

Issue Brief

Restraint/Seclusion



Improve Physical Restraint and Seclusion Procedures in the School Setting



History and Information on Related Bills

Florida Statute 1003.573 addresses widespread concern about the use of seclusion and restraint on students with disabilities in public school. The law went into effect on July 1, 2010.

The law establishes standards and procedures regarding the use, monitoring, documentation, and reporting of seclusion and restraint on students with disabilities.

The law establishes **three important rights**:

- notification and copies of incident reports.
- protection against mechanical restraint that restricts a student's breathing.
- protection against manual or physical restraint that restricts a student's breathing.

On July 1, 2011 the law was revised to improve monitoring, documentation and reporting. The law also now requires districts to develop plans for the prevention and reduction of restraint and seclusion. (Florida, n.d.) (Sunshine, n.d.)

What's happening with current bills?

H.R.8782 - Keeping All Students Safe Act was introduced in November 2020. The *Keeping All Students Safe Act* would make it illegal for any school receiving federal taxpayer money to seclude children and would ban dangerous restraint practices that restrict children's breathing, such as prone or supine restraint. The bill would also prohibit schools from physically restraining children, except when necessary to protect students and staff. The bill would better equip school personnel with the training they need to address school-expected behavior with evidence-based proactive strategies, require states to monitor the law's implementation, and increase transparency and oversight to prevent future abuse of students. (Congress.Gov., n.d.)

Why support this topic?

Seclusion and restraint are highly dangerous interventions that have led to death, injury, and trauma in children. In 2009, the Government Accountability Office (GAO) collected at least 20 stories of children who died in restraint. Restraint should not be used when there is no emergency posing a danger to physical safety. Even then, restraint should not be used when less restrictive measures would resolve the issue.

Every child should be safe and protected while in school. Sadly, that is not always the case. The most current data from the Civil Rights Data Collection (CRDC) reveals that 101,990 students were subjected to seclusion or restraint during the 2017-18 school year. Of the students restrained or secluded, 78 percent were students with disabilities who were disproportionately students who identified as Black/African American and boys. (Committee, n.d.) (GAO, n.d.)

Definitions

Physical Restraint

The term "physical restraint" means "a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, torso, or head freely." Physical restraint is a means for controlling that person's movement, reconstituting behavioral control, and establishing and maintaining safety for the out-of-control individual, other individuals, and school staff. (Children, n.d.) (Education, n.d.)

Seclusion

Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving (CRDC, 2017). Seclusion does not include a sensory room and does not include a timeout. (Children, n.d.) (Education, n.d.)

Sources:

1. Congress.Gov. <https://www.congress.gov/bill/116th-congress/house-bill/8782?q=%7B%22search%22%3A%5B%22restraint+seclusion%22%5D%7D&s=5&r=1>
2. Council for Exceptional Education. <https://exceptionalchildren.org/>
3. Disability Rights Florida. https://disabilityrightsflorida.org/disability-topics/disability_topic_info/restraint_and_seclusion_in_school
4. Education and Labor Committee. <https://edlabor.house.gov/media/press-releases/top-democrats-unveil-bill-to-protect-students-from-dangerous-seclusion-and-restraint-practices>
5. GAO. <https://www.gao.gov/new.items/d09719t.pdf>
6. Online Sunshine. http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1003/Sections/1003.573.html
7. US Department of Education. <https://exceptionalchildren.org/>
8. USFPBIS.org, <https://www.livebinders.com/play/play?id=2291786>

