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MEMORANDUM

TO: Vermont Superintendents, Principals, and Directors of Special Education
FROM: Tracy Harris, Coordinator for Behavioral Supports, Vermont Agency of Education
SUBJECT: Rule 4500 Guidelines Document Part I: Seclusions in Vermont Schools
DATE: September 3, 2019

Introduction

This memo serves as Part I of a series of documents designed to provide guidelines, clarification and reminders about Rule 4500: The Use of Restraints and Seclusions in Vermont Schools. Part I of this series speaks to the use of seclusion. Rule 4500 went into effect in August 2011 for the purposes of creating and maintaining positive and safe learning environments in our schools, to promote positive behavioral interventions and supports in schools, and to ensure that students are not subjected to the inappropriate use of these restrictive interventions.

We have a shared commitment to provide all Vermont students with access to and success in school and for students who qualify for special education, we have the responsibility of ensuring a Free Appropriate Public Education (FAPE). This includes those students who haven't developed the skills to keep themselves and others safe at times. We acknowledge that it can be quite challenging to meet these students' educational needs while also collaborating with our partners in mental health to help meet the students' social and emotional needs. At the same time, we know that students with significant social/emotional/behavioral challenges require intensive interventions, targeted strategies, and universal supports if we are to provide them access to their education and improved outcomes. We must also keep in mind that many of these students are the ones who've demonstrated the worst outcomes; therefore, it is incumbent upon us to ensure that all of our teachers have the skills to educate them and that we all have systems in place to support our teachers.

When restraints and seclusions are used, we run the risk not only of harming the student and staff members, but also the hazard of denying these students their access to and success in the general education curriculum. Indeed, any time we exclude or seclude a student, they are missing valuable instructional time and when students show a pattern of requiring these interventions with greater frequency, we are denying them access to the education they deserve. Hence, it is crucial that our staff members have received the professional development and support necessary to develop and use effective intervention strategies that can help de-escalate students in crisis.

This memo constitutes the first of a series intended to provide guidance around some patterns seen in the data collected by the Vermont Agency of Education (VT AOE, or Agency).

The most pertinent trend in the data collected by the agency is a significant increase in violations of the rule. In the first three years that the rule was in effect, 4-5% of the all reports sent to the Agency involved violations of the rule, but that data point has increased in recent years to between 14-46% of all reports received by the Agency being in violation of the rule.

Guidelines around the use of seclusion were chosen as the first in this series of memos because there has been an increase in the percentage of seclusions being used in general, and many of them in violation of the rule. In the early years of the rule, 17-33% of the reports submitted to the Agency involved the use of seclusion. In recent years, that percentage has grown to between 34-48% of the reports submitted to the Agency. Seventy-one percent of the seclusions administered in SY 2018-19 were done in violation of the rule.

The Keeping All Students Safe Act was introduced at the federal level, with support from US Senators and Representatives, in November, 2018 and a long list of professional organizations support this bill. As written now, the federal mandate, if enacted into law, would prohibit the use of seclusion altogether. Vermont schools can do better at meeting our current state regulations and the written guidelines, along with a frequently asked questions is intended as a universal support in helping educators better understand what is and is not permissible.

[Guidelines Regarding Seclusion in Vermont Schools and some frequently asked questions](#)

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