

Education Week

## **Use of Seclusion, Restraints on Students at Issue**

### **Watchdog agency preparing report on practices**

By [Christina A. Samuels](#)

In 2006, a 7-year-old Wisconsin girl with attention deficit disorder and an emotional disturbance died after being pinned to the ground face down at a state-licensed day treatment facility.

In 2004, a 13-year-old Georgia boy diagnosed with depression and ADHD hanged himself in a seclusion room at his school for children with emotional disorders.

Those children's cases, and stories about other children who died or were injured after being restrained or secluded in school, often prompt a burst of local attention. But no federal agency requires that records be kept on seclusion and restraints, and state laws vary widely in how such techniques can be used.

### **State Landscape Varies**

Many states lack policies related to seclusion or restraint in schools. The federal government does not require record-keeping on the practices.



SOURCE: National Disabilities Rights Network

Advocacy groups for people with disabilities, however, are trying to keep the issue of restraints and seclusion on the front burner.

The deaths of Angellika Arndt and Jonathan King, along with other incidents nationwide, have been collected into a report called ["School Is Not Supposed to Hurt."](#) The report was written by the [National Disability Rights Network](#), the nonprofit membership organization that represents federally mandated protection and advocacy organizations.

Since the 1975 passage of the Developmental Disabilities Assistance and Bill of Rights Act, every state and territory has such an agency to advocate for people with disabilities.

The report, released in January, [prompted](#) U.S. Rep. George Miller, D-Calif., the chairman of the House Education and Labor Committee, to direct the Government Accountability Office to research and release its own report on the use of seclusion and restraints in schools. That report is expected in the next several weeks, advocates say.

Previous stories of abuse led to legislation intended to prevent unsafe restraints in mental-health settings, Mr. Miller wrote to the GAO, the congressional watchdog agency, in requesting that it look into the practices. "Unfortunately, vulnerable children and teens are being abused all too often in other contexts," he wrote.

## **Media Spotlight**

In addition, the national news media have taken up the issue, with the cable network CNN conducting its [own lengthy report](#) on Jonathan King's death and the use of seclusion rooms in schools.

And now, organizations are eyeing federal economic-stimulus funds as a possible source of money to pay for the professional development that they say would foster a positive school environment. Such training for educators would prevent problems from escalating to the point that secluding students or physically restraining them is needed, advocates say.

"We want to promote the use of positive-behavioral-intervention supports schoolwide," said Ron Hager, a senior staff lawyer with the National Disability Rights Network, based in Washington. "The more that you can

mindfully create an environment where things don't escalate, the less that [restraint and seclusion] will occur," Mr. Hager said.

Concerns about students' being placed in seclusion rooms or restrained in the classroom have been building for years, advocates for students with disabilities say. But the issue has been difficult to track.

One problem is terminology: Some schools use what they call "timeout rooms," where children leave the regular classroom for short, supervised periods of time to calm down after an emotional outburst. But a "timeout room" in another facility might be an isolated and locked area where students are left alone for hours.

The 2000 Children's Health Act defined restraint and seclusion for facilities receiving federal funding. Seclusion is involuntary confinement in a room or area that a person is physically prevented from leaving. Restraint is any manual method, or physical or mechanical device, that immobilizes or reduces the ability of a person to move his or her arms, legs, body, or head freely.

What the public knows of such practices is usually what makes it into local news reports. It is hard to know whether the practices are happening more often, or if the ease of electronic communications leads to wider publicity.

"Is it that the media has paid more attention, or are there more incidents?" said Barbara Trader, the executive director of the disability advocacy group [TASH](#) and one of the leaders of the coalition [APRAIS](#), which stands for the Alliance to Prevent Restraints, Aversive Interventions, and Seclusion.

"We're hearing a lot more about it, that we can say unequivocally," Ms. Trader said.

Some observers have suggested that the use of seclusion and restraints has come as students with severe emotional disabilities have moved into general education classrooms. But, Ms. Trader noted, many of the cases collected in the National Disability Rights Network's January report happened in separate schools for students with special needs.

## **'Shades of Gray'**

Reece L. Peterson, a professor at the University of Nebraska-Lincoln who specializes in the education of students with emotional or behavioral disorders, says he also has heard about a number of cases, but cannot say whether they are on the rise.

Nonetheless, the incidents are troubling, he said, and there's no evidence that restraining or secluding a child leads to better behavior.

In rare circumstances, a restraint option or some kind of calm-down area may be necessary, he said. For example, in Iowa, a school was strongly criticized in 2004 for not restraining a 15-year-old who ran from a treatment center and ended up drowning when he jumped off a Cedar Rapids bridge.

But in 2001, an 11-year-old Des Moines, Iowa, boy suffocated after being placed in a prone restraint.

"It's hard in any policy to show those shades of gray," Mr. Peterson said.

Chris E. Vance, an Atlanta lawyer who represents families in Georgia, said that public-health law related to people with developmental disabilities has [provisions](#) that prohibit "the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others," and prohibit "the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program."

## **Legal Loopholes**

But schools still routinely use restraint and seclusion as a punishment, Ms. Vance said. Also, the prohibition does not apply to children who have emotional disturbances like schizophrenia, which are not considered developmental disorders.

"The biggest loophole is the outright lie that these rooms are only being used to help the children," Ms. Vance said.

Advocates, as well as educational organizations, agree that more training is necessary to cut down on the use of restraints and seclusion in school.

“Probably the most frustrating thing we hear is that people at the local level don’t feel like they have an alternative,” said Ms. Trader of TASH.

“We would like to get to a place where there’s not one teacher who says that, and where the standard is that people know what to do to support kids who have behavior issues,” she said. “It would be inexcusable if an elementary school teacher didn’t know how to teach literacy, but it is excusable that they don’t know how to deal with behavior.”

Patricia K. Ralabate, a senior policy analyst for the National Education Association, said the union is working on a document that will walk teachers through techniques to defuse difficult situations.

“Most educators are not prepared in their preservice education with significant training to address violent behavior,” Ms. Ralabate said.

However, she said, schools have a renewed interest in the issue with the popularity of “response to intervention,” an education method that seeks to address academic and behavioral problems before they become entrenched.

The U.S. Department of Education finances a technical-assistance center on positive behavioral interventions and supports, a frequently cited method for addressing school safety among all students and staff members.

Mr. Peterson of the University of Nebraska said that better training would also serve to prevent situations in which students are attacking teachers.

One way to address the issue, he said, would be to require debriefing after each incident “with the idea that our programming is not working if we need to restrain or seclude kids. So what can we do to change what we’re doing?”