



U.S. Department of Justice  
**Civil Rights Division**



**Anchorage School District**  
*Educating All Students for Success in Life*

Summary of the  
Settlement Agreement  
between  
**The United States of America**  
and  
**The Anchorage School District**



# Overview

The Educational Opportunities Section of the United States Department of Justice’s Civil Rights Division received allegations that the Anchorage School District (“District”) improperly secluded and restrained students with disabilities. In response, the United States opened an investigation under Title II of the Americans with Disabilities Act in November 2020.

The District fully cooperated with the United States during the investigation. Before the investigation concluded, the District committed to improve its practices and make positive changes for students with disabilities, including by starting a process to end the use of seclusion in its schools. The United States and the District reached a Settlement Agreement (the “Agreement”) on February 16, 2022.

This document summarizes the Agreement. You can review the entire Agreement on the websites of the [Department of Justice](#) or the [District](#).

***This summary is intended to increase awareness of the Settlement Agreement and share with the Anchorage community the steps the District is taking to better serve its students with disabilities. This summary is designed for those who may not have a legal background.***

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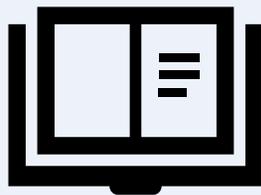
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# Sections 1 and 2: General Provisions and Definitions

## Highlights

- The District will follow federal law **prohibiting discrimination based on disability**.
- The District has contracted with two **independent consultants** to help accomplish these goals. For example, they will help the District replace seclusion rooms with appropriate de-escalation spaces, and fully implement Positive Behavioral Interventions and Supports ("PBIS").

Please click [here](#) for more information about the prohibition on seclusion and [here](#) for more information on appropriate physical restraint practices. Click [here](#) for more resources on seclusion.



## Section 3: Behavior Supports Administrator

### Highlights

- The District will recruit and hire a **qualified Behavior Supports Administrator ("BSA")**. The BSA will be a District-level administrator.
- The BSA will review incidents, make sure that follow-up occurs after each incident, improve the District's physical restraint practices, oversee staff training, and submit reports to the United States.



## Section 4: Classroom-Wide Behavior Management Plans

### Highlights

The District will create Classroom-Wide **Behavior Management Plans** ("Classroom Plans") for every classroom at the Whaley School and every classroom at each School Based Behavior Support Program school (currently Kasuun, Lake Hood, and Tyson Elementary Schools).

- The Classroom Plans will **discourage the use of physical restraint, promote positive behaviors, and ensure that staff use appropriate de-escalation techniques to address student behaviors.**



- Under the **Classroom Plans**, students will not be deprived of recess, access to food, or the ability to participate in special classes (gym, art, etc.) for misbehavior.
- The District will **explain** the Classroom Plans to **parents and guardians** and provide them with **copies of the plans.**
- The District will **modify** its Classroom Plans for individual students **when necessary** to accommodate their disabilities and **help them to fully participate in the classroom.**



# Section 5: Seclusion

## Highlights

**The District will stop using seclusion.**

The District will:

- **Revise its policies** to prohibit the use of **seclusion** and **tell** all employees that **seclusion is prohibited**.
- **Remove all locking mechanisms** from rooms that had been used for seclusion
- Not place students in any rooms that have been used for **seclusion as a form of discipline or to manage behavior**.

**Deadline:**

The District will end the use of seclusion at all schools (except Whaley, Lake Hood, Kasuun, and Tyson) by **March 20, 2023**.

### What IS seclusion?

Seclusion is the **involuntary confinement of a student alone in any room or area that they are physically prevented from leaving**. It includes the use of any room or area in which a student is alone and not free to leave regardless of its name.

### What IS NOT seclusion?

Seclusion is not a **classroom time-out, supervised detention, or suspension from school**. A disciplinary action is not seclusion unless the student is both alone and prevented from leaving a space.

**Deadline:**

The District will end the use of seclusion at all schools on or before **August 17, 2023**, which is the first day of the 2023-24 school year.



## Section 6: Physical Restraint

### Highlights

The District will prohibit the use of **physical restraint**:

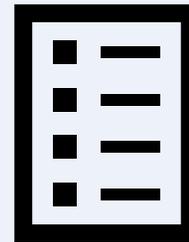
- **Unless there is an immediate and imminent risk of serious physical injury** to the student or others.
- **To move a student from one location or another or prevent a student from leaving a physical space**, unless failure to do so will create an **imminent danger of serious physical injury**.
- When a **de-escalation technique** would be effective or when any **risk of injury is over**.
- **As a punishment** or to force compliance with rules or directives.

#### **Deadline:**

The District will put in place revised policies on physical restraint that follow this Agreement in time for the 2023-24 District school year.

Any time a student is subject to physical restraint, unless it is the result of an isolated incident, the District will determine within two days whether the student has a current Behavior Intervention Plan ("BIP") and, if so, **whether the BIP was followed and effective**.

If the BIP was not followed during the incident that led to physical restraint or if it was ineffective, then the District will take steps to fix the problem(s). The District will fix the problem(s) **either by properly following the BIP or creating a new BIP**.

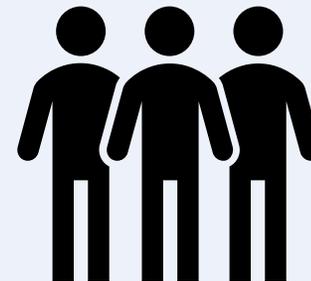


## Section 7: Documentation and Monitoring

### Highlights

The District will:

- Take steps to ensure all seclusions and **restraints are documented**; and
  - Develop a database or spreadsheet that includes relevant information from the Restraint/Seclusion Documentation Form so it can better monitor its practices.
- **Review all incident forms** to make sure any uses of restraint or seclusion were **justified** and followed District policy.
  - Beginning **April 1, 2023**, the BSA will meet monthly with the **administrators and relevant staff at Whaley, Kasuun, Lake Hood, and Tyson** to examine and improve the school's restraint and seclusion practices.



## Section 8: Complaint Procedure

### Highlights

- The District will revise its **Complaint Form** to provide that the form can be used to **address complaints** regarding the treatment of students with disabilities and **use of Seclusion and Restraint** and make clear that these complaints can be filed **even if the person filing the complaint does not know which specific District staff members were involved** in the incident.

**Deadline:**  
District will revise its Citizen Complaint Form by  
**May 17, 2023.**



# Section 9: Training and Professional Development

## Highlights

- The BSA will ensure implementation of **professional development** for **all administrators and all instructional staff** at Whaley and each SBBS Program.
- The training for instructional staff will cover:
  - **The District's Seclusion and Physical Restraint Policies;**
  - Behavior management strategies;
  - Completing forms required by this Agreement;
  - Conducting **Functional Behavioral Assessments (FBAs)** and implementing **BIPs;**
  - **Adjusting teaching practices to support behavioral goals for students;**
  - Implementing **Classroom Plans;** and
  - Providing **individualized support to students.**

- The District will work with its consultants to develop a plan to **increase the qualifications of its staff** at Whaley and the schools that have an SBBS program.

**Deadline:** The District will submit its staffing plan to the United States for review by **July 1, 2023.**

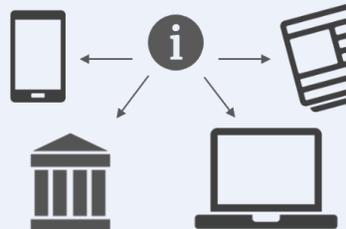


# Section 10: Notice and Compensatory Services

## Highlights

- When a student is subjected to a physical restraint or seclusion, the student's **parent or guardian must be notified by the end of the day.**
- For every student who was **subject to five or more hours of seclusion** from August 2018 to December 2022, **the District will offer services to make up for the time lost due to seclusion.**
- **Parents/Guardians can pick whether the student gets counseling or academic tutoring.**

**Deadline:** Notice of such services will be provided to parents/guardians by **April 1, 2023** and the services will be provided by **August 2024.**



# Section 11: Reporting and Enforcement

## Highlights

- On or before **January 15 and July 15 of each year the agreement is in place**, the District will provide a status report to the United States.
- The United States will monitor the Agreement by reviewing the status reports and may request additional documents or data, tour schools, monitor training, or conduct other compliance activities.
- The Parties anticipate that the District will have complied with this Agreement by the **end of the 2025-26 school year**.



# Contact Information

## Anchorage School District

If you have concerns about the use of restraint and/or seclusion in any Anchorage School District school, please submit a citizen complaint at this webpage:

<https://www.asdk12.org/Page/3293#complaint>.



## U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section

If you have questions, concerns, or information that you think may be relevant to this agreement, including the use of restraint and/or seclusion in any Anchorage School District school, please contact Jim Eichner or Amelia Huckins using the information below.

*Please let us know when and where the incident(s) occurred, if the information has been reported to a school or District administrator, and how the school or District responded.*

### Jim Eichner

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