

ALLIANCE
AGAINST

SECLUSION
RESTRAINT

What are **restraint** and **seclusion** and what harm do they cause?

2021 LIVES IN THE BALANCE CHILDREN'S MENTAL HEALTH CONFERENCE

Presented by
Guy Stephens

**ALLIANCE
AGAINST**

**SECLUSION
&
RESTRAINT**

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Hello!

I am a father.

I am the founder and executive director of the Alliance Against Seclusion and Restraint.

I believe that we can do better for students, teachers, and families across the nation.

I believe if we can do better we must.

Guy Stephens

My promise

My son was restrained, secluded and traumatized in a Maryland school.

My son and I talked about what happened to him. I made it clear to him that it was not okay that he was restrained and secluded and that he did not deserve to be treated that way.

I made a promise to do everything in my power to make sure it never happens to him again.



Alliance Against Seclusion and Restraint

In March 2019, I started a group called the Alliance Against Seclusion and Restraint (AASR) to raise awareness about the use of aversive practices including restraint and seclusion in classrooms in schools across our nation.



Mission Statement

Our mission is to educate the public and connect people who are dedicated to **changing minds, laws, policies, and practices** so that restraint and seclusion are reduced and eliminated from schools across the nation (and beyond).

Global Community

AASR has nearly 15,000 followers on Facebook from across the globe including parents, self-advocates, attorneys, educators, and others.

We have a team of seventeen volunteers and two interns who manage and develop content for the organization.



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About this conversation

We all want safer schools for students, teachers and staff. No one wants to see a student, teacher or staff member injured.

No one wants to restrain or seclude a child. We recognize that people choose to work in education to help children.

If we can do better we should. We are all here today, because we want to do better.

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Part 1:

Definitions

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RESTRAINT

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SECLUSION

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SERIOUS PHYSICAL HARM

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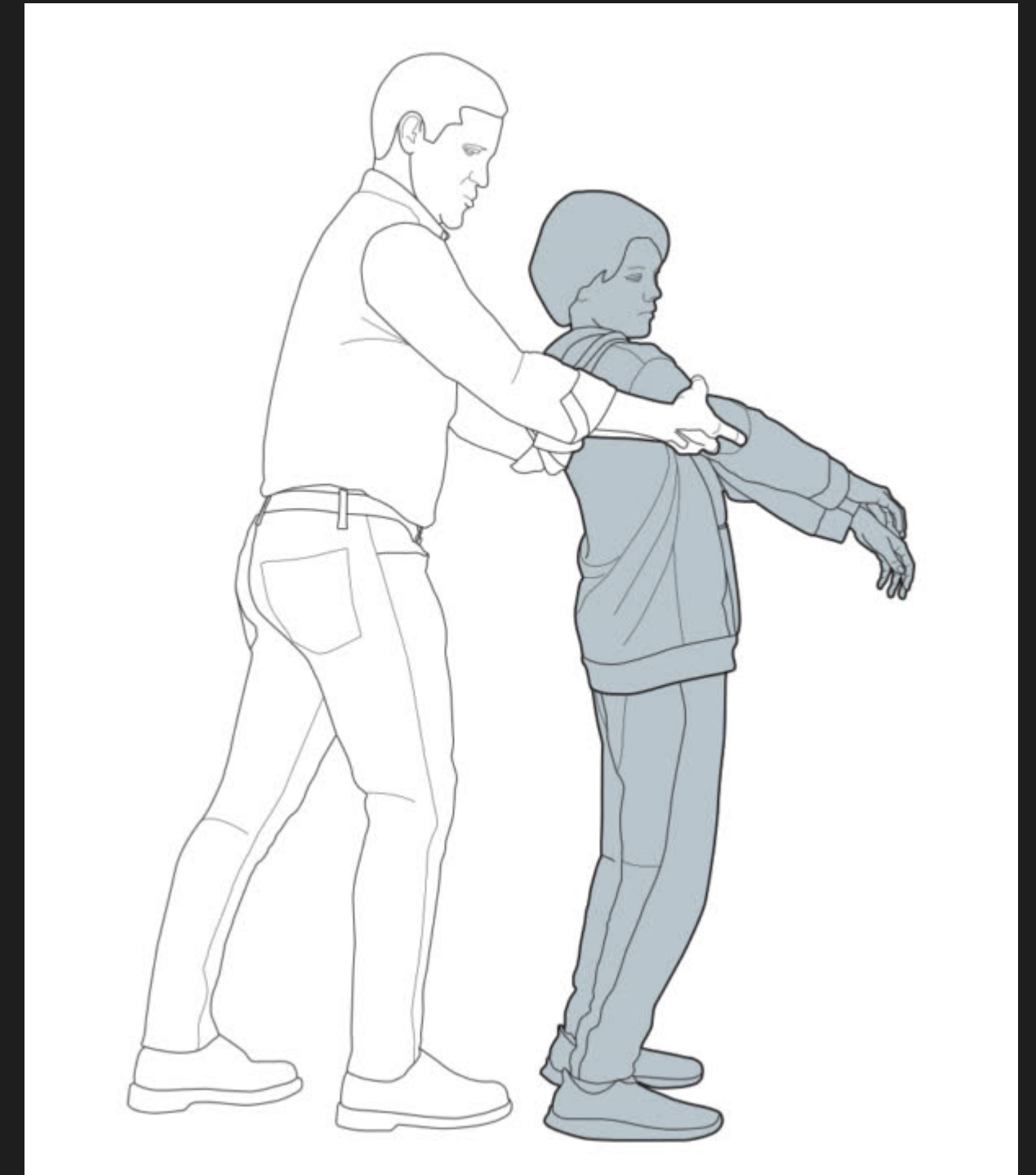
Physical Restraint

A **personal restriction** that **immobilizes** or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.

Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

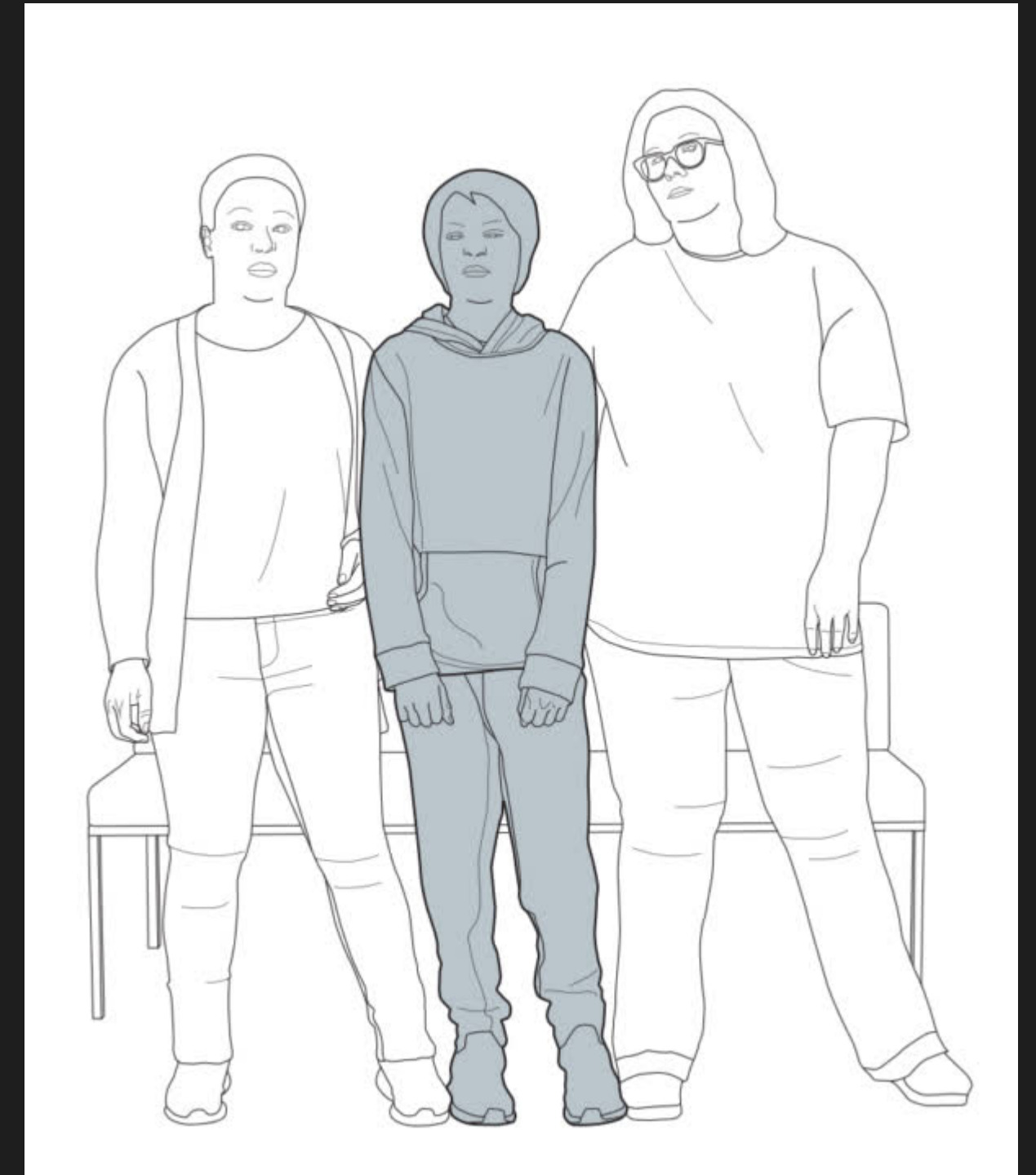
Standing Restraint

Standing restraints are meant to restrict a child's arms. A school worker can cross the student's arms over his chest from behind, as shown here, or grasp the arms while standing beside the child.



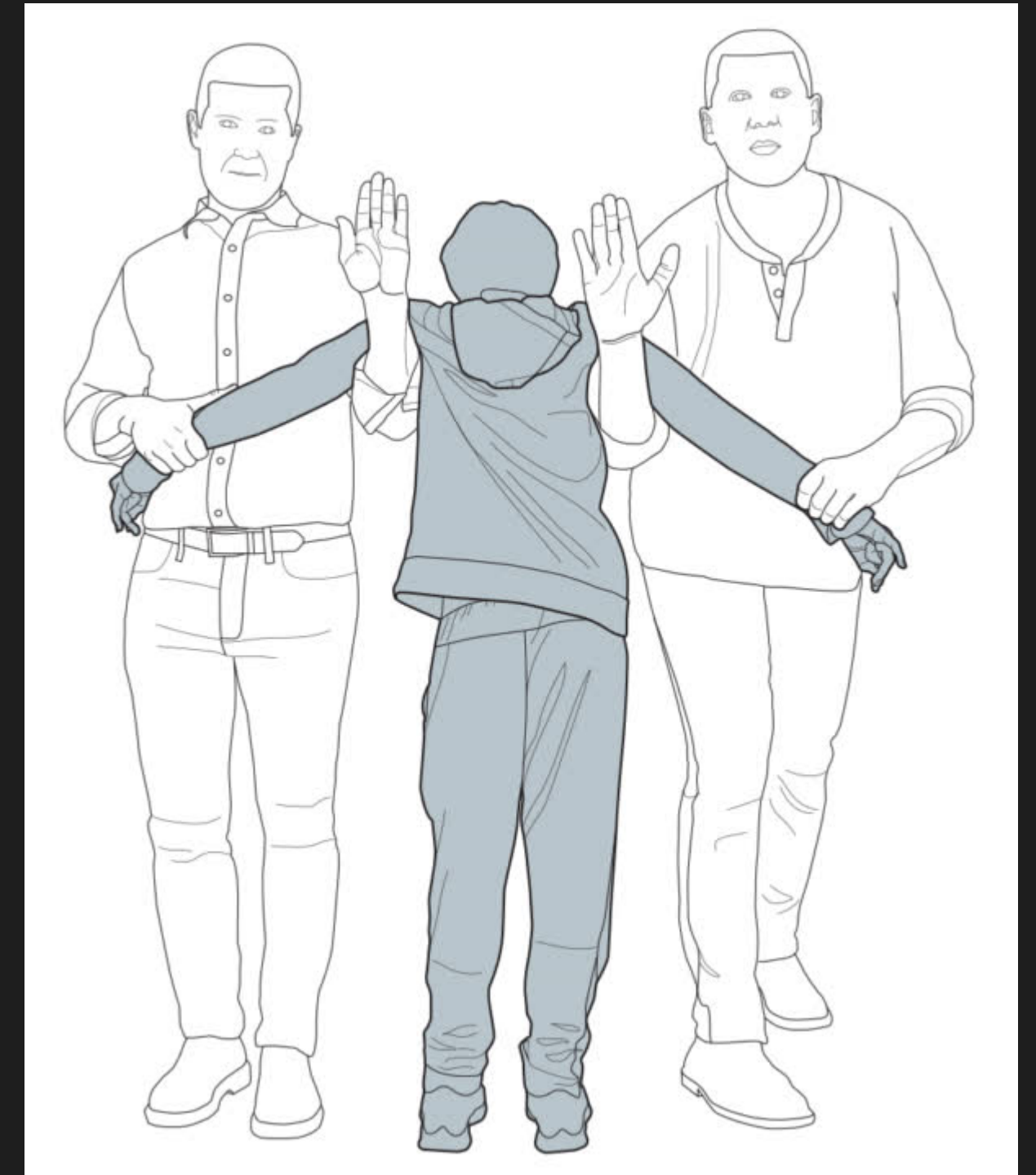
Seated Restraint

In seated restraints, adults use their lower bodies to hold the child still and secure the student's arms across their bodies.



Supine Restraint

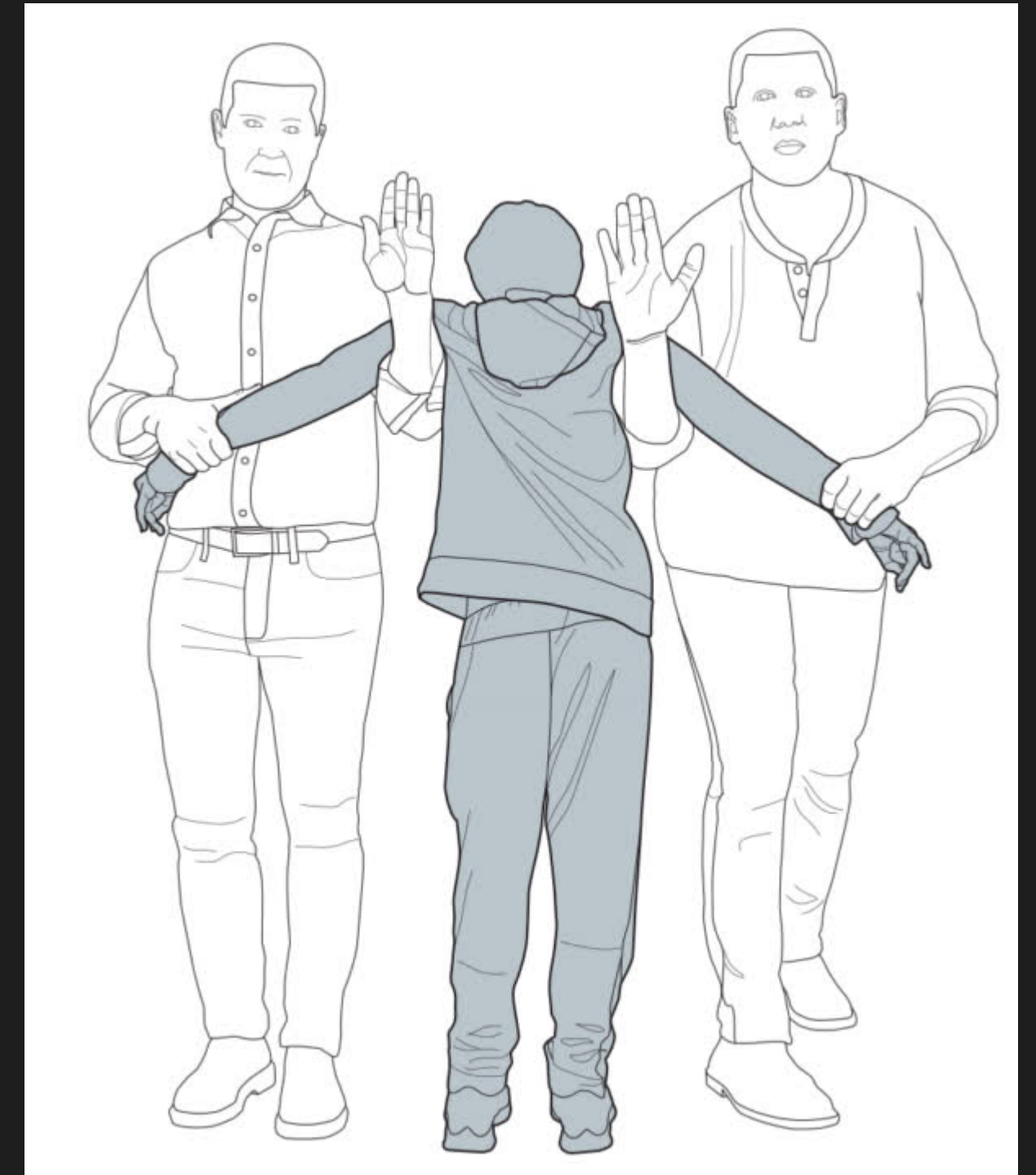
Supine restraints begin with a "takedown," and staff members then secure the student's arms and legs. Care should be taken not to put pressure on the child's joints. Typically, at least three staff members participate.



Prone Restraint

Prone, or facedown, restraints begin like supine restraints. Employees then turn the student onto his front and secure his arms and legs. Workers are told to avoid putting pressure on the student's back, which can inhibit breathing.

This is not legal in some states.



Chemical Restraint

The term “chemical restraint” means a **drug or medication** used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional’s authority under State law, for the standard treatment of a student’s medical or psychiatric condition; 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.

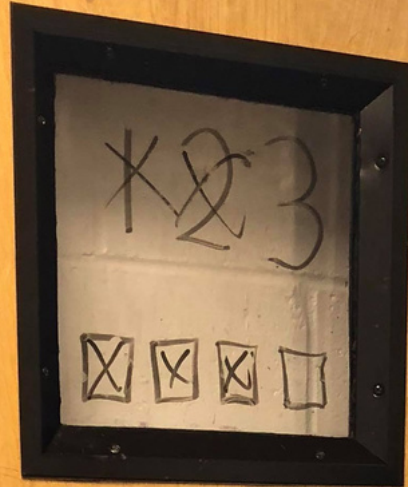
Mechanical Restraint

The term “mechanical restraint” means the **use of devices** as a means of **restricting a student’s freedom** of movement.

Mechanical restraints include duct tape, straps, bungee cords, and ropes used to tie children to furniture or to tie body parts together; chairs and furniture that children are locked into; devices that restrain arms, legs, torsos and other body parts; weighted materials; and similar mechanisms.

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Seclusion

The **involuntary confinement** of a student **alone** in a **room or area** from which the student is physically **prevented from leaving**.

It 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.

Seclusion is not...

- A sensory room
- A self-directed break
- A timeout

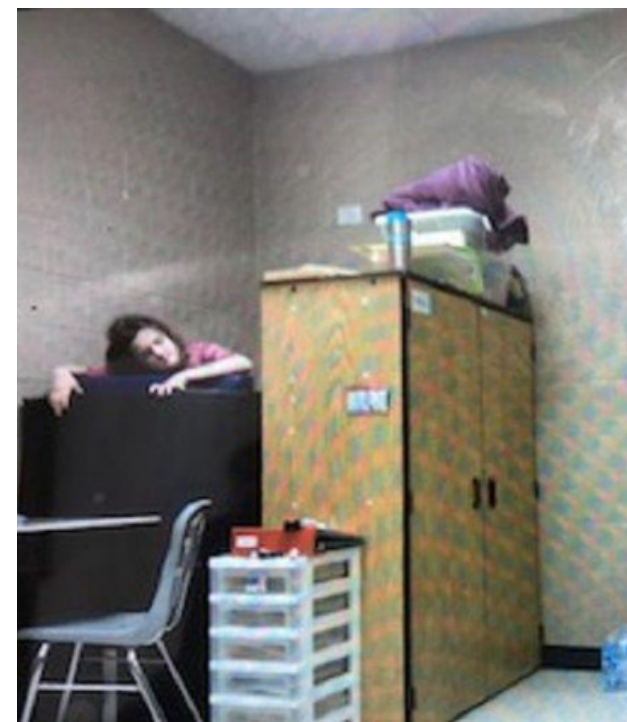


A seclusion room by a any name...

Is still a seclusion room. These rooms are
sometimes called:

- Reset room
- Cool down room
- Blue room
- Break room
- Quiet room
- Mindfulness room
- Resource room
- Tool room
- Safe room

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Imminent, serious, physical harm

Imminent, serious, physical harm has the same meaning as serious bodily injury as used in the Individuals with Disabilities Education Act (IDEA). It means bodily injury which involves:

- A substantial risk of death;
- Extreme physical pain;
- Protracted and obvious disfigurement; or
- Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Imminent, serious, physical harm

Is a potential life or death situation, restraint and/or seclusion should not be used for:

- Non-compliance
 - Disrespect
 - Bad language
 - Minor injury
 - Punishment
 - Property damage
 - Convenience
-

Despite the high standard



- Splashing water
- Throwing a sandwich
- Turning lights off and on
- Taking their shoes off
- Elopement
- Inability to communicate
- Anxiety attack
- Refusing to take a break
- Sitting incorrectly in a chair
- Crying
- Throwing a tantrum
- Difficulty with transitions
- Not wanting to come in from recess
- Singing in class

Part 2:

Impact

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WHO?

.....

WHAT?

.....

SCHOOL-TO-PRISON

.....

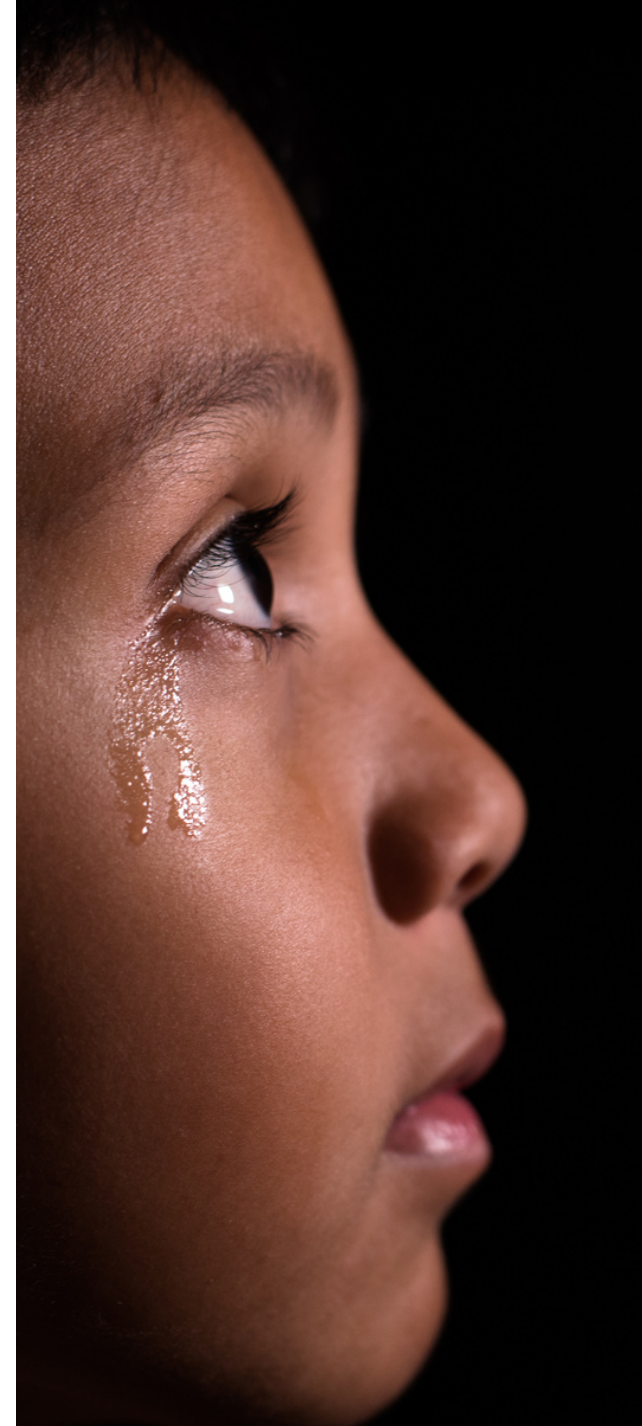
Who is impacted?

Restraint and seclusion are used disproportionately on students with **disabilities, Black and brown students, and boys.**

Elementary school students are more likely to be restrained or secluded.

Children who are placed in **more restrictive settings** are more likely to be restrained and secluded.

Children with a **trauma background** are more likely to be restrained and secluded.

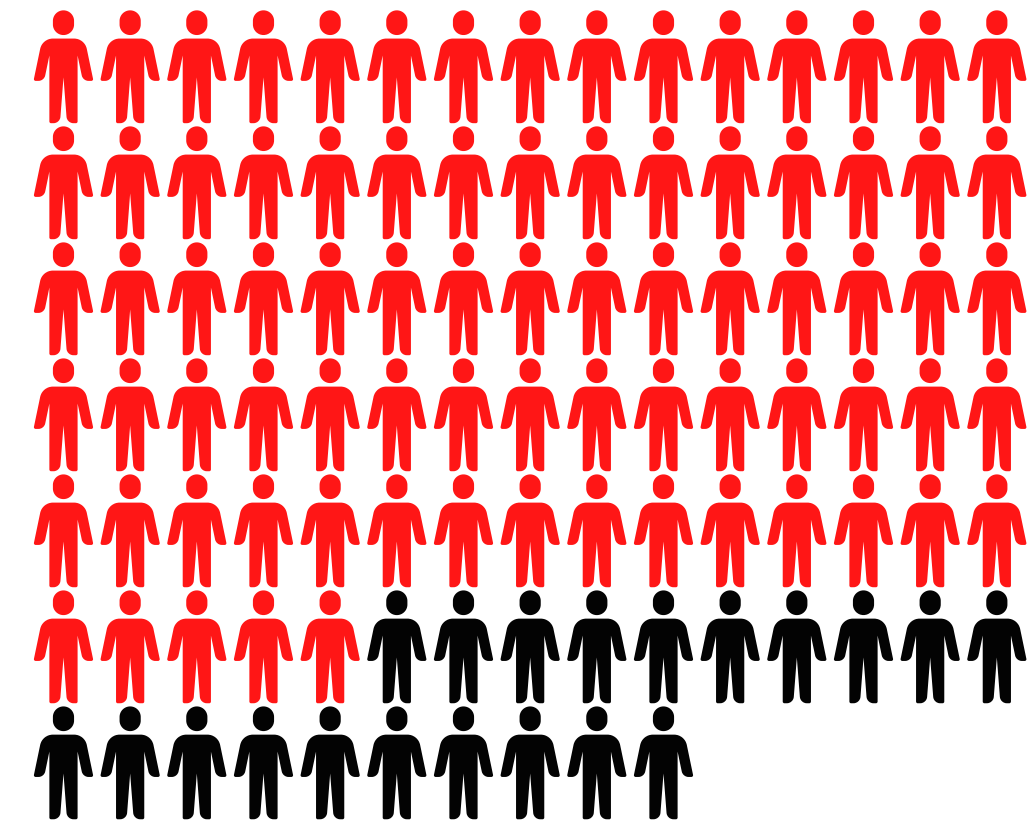


Disabled students

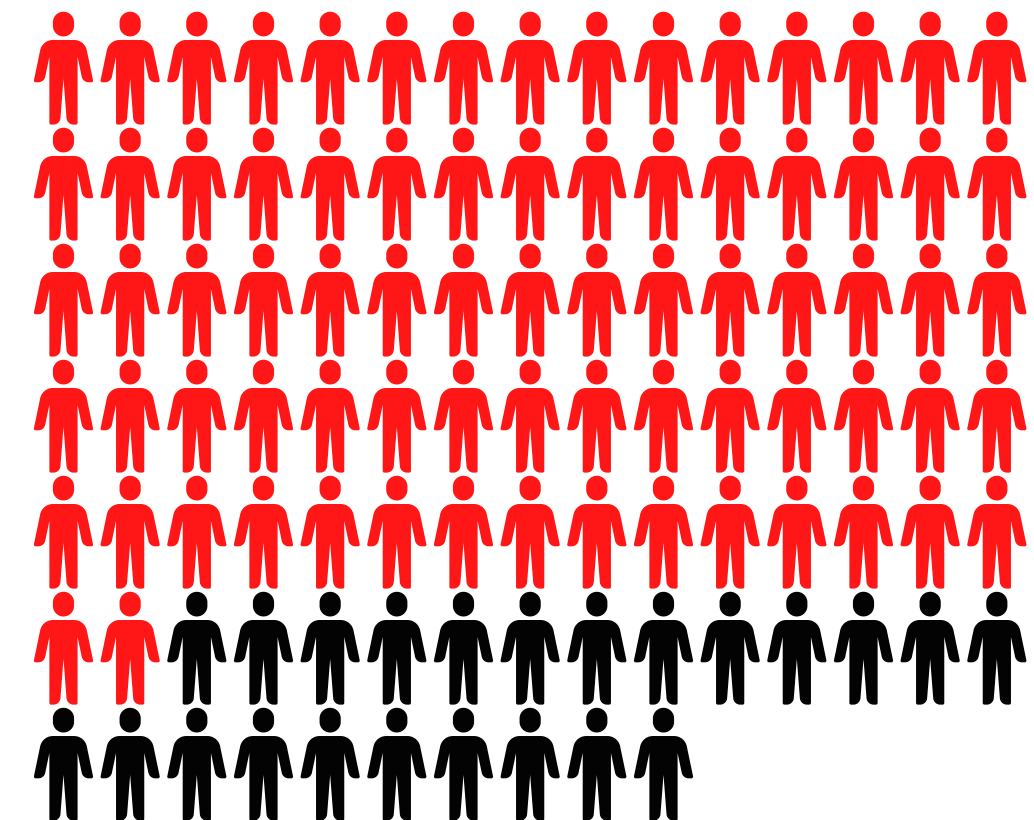
According to the most recent data (2017-18 school year) from the Office of Civil Rights, disabled students are restrained and secluded more often.

Students with disabilities account for 13% of all students, but **80%** of students **restrained** and **77%** of students **secluded**.

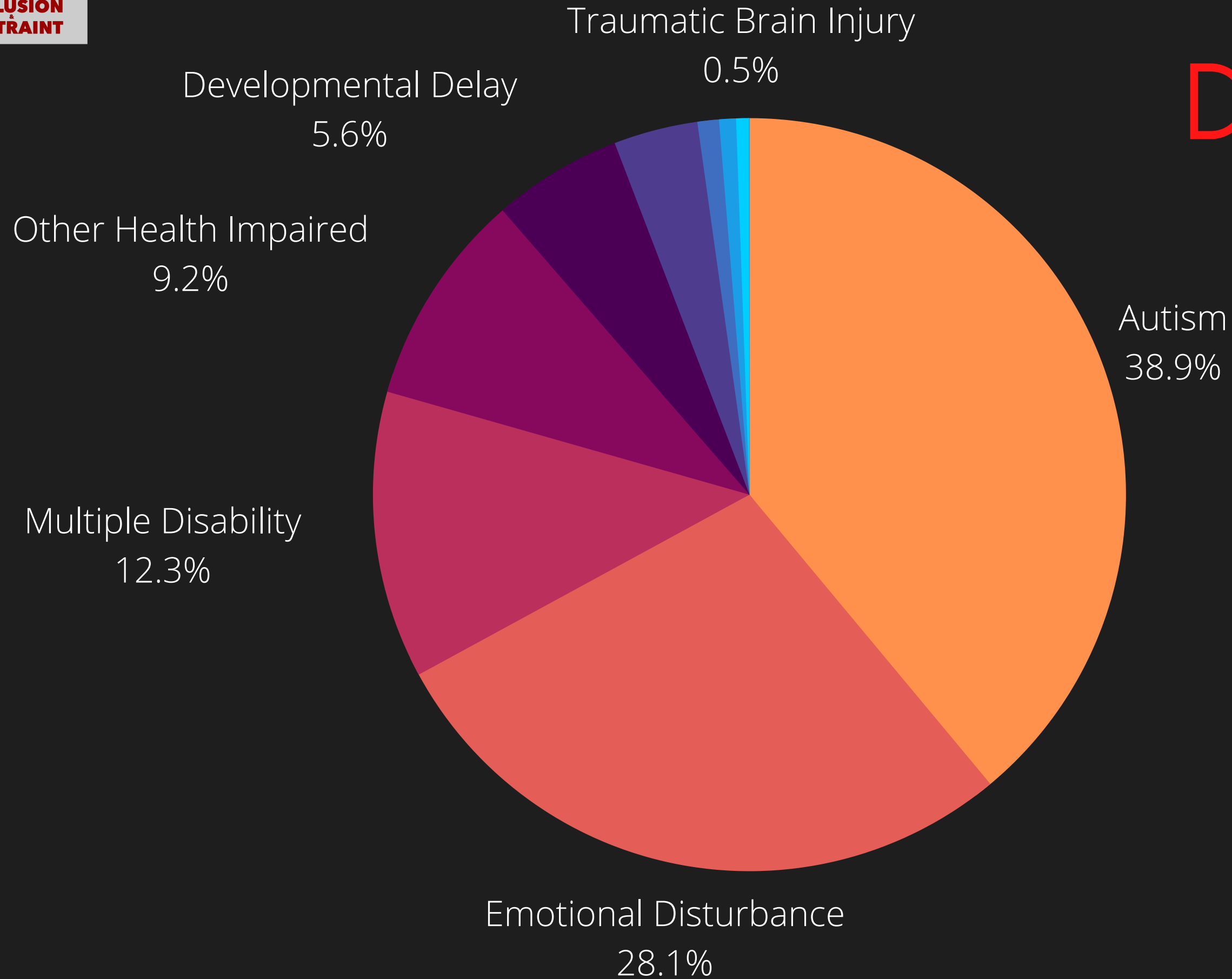
RESTRAINT



SECLUSION

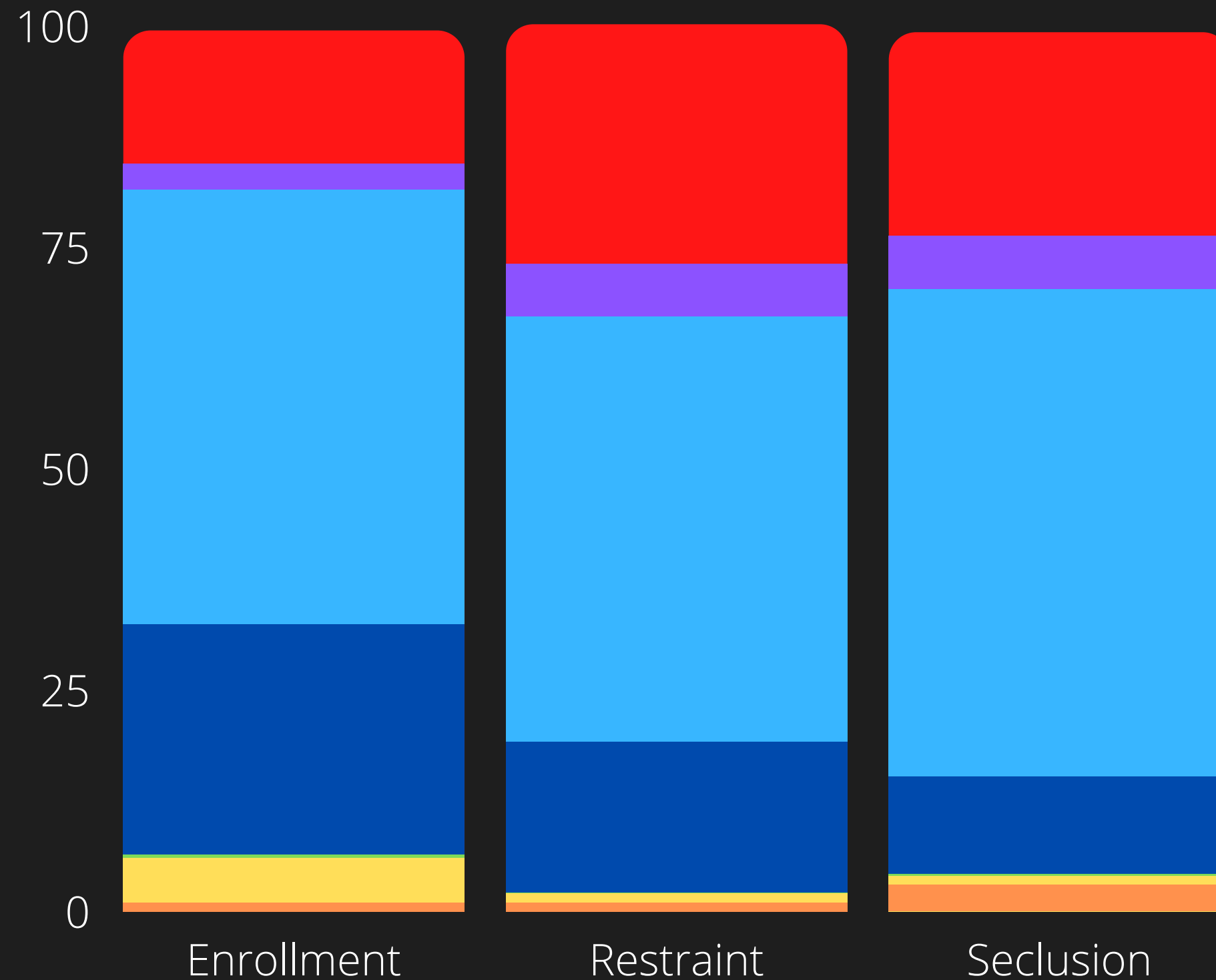


Disability



Data from Maryland restraint and seclusion reporting shows that autistic students are restrained at an alarming rate. National trends seem to indicate similar data from across the country.

Black students



Black students are disproportionately restrained and secluded. The chart here shows the percentage distribution of students subjected to restraint and seclusion by race.

Trauma, injury and death

Restraint and seclusion are aversive interventions that are used by school personnel in crisis management situations to manage behaviors of concern. It most frequently is used on the youngest and most vulnerable children.



Trauma

Students, teachers and staff are traumatized



Injury

Students, teachers and staff sometimes injured



Death

Too many children have died being restrained

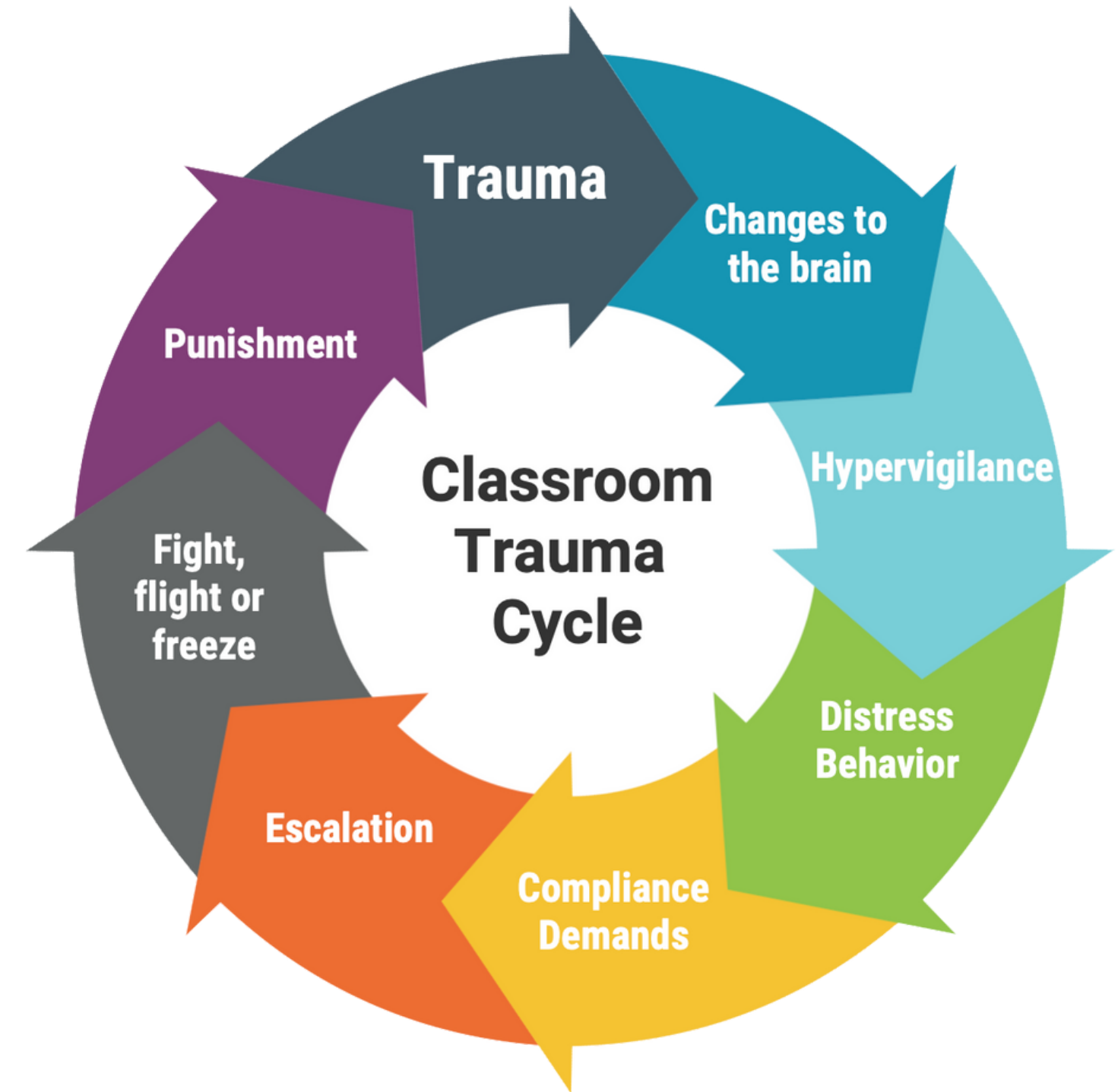
Trauma and the brain

Brain areas implicated in the stress response include the amygdala, hippocampus, and prefrontal cortex. Traumatic stress can be associated with lasting changes in these brain areas. The amygdala detects threats in the environment and activate the “fight or flight” response. The use of restraint and seclusion can lead to changes in the brain, and may be considered Adverse Childhood Experiences (ACEs).



The classroom trauma cycle

Children that have been traumatized may not feel safe and may enter a hypervigilant state. This can lead to distress behaviors when the child becomes overwhelmed or triggered. When demands are placed on the child that they are unable to meet the situation may escalate. This may lead to fight, flight or freeze behavior, which may lead to punishment and retraumatization.



Impact of trauma



A closed door

A child that can no longer sleep with the door closed at night after seclusion.



Physically ill

A child that becomes physically ill when driving by the school where he was traumatized.



Fear authority

A child that enters a fight or flight mode when he hears that administration has been called.



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Witnessing the use of
restraint and seclusion can
lead to trauma.

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What about the other students?

Viewing other students being restrained and secluded can also be traumatic to children that witness it occurring.

Additionally, consider the message that is being sent to classmates in the way disabled, Black and brown children are treated by adults.

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Injuries to students

Children have suffered from broken bones, head trauma, scratches, bruises, seizures, brain injuries and more.



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Injuries to teachers & staff

"I've been punched in the face more times than I could remember. I've been hit in the head with chairs."

"When you're done, it's exhausting."

"It's a rare day where you don't get hurt at all."

"It takes a toll on us... there's no one to really talk to."

Tragic Deaths



Cornelius
Frederick

Cornelius Frederick, 16, died in a hospital two days after staff members at Lakeside Academy in Kalamazoo, which houses children in the foster care and juvenile justice systems, tackled Cornelius and restrained him for 12 minutes, allegedly for throwing a sandwich. The medical examiner ruled his death a homicide.



Max
Benson

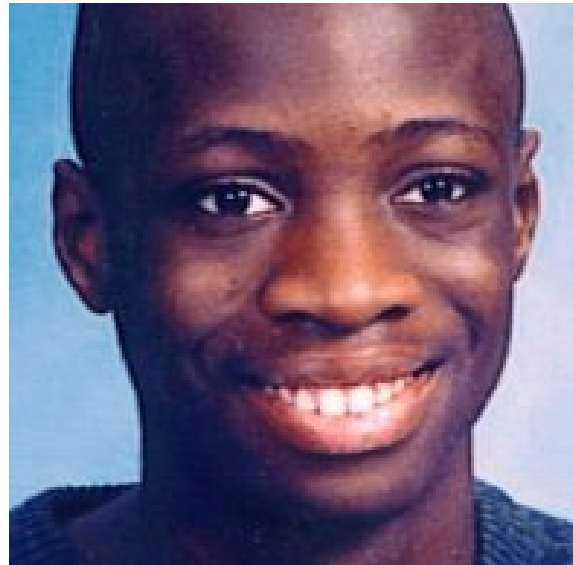
On November 28, 2018, 13-year-old boy Max Benson died as a result of being held in a prone physical restraint by the staff at his now-defunct Guiding Hands School in El Dorado County. Benson was held in a prone restraint for an extended period of time, and was forced to urinate on himself and vomit.



Angelika
Arndt

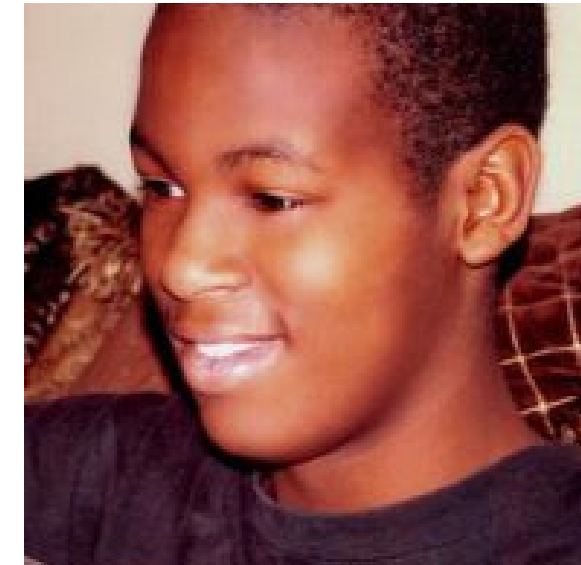
Seven-year-old Angelika Arndt died in 2006 after being suffocated while in a face-down restraint hold performed by staff members at the Rice Lake Day Treatment Center in Wisconsin, where she received academic assistance and therapy for a variety of psychological and developmental problems.

Tragic Deaths



Michael
Renner-Lewis III

A 15-year-old autistic student, was killed on his first day of high school in 2003 when he was restrained face-down by several staff members at Parchment High School in Michigan after he became agitated following a seizure. His mother, Elizabeth Johnson, sued the school district and settled the case.



Corey
Foster

Died after being restrained by school staff members for allegedly refusing to leave the basketball court at the Leake & Watts school for students with special needs in New York. The autopsy ruled Corey's death an accident due to "cardiac arrest during excited state while being subdued."



Jonathan
King

The seclusion room in Jonathan King's north Georgia special education school was spent in something akin to a prison cell - a concrete room latched from the outside, its tiny window obscured by a piece of paper. It's where in November 2004, Jonathan King hanged himself with a cord.



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The school-to- prison **pipeline**

The school-to-prison pipeline is a term that refers to policies and practices that directly and indirectly push students out of school and on a pathway to prison.

These policies and practices include overuse of harsh school disciplinary procedures including restraint, seclusion, suspension, and expulsion.

This diverts students from the intended purpose of the public education system and deposits them in the correctional system.

The STPP includes increased
policing and surveillance that
create prison-like environments.

Why does it happen?

Culture

Restraint and seclusion are not used in all schools. In schools that use it, there is a culture of acceptance and perception of need.

Training

Most states require crisis training. While this training focuses on deescalation and crisis management the focus is often on restraint.

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Often in the classroom the focus is on compliance and control. We need to shift to connection and compassion.

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Part 3:

Myths and misconceptions



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Restraint is **safe**

Variations

- Safe when performed by trained staff.
- Safe and therapeutic.
- We are trained in safe restraint.
- Some kids like it.

Truth

Restraint is never without risks. When children are restrained both the child and adult are likely to enter a fight or flight mode. This increase risks to all involved. Often the adults involved are much larger than the children, elevating the danger.

The greatest risk from the use of physical restraint is the death of a child.

Seclusion helps kids to **calm down**

Variations

- Children need a space to self-regulate.
- Child needs a quiet place to cool down.

Truth

There is nothing calming about being forced into a small room, alone, while the door is held shut. Imagine your reaction if you saw this while out shopping.



Children do not calm down in a seclusion room, rather they may enter into a dissociative state.

You'll know if it is happening

Truth

While some states have reporting requirements many incidents go unreported. In fact the issue of underreporting has been raised by the Government Accountability Office (GAO).

You may assume your child will tell you, but many times they will not. Nonspeaking children may not have the means to share, others may assume you know or feel shame.

You may see new behaviors
at home due to the use of
restraint and seclusion.

This is our **only option**

Variations

- What else do you expect us to do?
- We need to protect the other students.
- We need to protect against self-harm.

Truth

There are many things that can be done differently to reduce and eliminate the use of restraint and seclusion.

Many schools have been
successful in reducing and
eliminating the use of
restraint and seclusion.

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**Alliance Against
Seclusion and Restraint**

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Part 4:

Federal Law and Guidance

The background of the slide is a photograph of the United States Capitol dome, viewed from a low angle looking up. The dome is white with many windows and is topped with a statue. The sky is blue with some white clouds. An American flag is visible on a pole in front of the dome.

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Currently no federal law

Federal attention to the issue of seclusion and restraint began about a decade ago in 2009. On December 9, 2009, the Preventing Harmful Restraint and Seclusion in Schools Act, HR 4247 was introduced by Congressman George Miller (D-CA) and Congresswoman Cathy McMorris Rodgers (R-WA). A companion bill was also introduced in the Senate by Senator Chris Dodd and is numbered S 2860.

There are currently no federal laws in place that govern the use of restraint and seclusion in schools across the nation.

State laws

Today there is patchwork of policies, guidelines and regulations that differ from state to state and from school district to school district.

Civil rights and human rights should not vary from state to state.



GAO Report

Death and Abuse

GAO found no federal laws restricting the use of seclusion and restraints in public and private schools and widely divergent laws at the state level. Although GAO could not determine whether allegations were widespread, GAO did find hundreds of cases of alleged abuse and death related to the use of these methods on school children during the past two decades. (2009)

SECLUSIONS AND RESTRAINTS

Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers

Statement of Gregory D. Kutz, Managing Director
Forensic Audits and Special Investigations

"However, GAO has previously testified that these techniques can be dangerous because they may involve physical struggling, pressure on the chest, or other interruptions in breathing."



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Federal guidance

15 Principles

Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.

Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated. (2012)

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RESTRAINT AND SECLUSION: RESOURCE DOCUMENT

U.S. Department of Education

"Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse."

15 Principles continued

Restraint or seclusion should never be used as punishment or discipline, as a means of coercion or retaliation, or as a convenience.

Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.

Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.

Senate Report

"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." (2014)

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Dear Colleague

Letter

Guidance to inform school districts how the use of restraint and seclusion may result in discrimination against students with disabilities.

The use of restraint or seclusion may have a traumatic impact on that student, that even if she were never again restrained or secluded, she might nevertheless have new academic or behavioral difficulties that, if not addressed promptly, could constitute a denial of FAPE. (2016)

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Notice of Significant Guidance. The U.S. Department of Education (Department) has determined that this letter is significant guidance under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-07.pdf. Significant guidance is non-binding and does not create or impose new legal requirements. The Department is issuing this guide and the accompanying letter to provide State and local educational agencies, including charter schools, with information to assist them in meeting their obligations under Federal civil rights laws, including Section 504 of the Rehabilitation Act of 1973, and implementing regulations that it enforces. 29 U.S.C. § 794; 34 C.F.R. Part 104. This document also provides members of the public with information about their rights under the law and regulations.

If you are interested in commenting on this letter or have questions, please send them to OCR by email at OCR@ed.gov, by phone at 800-421-3481 (TDD 800-877-8339), or by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. For further information about the Department's guidance processes, please visit www.ed.gov/policy/gen/guid/significant-guidance.html.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 28, 2016

Dear Colleagues:

I write to explain the limits that Federal civil rights laws enforced by the U.S. Department of Education's Office for Civil Rights (OCR) impose on the use of restraint and seclusion by public elementary and secondary school districts.¹ In particular, this guidance informs school districts how the use of restraint and seclusion may result in discrimination against students with

¹ In this document, *school district* and *public elementary and secondary school systems* are used synonymously and include all local educational agencies (LEAs) and public charter schools. Charter schools are subject to the same Federal civil rights obligations as all other public schools. The use of the term *charter schools* includes schools that are public schools of a school district as well as charter schools that operate as LEAs under State law. For additional information about the applicability of Federal civil rights laws to charter schools, see OCR and Office of Special Education and Rehabilitative Services, *Dear Colleague Letter about the Rights of Students with Disabilities in Public Charter Schools* (Dec. 28, 2016), www.ed.gov/ocr/letters/colleague-201612-504-charter-school.pdf, and OCR, *Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973* (Dec. 28, 2016), www.ed.gov/ocr/docs/dcl-faq-201612-504-charter-school.pdf.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. [OCR-00101]

GAO Letter

Immediate action

School districts must report restraint and seclusion in Education's Civil Rights Data Collection every 2 years. The most recent data shows 70% of districts reported zero incidents.

However, we found that not all incidents are reported, and 9 districts with over 100,000 students reported zeros in error. (2019)

Because of a programming error, some incidents of restraint and seclusion in table 1 of the report were significantly understated. Revised July 11, 2019 to correct that data. Corrections are on pages 3, 4, 5, 6, and 7.

June 18, 2019

The Honorable Roy Blunt
Chairman
The Honorable Patty Murray
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
United States Senate

The Honorable Rosa DeLauro
Chairwoman
The Honorable Tom Cole
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Committee on Appropriations
House of Representatives

K-12 Education: Education Should Take Immediate Action to Address Inaccuracies in Federal Restraint and Seclusion Data

As we reported in February 2019, the Department of Education's (Education) data suggest that the restraint and seclusion of K-12 public school students is rare nationwide, though it disproportionately affects students with disabilities and boys in general.¹ In broad terms, Education defines restraint as restricting a student's ability to freely move his or her torso, arms, legs, or head, and defines seclusion as involuntarily confining a student alone in a room or area from which the student is physically prevented from leaving. Education's 2012 resource document on the use of restraint and seclusion states that restraint or seclusion should never be used except when a child's behavior poses imminent danger of serious physical harm to self or others.²

Every 2 years, Education collects and publicly reports data from nearly all public school districts and schools as part of its Civil Rights Data Collection (CRDC).³ Districts self-report and certify

¹GAO, *K-12 Education: Federal Data and Resources on Restraint and Seclusion*, [GAO-19-418T](#) (Washington, D.C.: Feb. 27, 2019).

²U.S. Department of Education, *Restraint and Seclusion: Resource Document* (Washington, D.C.: May 15, 2012). According to Education, this resource document is intended to serve as a resource for states, localities, and districts to consider when developing policies and procedures on restraint and seclusion.

³Except for Puerto Rico, districts in US territories are not required to participate in the CRDC. Similarly, districts are not required to provide information for tribal schools operated by the Department of the Interior's Bureau of Indian Education. Schools operated by the Department of Defense Education Activity are also not required to participate, according to Education.

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NOVEMBER 24, 2020 / ALEXANDER CAMPBELL

Supporting the Keeping All Students Safe Act

A Guide to Writing Your Representative

Recently the Keeping All Students Safe Act was reintroduced by Congressman Don Beyer (VA-08), Senator Chris Murphy (D-CT), Committee on Education and Labor Chairman Robert C. “Bobby” Scott (VA-03), Senate Health, Education, Labor, and Pensions Committee Ranking Member Patty Murray (D-WA), and Congressman Donald McEachin (VA-04).

The Keeping All Students Safe Act would make it illegal for any school receiving federal taxpayer money to seclude children and would ban dangerous restraint practices that restrict children’s breathing, such as prone or supine restraint. The bill would also prohibit schools from physically restraining children, except when necessary to protect students and staff. The bill would better equip school personnel with the training they need to address school-expected behavior with evidence-based proactive strategies, require states to monitor the law’s implementation, and increase transparency and oversight to prevent future abuse of students.

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Keeping All Students Safe Act

The Keeping All Students Safe Act would make it illegal for any school receiving federal taxpayer money to seclude children and would ban dangerous restraint practices that restrict children’s breathing, such as prone or supine restraint. The bill would also prohibit schools from physically restraining children, except when necessary to protect students and staff.

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Part 5:

Final thoughts

Hope and solutions

1

Alternatives

.....

There are amazing alternatives to help us reduce and eliminate the need for restraint and seclusion.

2

KASSA

.....

Would prohibit seclusion and ban dangerous restraint practices that restrict children's breathing.

3

Growing movement

.....

To support trauma-informed, neuroscience-aligned, relationship-drive and collaborative models.



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We can and must **do better**

We can make schools safer for students, teachers and staff and reduce and eliminate the use of restraint and seclusion.

“Do the best you can until you know better. Then when you know better, do better.” Maya Angelou



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Thank you!

Please reach out if I can be of any help.

Website www.endseclusion.org

**Phone
Number** (866) 667-2576

**Email
Address** guystephens@endseclusion.org