



*“There is no evidence that physically restraining or putting children in unsupervised seclusion in the K-12 school system provides any educational or therapeutic benefit to a child. In fact, use of either seclusion or restraints in non-emergency situations poses significant physical and psychological danger to students.*

*“The ‘Keeping All Students Safe Act’ would permit the use of restraints only in emergency situations and eliminate the use of seclusion. It can help schools to implement interventions that promote positive learning environments, promote better academic outcomes, and prevent behaviors that put children and personnel in danger.” –Senator Tom Harkin*

## **Senate HELP Committee Chairman Tom Harkin Introduces the *Keeping All Students Safe Act* (Seclusion and Restraints)**

### **What are seclusion and restraints?**

Seclusion and restraints are dangerous practices that have no educational benefit for children in our schools. Seclusion occurs when children are locked or barred in a room or enclosure without the supervision of an adult, while restraints are procedures used to physically limit the movement of a child. The use of seclusion and restraints has resulted in numerous physical injuries, psychological trauma, and, most unfortunately, the death of some students. Creating positive learning environments reduces or eliminates the perceived necessity of using these procedures, even for children with the most challenging of behaviors.

### **How widespread is the use of seclusion and restraints in schools?**

Based on a 2009 Government Accountability Office (GAO) report and independent reports from organizations like the National Disabilities Rights Network, seclusion and restraints have resulted in physical injury and psychological trauma to thousands of students in public and private schools throughout the country. In March 2011, the Office of Civil Rights of the Department of Education released the Civil Rights Data Collection that included at least 66,000 incidences of seclusion and restraints in a single school year, a figure which likely underestimates the actual use of these practices.

### **How does the *Keeping All Students Safe Act* address the problem?**

Chairman Harkin’s *Keeping All Students Safe Act* would prohibit the use of seclusion in locked, unattended rooms or enclosures. It would also prohibit the use of mechanical restraints (e.g., Velcro straps, belts, or duct tape), and physical restraints, when a staff member restrains the student with his or her body. The use of chemical restraints—the use of medications to subdue a student—are also prohibited under the bill. Any restraint that restricts breathing is prohibited, as are aversive behavioral interventions that compromise health and safety.

In addition to the prohibitions mentioned above, the legislation would:

- 1) Allow for physical restraints only in emergency situations, and only then if they do not inhibit a student's primary means of communication;
- 2) Prohibit the use of seclusions and/or restraints in a student's individual education plan (IEP) or any other behavioral plan unless the state explicitly allows for the inclusion in a student's IEP; the use of the physical restraint would still be subject to emergency situations only;
- 3) Allow for a student or family to file a civil action while also pursuing resolution of seclusion and restraint concerns through IDEA and other statutes;
- 4) Require state educational agencies (SEAs) to establish policies and procedures to promote preventative systems and instruction to prevent the need for emergency use of restraints;
- 5) Require states to collect and make public data on the occurrence of seclusions and restraints;
- 6) Require schools to notify parents within 24 hours that a restraint has been used with their child, to conduct a debriefing with parents and staff after a restraint is used, and plan for positive behavioral interventions that will prevent the use of restraints with the student in the future; and
- 7) Establish a state grant program to enhance the State's ability to promote, within its local educational agencies (LEAs) preventative programming and training for school personnel.

More than 200 local, state, and national organizations support this legislation, including: Easter Seals, United Cerebral Palsy, The Arc of the United States, Autism Speaks, the Autistic Self-Advocates Network, the National Disability Rights Network, TASH, the National Down Syndrome Society, and the Association of University Centers on Disabilities.

Senator Chris Murphy (D-CT) is an original cosponsor of the legislation. Congressman George Miller, senior Democrat on the Education and Workforce Committee, is the author of a similar measure in the House.

*For more information, please visit <http://www.harkin.senate.gov> or contact any of Senator Harkin's offices in Washington, D.C. or Iowa.*