Restraint: Physical Restraint is using bodily force to limit the movement of a student's torso, arms, legs or head. This term does not include:

- consensual, solicited, or unintentional contact;
- momentary blocking of a student's action if the student's action is likely to result in harm to the student or any other person;
- holding of a student, by one school employee, for the purpose of calming or comforting the student, provided the student's freedom of movement or normal access to his or her body is not restricted;
- minimal physical contact for the purpose of safely escorting a student from one area to another; or
- minimal physical contact for the purpose of assisting the student in completing a task or response.

Seclusion: Seclusion is an involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This procedure isolates and confines a student until he or she is no longer an immediate danger to self or others. It may be used on an individual basis for a limited time to allow the student the opportunity to regain control in a private setting.

This method must not be used to address behaviors such as general noncompliance, self-stimulation, and academic refusal. Such behaviors must be responded to with less stringent and less restrictive techniques.

Seclusion Room: a room or other confined area, used on an individual basis, in which a student is removed from the regular classroom setting for a limited time to allow the student the opportunity to regain control in a private setting and from which the student is involuntarily prevented from leaving;

This term does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Every effort should be made to prevent the need for using seclusion or restraint techniques. Environments should be structured and focused on positive interventions and supports to greatly reduce, and in many cases eliminate, the need to use restraint or seclusion. LEAs should ensure that local guidelines and policies outline the following:

- Seclusion and restraint must not be used as a form of discipline or punishment, as a threat to control, bully, or obtain behavioral compliance, or for the convenience of school personnel
- No student should be subjected to unreasonable, unsafe, or unwarranted use of seclusion or physical restraint
- No student should be placed in seclusion or physically restrained if he or she is known to have any medical or psychological condition that precludes such action, as certified by a licensed health care provider in a written statement provide to the school in which the student is enrolled
- No student should be subjected to mechanical restraints to restrict a student's freedom of movement

Physical restraint must be used only:

- when a student's behavior presents a threat of imminent risk of harm to self or others and only as a last resort to protect the safety of self and others;
- only to the degree necessary to stop the dangerous behavior;
- in a manner that causes no physical injury to the student, results in the least possible discomfort, does not interfere in any way with the student's breathing or ability to communicate with others, and does not place excessive pressure on the student's back or chest or that causes asphyxia; and
- in a manner that is directly proportionate to the circumstances and to the student's size, age, and severity of behavior.

A Seclusion Room or other confined area must:

- be free of any object that poses a danger to the student who is placed there;
- have an observation window;
- have a ceiling height and heating, cooling, ventilation, and lighting system comparable to operating classroom in the school; and
- be of a size that is appropriate of the student's size, behavior, and chronological and developmental age.

It is recommended that these guidelines apply to all students, not just those with disabilities and outline that the use of seclusion and/or restraint:

- Should be reserved for situations or conditions where there is imminent danger of serious physical harm to the student, other students, or school or program staff and other interventions are ineffective;
- Should not be used except to protect the student and others from serious harm and to defuse imminently dangerous situations in the classroom or other non-classroom school settings (e.g., hallways, cafeteria, playground, sports field);
- Only should be used by trained personnel;
- Never involve mechanical restraints to restrict a student's freedom of movement;

- Never involve a drug or medication to control behavior or restrict freedom of movement (except as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority under State law; and administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law).

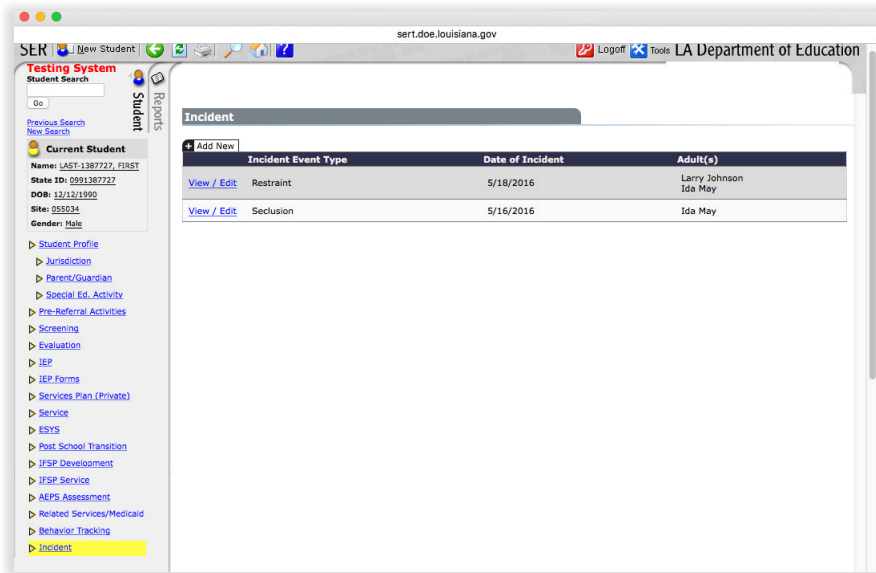
In the event that such measures are needed, local guidelines and procedures must describe how seclusion and restraint will be used in the LEA. It must describe when behavior management plans must be reviewed and revised. Additionally each LEA must outline how all school employees are trained on appropriate behavior management techniques including the use of seclusion and restraint techniques.

Each incident of seclusion and restraint must be properly documented and reported to school officials and to the parent(s) of the student who was been placed in seclusion or physically restrained based on local guidelines and procedures. Each incident must be reported to the Louisiana Department of Education (LDOE) through the Special Education Reporting (SER) system. LEAs must have consistent procedures in place that outline responsibilities for documenting and reporting incidents of seclusion and restraint.

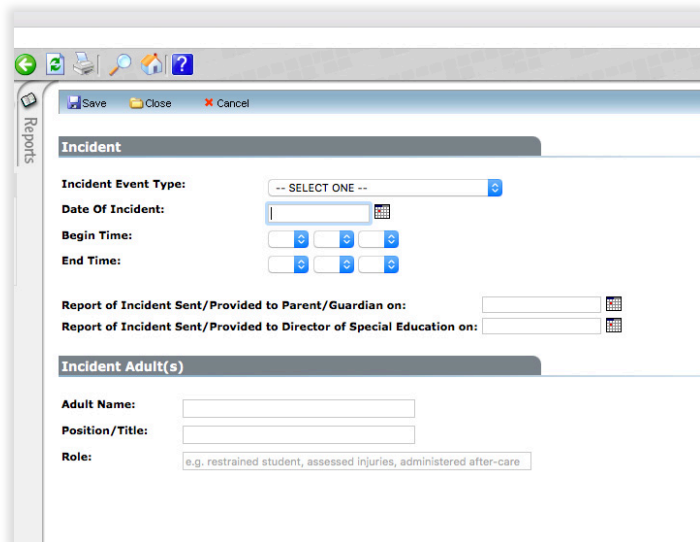
Reporting Incidents of Seclusion and Restraint in SER

All incidents of seclusion and restraint must be reported to the LDOE through SER. Below are screen shots of where this information should be entered.

Step 1: Select the incident link on the students record in SER



Step 2: Complete all fields detailing the incident of seclusion or restraint and submit the record.



APPENDIX F: CRIMES PROHIBITING TEACHER CERTIFICATION

Prohibited Criminal Offenses LAC Title 28, CXXXI, 1909	
Legal Citation	Crime
R.S. 14:2(B)	Crimes of Violence
R.S. 14:30	First Degree Murder
R.S. 14:30.1	Second Degree Murder
R.S. 14:31	Manslaughter
R.S. 14:32.6	First Degree Feticide
R.S. 14:32.7	Second Degree Feticide
R.S. 14:32.8	Third Degree Feticide
R.S. 14:41	Rape
R.S. 14:42	First Degree Rape
R.S. 14:42.1	Second Degree Rape
R.S. 14:43	Third Degree Rape
R.S. 14:43.1	Sexual Battery
R.S. 14:43.1.1	Misdemeanor Sexual Battery
R.S. 14:43.2	Second Degree Sexual Battery
R.S. 14:43.3	Oral Sexual Battery
R.S. 14:43.4	Female Genital Mutilation
R.S. 14:43.5	Intentional Exposure for the AIDS Virus
R.S. 14:44	Aggravated Kidnapping
R.S. 14:44.1	Second Degree Kidnapping
R.S. 14:44.2	Aggravated Kidnapping of a Child
R.S. 14:45	Simple Kidnapping
R.S. 14:46.2	Human Trafficking
R.S. 14:46.3	Trafficking of Children for Sexual Purposes
R.S. 14:46.4	Rehomng of a Child
R.S. 14:74	Criminal Neglect of Family
R.S. 14:79.1	Criminal Abandonment
R.S. 14:80	Felony Carnal Knowledge of a Juvenile
R.S. 14:80.1	Misdemeanor Carnal Knowledge of a Juvenile
R.S. 14:81	Indecent Behavior with a Juvenile
R.S. 14:81.1	Pornography Involving Juveniles
R.S. 14:81.2	Molestation of a Juvenile or a Person with a Physical or Mental Disability
R.S. 14:81.3	Computer-aided Solicitation of a Minor
R.S. 14:81.4	Prohibited Sexual Conduct between Educator and Student
R.S. 14:82	Prostitution
R.S. 14:82.1	Prostitution; Persons under 17; Additional Offenses
R.S. 14:82.1.1	Sexting
R.S. 14:82.2	Purchase of Commercial Sexual Activity
R.S. 14:83	Soliciting for Prostitutes
R.S. 14:83.1	Inciting Prostitution
R.S. 14:83.2	Promoting Prostitution
R.S. 14:83.3	Prostitution by Massage
R.S. 14:83.4	Massage; Sexual Content Prohibited
R.S. 14:84	Pandering
R.S. 14:85	Letting Premises for Prostitution
R.S. 14:86	Enticing Persons into Prostitution
R.S. 14:89	Crime Against Nature

Prohibited Criminal Offenses LAC Title 28, CXXXI, 1909	
Legal Citation	Crime
R.S. 14:89.1	Aggravated Crime Against Nature
R.S. 14:89.2	Crime Against Nature by Solicitation
R.S. 14:92	Contributing to the Delinquency of Juveniles
R.S. 14:93	Cruelty to Juveniles
R.S. 14:93.2.1	Child Desertion
R.S. 14:93.3	Cruelty to the Infirm
R.S. 14:93.5	Sexual Battery of Persons with Infirmities
R.S. 14:106	Obscenity
R.S. 14:282	Operation of Places of Prostitution
R.S. 14:283	Video Voyeurism
R.S. 14:283.1	Voyeurism
R.S. 14:284	Peeping Tom
R.S. 14:286	Sale of Minor Children
R.S. 15:541	Sex Offenses
Source: Prepared by the legislative auditor's staff using information from Louisiana regulations.	