

Keeping All Students Safe Act (HR 4247/S. 2860)

The Keeping All Students Safe Act would prevent and reduce the use of physical restraint and seclusion in schools and is the first national effort to address this problem and ensure the safety of all students and school staff. Representatives George Miller (D-CA), Cathy McMorris Rodgers (R-WA), Carolyn McCarthy (D-NY), and Todd Platts (R-PA) introduced this bill on December 9, 2009, and it was passed in the House of Representatives by a vote of 262 to 153 on March 3rd, 2010. Senator Christopher Dodd (D-CT) has introduced the companion bill in the Senate which does not yet have any cosponsors.

Background

A recent report by the U.S. Government Accountability Office (GAO) revealed hundreds of cases in which children were abused, and some even died, as a result of misuses of seclusion and restraint in public and private schools, often at the hands of untrained staff. Many of these interventions were used disproportionately on some of our most vulnerable students – children with disabilities, including those with emotional or behavioral disorders. Unlike in hospitals and other facilities that receive federal funding, there are no federal laws that address how and when seclusion or restraint can be used in schools. State regulations and oversight vary greatly and have often failed to protect children, and many states do not provide any guidance or assistance regarding these behavioral interventions. It is also impossible to determine the full extent to which these interventions are being used because there is currently no consistent reporting of data.

A recent Texas Tribune review of state data shows public school educators used physical restraints roughly 100 times a day during the 2007-08 school year, with school staff restraining four of every 100 special education students for a total of 18,000 times, and some students being restrained dozens of times. More than 40 percent of restrained youth suffered emotional distress, including post-traumatic stress disorder. No child should be subject to such abuse at school. Furthermore, evidence shows a disproportionate use of these techniques on students with disabilities. The fact that Texas has a fairly strong law on the use of seclusion and restraint underscores the need for more preventive measures in schools, as well as the need for resources and assistance to States to develop plans to reduce the use of these dangerous techniques.

There are numerous alternatives to restraint and seclusion, including positive behavioral interventions and supports and other de-escalation techniques. Efforts to reduce restraint and seclusion should be part of a strategy for school-wide safety and should include the development of district-wide policies, training for all educational staff, crisis preparation, interagency cooperation and student/parent participation. Proactive approaches need to be used, e.g., positive behavior interventions and supports that are safe, effective, and evidence-based. Research demonstrates that the use of preventative and positive approaches is a cost-saving approach that changes how schools respond to students, improving student behavior by promoting and

reinforcing desired behaviors, and eliminating the unintended reinforcement of and need to respond to problem behaviors.

Legislation

The Mental Keeping All Students Safe Act, HR 4247/S. 2860, is a balanced, bi-partisan approach to make classrooms safer and is needed to stop the use of seclusion, restraint and other abusive interventions in schools that cause unnecessary trauma, injury and death to America's children.

HR 4247/S. 2860 would --

- Establish important minimum safety standards in schools, similar to the protections already in place in hospitals and non-medical community-based facilities;
- Limit physical restraint or locked seclusion, allowing these interventions only when there is imminent danger of injury, and only when imposed by trained staff;
- Prohibit the use of any mechanical restraint, such as strapping children to chairs, as well as restraints that restrict breathing, and misusing therapeutic equipment to punish students or duct-taping parts of their bodies;
- Require schools to notify parents after incidents when restraint or seclusion were used;
- Call on states, within two years of enactment, to establish their policies, procedures, monitoring and enforcement systems in place to meet these minimum standards;
- Encourage states to provide support and training to better protect students and staff and prevent the need for emergency behavioral interventions; and
- Increase transparency, oversight and enforcement to prevent future abuse.

Messages for Senators:

- HR 4247/S. 2860 is desperately needed to prevent and reduce the use of physical restraint and seclusion in schools.
- Cosponsor the Keeping All Students Safe Act (S. 2860).
- Call on the Senate Leadership to bring S. 2860 to the floor and pass this non-controversial legislation that the House accepted by the wide margin of 262 – 153, including strong bipartisan support.