ISSUE BRIEF: Keeping All Students Safe Act

Legislative Request

Please work to reintroduce the Keeling All Students Safe Act, to prevent the harmful use of restraint and seclusion in our nation’s schools.

☐ Senate: Senators are urged to work to reintroduce a bill in the Senate

☐ House: Representatives are urged to work to reintroduce a bill in the House.

Background and Summary

Restraint and seclusion are practices used in schools that have killed, injured, and traumatized students. According to a report in Education Week, nearly 70,000 students with disabilities were restrained or secluded in a single school year. 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 their child is placed in seclusion or had restraint imposed.

Restraint and seclusion practices are disproportionately used on students with disabilities. In 2016, the Department of Education released figures that showed that, although students with disabilities make up 12% of all public school students, they account for 67% of students subjected to restraint or seclusion. The disproportionate use of these techniques on students with disabilities violates their right to nondiscrimination in accessing education.

On January 17, 2019, the U.S. Department of Education announced the launch of an initiative to address the possible inappropriate use of restraint and seclusion in our nation’s schools.¹ According to the announcement, the Office for Civil Rights (OCR), in partnership with the Office of Special Education and Rehabilitative Services (OSERS), will oversee this proactive approach which will protect students with disabilities by providing technical assistance and support to schools, districts, and state education agencies, and strengthen enforcement activities.

The Keeping All Students Safe Act, introduced last Congress by Senators Chris Murphy (D-CT) and Patty Murray (D-WA), as well as Reps. Bobby Scott (D-VA) and Don Beyer (D-VA), would make it illegal for any school receiving federal funds to seclude a child, prohibit schools from physically restraining children, except when necessary to protect students and staff, and better equip school

personnel with the training they need to address challenging behavior with evidence-based proactive strategies. Specifically, the bill would:

- Establish minimum safety standards in schools by prohibiting seclusion, mechanical restraints, chemical restraints, physical restraint that restricts breathing or is life-threatening, and any form of aversive behavioral interventions; requiring certification of staff conducting physical restraint that meets the minimum standards; prohibiting physical restraint as a planned intervention; and requiring parental notification and follow-up meetings if a physical restraint occurs;

- Encourage states to provide training to better ensure students’ safety and to establish monitoring and enforcement systems by requiring each state to have its own policies, procedures, monitoring, and enforcement systems in place to meet the minimum standards within two years of the law’s enactment; allowing states to apply for competitive grants for support in establishing, implementing, and enforcing the policies and procedures required by the law; and improving state and local capacity to analyze the data and improving school climate and culture; and

- Increase transparency, oversight, and enforcement to prevent future abuse and death by requiring states to collect and report data on the use of seclusion and restraint annually; and making data about restraint and seclusion publicly available while protecting student privacy, including data on the number of incidents, injuries, cases of death, and the demographic breakdown.

**Key Messages**

→ Students with disabilities deserve to be treated with respect and dignity yet so many of them across the U.S. remain at risk of being subjected to traumatic, dangerous and dehumanizing procedures as a means of managing challenging behavior in school.

→ The use of restraint and seclusion is a pervasive, nationwide problem. Federal legislation is necessary to provide children in all states with equal protection from these dangerous techniques and create a cultural shift toward preventive, positive behavior intervention strategies that create a positive school culture and climate.

→ Federal legislation restricting the use of restraint and seclusion would be a step forward to ensuring all students have the opportunity to learn in safe and supportive environments with teachers who have the skills and knowledge needed. Parents deserve to be assured that their children are safe in our nation’s schools.

**Questions and Answers about the Keeping All Students Safe Act**

1. What are restraint and seclusion techniques?
Restraint and seclusion are techniques used to control or modify challenging behavior by force or isolation. Restraint is a personal or mechanical restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, and legs or head freely. This includes taping or strapping a student, immobilizing a student by pinning arms and legs onto the ground, restricting breathing through restraint, holding a student in one’s lap with arms immobilized, or pinning a student against the wall. Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This includes placement in a dark isolated box, prolonged isolation without contact or bathroom breaks, locking a student in a closet or other tight space.

2. Why must these practices be stopped?

Restraint and seclusion practices outside of an emergency context are widely recognized to be dangerous and dehumanizing for all involved. Numerous reports have shown that these practices can result in emotional and physical trauma, serious injury and even death. There is no evidence of the therapeutic or educational value of restraint and seclusion. They are practices that are neither ethical nor beneficial, and often cause a spiraling effect in which additional unwanted behaviors may arise. Further, there is an existing and growing body of evidence in support of positive alternatives in addressing challenging behaviors.

Resources


Stop Hurting Kids – http://stophurtingkids.com/