



The Council of Parent Attorneys and Advocates, Inc.
Protecting the Legal and Civil Rights of Students with Disabilities and Their Families

The Keeping All Students Safe Act
Protecting Students from the Dangers of Seclusion and Restraint

Every child should be safe, protected and prepared to learn while in school. Sadly, that is not always the case. Data from the [U.S. Civil Rights Data Collection \(CRDC\)](#) continues to show that of the 101,990 students who were restrained at school or were placed in seclusion — 78 percent were students with disabilities. Although Black students comprise just 15 percent of the student population, they represent 22 percent of students subjected to seclusion and 34 percent of students subjected to mechanical restraint. A [2019 report](#) by the Government Accountability Office found the use of restraint and seclusion in K-12 public schools nationwide is more prevalent among students with disabilities and boys of color.

COPAA released in 2020 [The Crisis of Trauma and Abuse in Our Nation’s Schools](#) whose comprehensive analysis lays bare the emotional and physical havoc that seclusion and restraint continue to wreak on thousands of children and their families. These abuses not only place the student at risk of serious physical and psychological harm, but also violate his or her dignity and right to be free from abusive treatment.

COPAA calls upon the U.S. Congress to pass the *Keeping All Students Safe Act* (KASSA) now to:

Protect children and prohibit schools from:

- Secluding any child.
- Using mechanical restraint, chemical restraint, and prone, supine, or physical restraint that restricts breathing, stops blood flow to the brain, or is life threatening.
- Physically restraining children, except to protect self or others from imminent danger of serious physical injury.
- Planning to restrain as part of the child’s Individualized Education Program (IEP).

Provide recourse to families and require improvements in schools and districts:

- Establishing new minimum safety standards and policies for states and districts.
- Requiring parental notification when physical restraint occurs.
- Providing a private right-of-action to families whose child is unlawfully secluded or restrained, including for declaratory judgement, injunctive relief, compensatory relief, attorneys’ fees, or expert fees.
- Requiring states to train school personnel so they are equipped to use evidence-based proactive strategies and techniques to address student behaviors.
- Improving school/district capacity to annually collect and analyze data on use of restraint to help improve school climate and culture while protecting student privacy. This includes data on the number of incidents, injuries, cases of death, and the student demographic information.

Support all school personnel to ensure they can:

- Access training in evidence-based practices to support a safe school environment for all.
- Direct students to a school counselor or other support services to address behavior and other needs.
- Use a “time out” which separates the student from the class/group, in a non-locked, accessible setting.
- Request meetings with parents and/or school personnel to address a student’s behavior.
- Use devices for therapeutic or safety purposes, (e.g., restraints for medical immobilization or a seat belt during transport).

- Use physical restraint when the student's behavior poses an imminent threat of serious physical injury to self or others.
- Allow law enforcement to carry out their duties under applicable laws, with applicable limits.

Help all communities by:

- Ensuring student and staff safety through use of evidence-based programs, supports, and staff resources.
- Requiring training and certification of staff conducting physical restraint that meets the minimum standards.
- Establishing monitoring and enforcement systems that support all students and school staff.
- Increasing transparency, oversight, and enforcement to prevent future abuse and death of students.
- Strengthening relationships between parents and schools by increasing communication and transparency.

For more information visit: www.stophurtingkids.com