



The Council of Parent Attorneys and Advocates, Inc.

A national voice for special education rights and advocacy

PO Box 6767, Towson MD 21285 (410) 372-0208

For more information on this brief: Denise Marshall, Executive Director,
exec@copaa.org

December 12, 2008

**End the Use of Restraints, Seclusion, and Other Aversive Interventions
Upon Children with Disabilities in Our Nations Schools**

It is critically important to take immediate measures to stop the use of restraints, seclusion, and aversive interventions on children with disabilities in our schools. No child with a disability should be subjected to neglect, abuse, or injury in the name of treatment or under the guise of providing educational or therapeutic services, regardless of the setting. Abuse violates children's rights and is neither educational nor effective. Federal legislation and appropriate regulations are needed to protect our children.

Restraints include physical force, mechanical devices or drugs that temporarily restrict freedom of movement or control behavior. Seclusion includes the use of locked rooms or other spaces from which students are unable to leave voluntarily. Aversive procedures use painful stimuli in response to behaviors that are deemed unacceptable by their caregivers.

Although some states have standards and regulations regarding restraints, seclusion and aversive interventions, the existing laws are not uniform and may not be enforced. Other states provide little or no protection for children at all. Because there is no monitoring on a national level, the full extent of death, injuries, and harm from the use of these techniques is unknown. Data collection and public reporting, through OSEP, should begin promptly. There must be enactment of strong federal monitoring and enforcement requirements to prevent the abuse of children in any educational setting, including a collection of data on deaths and injuries, and the frequency with which abusive interventions are used.

Federal legislation and regulations should require that children should receive effective positive behavior supports developed within a comprehensive, professionally-developed plan of behavioral accommodations, supports, and interventions. PBS programs should be school-wide, and include preventative as well as reactive techniques at all levels of intervention. PBS must be implemented in a way that promotes the right of all children to be treated with dignity and receive necessary educational supports and programming in a safe and least-restrictive environment. In too many states, using PBS is optional, and hence federal mandates are important. Instead, too often, school personnel who have not been thoroughly trained in research-validated methods for promoting positive behavior change and crisis de-escalation resort to inappropriate abusive methods instead.

Federal policies should also stress the importance of employing non-physical techniques. Restraints to control acute or episodic aggressive behavior should only be used under the following circumstances: (a) the student's actions pose a clear, present and imminent physical danger to himself/herself or to others; (b) less restrictive measures have not effectively de-escalated the risk of injury; (c) the restraint should only last as long as necessary to resolve the actual risk of danger or harm; (d) the degree of force applied may not exceed what is necessary to protect the student or other persons from imminent bodily injury. Leaving this important issue up to the states fails children.

Repeated use of restraints or seclusion should be viewed as the failure of educational programming and the likelihood that supports, educational methodologies, and placement are inadequate. Every child is entitled to be treated with dignity and respect. No child with a disability should be subjected to abusive treatment under the guise of providing educational services. Every child should be in an environment that promotes PBS. Federal action is necessary to remedy these problems.