Federal Legislation is Needed Now

We Must Protect Students from the Dangers of Seclusion and Restraint

Every child should be safe and protected while in school. Sadly, that is not always the case. Data analyzed by Education Week found that nearly 70,000 students with disabilities were restrained or secluded in a single school year and a 2019 report by the Government Accountability Office (GAO) found that the use of restraint and seclusion in K-12 public schools nationwide is more prevalent among students with disabilities and boys of color.

Although many states are taking stronger actions to pass laws prohibiting seclusion and limiting restraint, at least 11 states have no policy protecting children from these practices. In many states, parents are never even notified if their child is placed in seclusion or had restraint imposed.

Federal legislation is needed to:

Prohibit schools from:
- Secluding any child.
- Physically restraining children, except when necessary to protect students and others from imminent danger of serious physical injury.

Provide resources to help schools:
- Establish and implement new minimum safety standards and policies.
- Train school personnel, including school resource officers employed by the school or district, so they are equipped to use evidence-based proactive strategies and techniques to address challenging student behaviors.
- Improve 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.

Federal Legislation Would Continue to Allow:
- Directing students to a school counselor or other support services to address challenging behaviors.
- Using a “time out” which separates the student from the class or group, in a non-locked, widely accessible setting, for the purpose of calming.
- Sending students to the principal’s office for violating the school’s code of conduct. For example, teachers may seek assistance for bullying, harassment, or aggressive behavior.
- Requesting meetings with parents and/or school personnel to address a student’s challenging behaviors.
- Using devices for specific therapeutic or safety purposes, such as restraints for medical immobilization during a transport in an ambulance or use of seat belts when transporting a student.
- Using physical restraint when the student’s behavior poses an imminent threat of serious physical injury to self or others.
- Allowing law enforcement to carry out their duties under applicable laws.
Federal legislation to establish minimum safety standards in schools helps all communities by:

- Ensuring student and staff safety through use of evidence-based programs, supports, and staff resources
- Requiring parental notification and follow-up meetings if a physical restraint occurs.
- 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.

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