

# **SECLUSION AND RESTRAINT: AN OSERS UPDATE**



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**MAY 19, 2011**

# TIMELINE OF EVENTS

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2009

2011

2010



# GOVERNMENT ACCOUNTABILITY OFFICE REPORT

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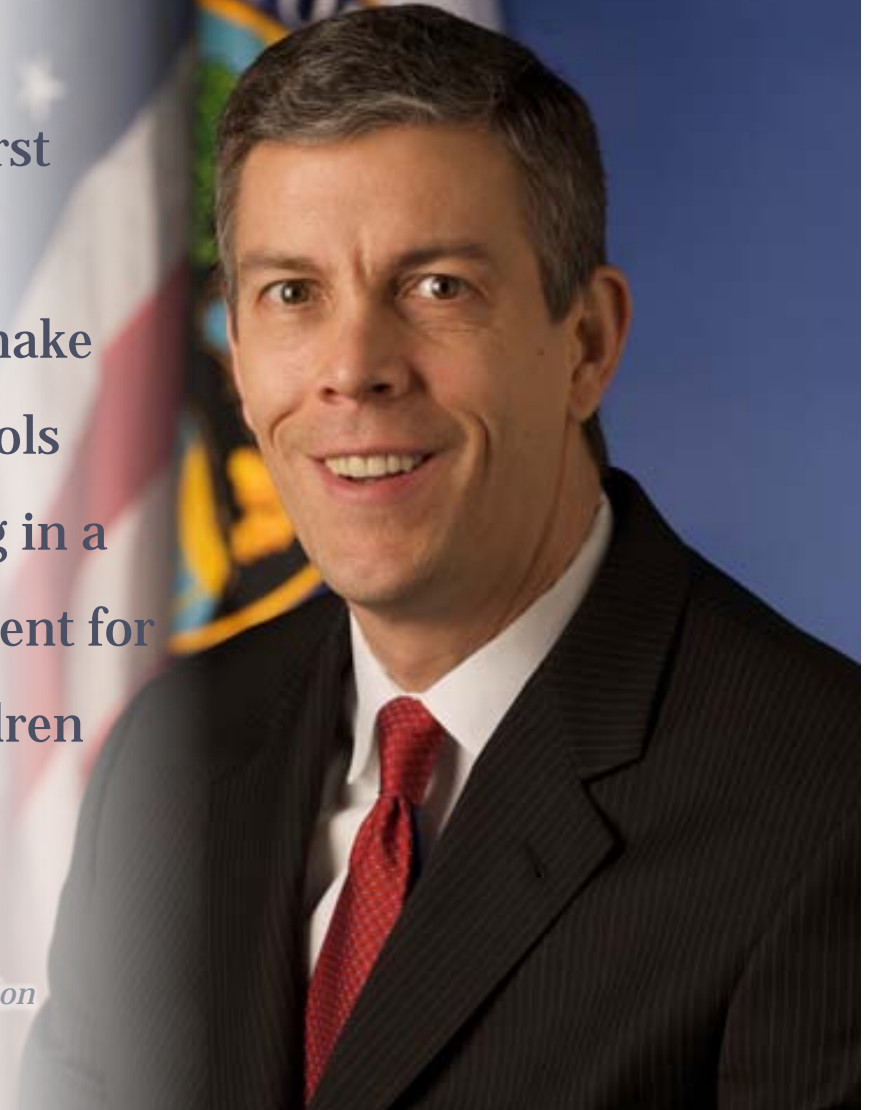
2009 GAO report findings include—

- No Federal regulations exist
- A wide variety of divergent State regulations govern the use of restraint and seclusion
- There are presently no reliable national data
- Problems with untrained or poorly trained staff were often related to many instances of alleged abuse

**LETTER TO CHIEF  
STATE SCHOOL  
OFFICERS**

“As education leaders, our first responsibility should be to make sure that schools foster learning in a safe environment for all of our children and teachers.”

—**Arne Duncan**  
*Secretary, U.S. Education  
Department*



# CONGRESSIONAL LETTER

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“I applaud your interest in addressing this  
very serious issue...”

—Secretary Arne Duncan  
Letter to Congressional committee chairs  
December 8, 2009

# ED STATE SUMMARY

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Variance among states in—

- Oversight of restraint and seclusion in schools
- Scope and impact of laws
- Restrictions of the use of restraint and seclusion
- Training for school staff

[www2.ed.gov/policy/seclusion/seclusion-state-summary.html](http://www2.ed.gov/policy/seclusion/seclusion-state-summary.html)

# ED STATE SUMMARY TRENDS

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- States vary considerably in their oversight of restraint and seclusion in schools
  - 31 States had legally regulated
  - 19 States had no laws or regulations related to the use of these practices

# ED STATE SUMMARY TRENDS

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- **Scope and impact of the 31 states with laws also varied**
  - 5 States place some restrictions on the use of restraints but do not regulate seclusion.
  - 1 State regulates the use of seclusion without regulating restraint.
  - Only 8 States specifically prohibit the use of prone (i.e., face down) restraints, which can impede a child's ability to breathe and can become lethal if used with excessive force.



# ED STATE SUMMARY TRENDS

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- States have varied policies regulating the training of school staff on the use of restraint and seclusion,
  - 13 States require that selected school staff receive training before being permitted to restrain children
  - 8 States offer training and technical assistance to local education agencies in providing training to school staff in making decisions about and carrying out proper restraint and seclusion practices

# STATE UPDATES

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# OFFICE FOR CIVIL RIGHTS

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## Civil Rights Data Collection—

- Number of students subjected to physical restraint
- Number of students subjected to mechanical restraint
- Number of students subjected to seclusion;
- Total number of incidents of physical restraint, mechanical restraint, and seclusion

[www.ocrdata.ed.gov](http://www.ocrdata.ed.gov)

# LEGISLATIVE UPDATE

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## 111<sup>th</sup> Congress

- House bill (H.R. 4247) *Keeping All Students Safe Act*
- Senate bill (S. 2860) *Preventing Harmful Restraint and Seclusion in Schools Act*

## 112<sup>th</sup> Congress

- House bill (H.R. 1381) *Keeping All Students Safe Act*

# WHAT WE NEED

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## **Positive Behavioral Interventions & Supports (PBIS)...**

is a broad range of **systemic and individualized** strategies for achieving important **social and learning outcomes** while preventing problem behavior.

# WORKING PRINCIPLES

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- Any behavioral intervention must be consistent with the child's right to be treated with dignity and to be free from abuse, regardless of the child's educational needs or behavioral challenges.
- Physical restraint and seclusion should never be used as punishment or discipline, nor in a manner that restricts a child's breathing.
- Every instance of physical restraint and seclusion should be appropriately monitored to ensure the safety of the child, other children, teachers, and other personnel.

## **WORKING PRINCIPLES (CONT.)**

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- Teachers and other personnel should be trained regularly on the appropriate use of restraint and seclusion and the use of effective alternatives, such as positive behavioral intervention and supports.
- Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable State or local laws.
- Parents should be notified promptly following the use of restraint or seclusion on their child, and any such use should be documented in writing.

## **WORKING PRINCIPLES (CONT.)**

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- Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
- Legislation should apply to all children, not just children with disabilities.
- Legislation should promote the collection of data that would enable teachers, staff, and other educational personnel to understand and implement the preceding principles.



# OTHER ITEMS

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- **Technical assistance document**
- **Elementary and Secondary Education Act reauthorization**
- **Individual with Disabilities Education Act reauthorization**
- **Workforce Investment Act**

# ALL STUDENTS...

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- **All students** will acquire the same essential knowledge and skills
- **All students'** learning will be carefully monitored, and will be given multiple opportunities to demonstrate their learning
- **All students** will promptly receive extra time and support if they experience difficulty in learning
- **All students'** teachers will clarify the standards they will use in assessing the quality of student work
- **All students** will be the beneficiaries of educators who have promised to work together collaboratively to use the practices that have a positive impact on their achievement