

## **Keeping All Students Safe Act (Seclusion and Restraint)**

### **Background**

Based on a 2009 GAO report and independent reports from organizations such as the National Disabilities Rights Network, restraints and seclusion have resulted in physical injury and psychological trauma to thousands of students in public and private schools throughout the country. Estimates from the GAO are that over 200 students have died due to seclusion and restraints being used in schools over the past five years.

### **Keeping all Students Safe Act**

This legislative proposal would prohibit the use of seclusion in locked and unattended rooms or enclosures prohibit the use of mechanical and chemical restraints and physical restraints that restrict breathing, and prohibit aversive behavioral interventions that compromise health and safety. These prohibitions are needed because there is great variability from state to state regarding the prohibition of these dangerous activities in schools.

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

- 1) Only allow for physical restraints to be used in emergency situations,
- 2) Only impose physical restraints that did not inhibit a student's primary means of communication
- 3) Prohibit including the use of seclusions and/or restraints in a student's IEP or any other behavioral plan
- 4) Call for SEAs to establish policies and procedures to promote preventative programming to reduce the use of restraints
- 5) Call for States to collect data on the occurrence of seclusions and restraints, and
- 6) Call for schools 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.
- 7) Establish a state grant program to enhance the State's ability to promote, within its LEAs, preventative programming and training for school personnel.

The vast majority of disability organizations have backed this proposed legislation and many of the general education groups are in support as well.

**For additional information or to support this proposal, please contact Michael Gamel-McCormick, Senate HELP Committee, at [Michael\\_Gamel\\_McCormick@help.senate.gov](mailto:Michael_Gamel_McCormick@help.senate.gov) or (202) 224-7692.**

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Contact: Justine Sessions / Kate Cyrul

December 16, 2011 (202) 224-3254

## **Harkin Introduces Bill to Protect Students from Seclusion and Restraint**

WASHINGTON—Today, Senator Tom Harkin (D-IA), Chairman of the Senate Health, Education, Labor and Pensions Committee, introduced the Keeping All Students Safe Act, a bill to protect students from ineffective and dangerous seclusion and restraint practices in schools.

“Every child should be educated in a supportive, caring, stimulating environment in which they are treated as an individual and provided with the tools they need to succeed,” Harkin said. “They should never be subjected to abusive or violent disciplinary strategies or left alone and unsupervised. This bill will set long-overdue standards to protect children from physical and psychological harm and ensure a safe learning environment for teachers and students alike.”

According to a 2009 Government Accountability Office (GAO) study, restraints and seclusion have resulted in physical injury and psychological trauma to thousands of students in public and private schools throughout the country, many of them students with disabilities. Estimates from the GAO are that over 200 students have died due to seclusion and restraints being used in schools over the past five years. This bill would prohibit the use of seclusion in locked and unattended rooms or enclosures, prohibit the use of mechanical and chemical restraints and physical restraints that restrict breathing, and prohibit aversive behavioral interventions that compromise health and safety. The bill would also:

- Prohibit the use of physical restraints except for emergency situations,
- Prohibit the use of physical restraints that inhibit a student’s primary means of communication
- Prohibit the use of seclusions and/or restraints in a student’s Individual Education Plan or any other behavioral plan
- Call for states to promote preventative programming to reduce the use of restraints
- Call for states to collect data on the occurrence of seclusions and restraints
- Call for schools 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.
- Establish a state grant program to enhance the State’s ability to promote, within its LEAs, preventative programming and training for school personnel

Organizations supporting the Keeping All Students Safe Act include Easter Seals, United Cerebral Palsy, The Arc of the United States, the National Disabilities Rights Network and the Council of Parent and Attorney Advocates.

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