

AN UPDATE ON PHYSICAL RESTRAINT & SECLUSION POLICY ISSUES AND TRAINING CONTENT

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Hello!

- Which states are you from?
- What is your role?
- Is this a new topic for you?
- Are you aware of the controversy related to R&S in schools?
- Are you trained in crisis intervention?
- Have there been any incidents in your schools?

Our purpose- Regarding Physical Restraint & Seclusion

- To share recent incidents in schools as reported by the media
- To update you about policy
- Review 4 Key Issues
- To provide information and recommendations

Physical Restraint – September 25, 2016 - Colorado

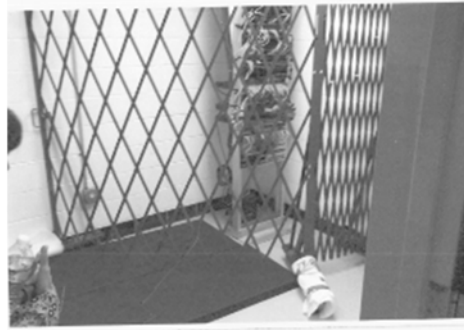
- 12 year old, middle school boy, diagnosed with ADHD, socio-emotional needs
- Supposedly **cussed** at behavior specialist/teacher
- Restrained so harshly left bruises all over boy's body
- Teacher fired immediately for violating school's policies
- Mother: **"I've voiced my issue of safety with this child at the school throughout the year and I haven't been heard,"** "He does act out and is easily triggered. But he doesn't hurt people." She's given permission to the school to have a police officer restrain him.



<http://www.gnews.com/news/crime/teacher-fired-over-physical-misconduct-with-student/126582636>

Seclusion – August 26, 2016 - Ohio

- 7-year-old boy, weighs 38 pounds
- Acted up in class and was physically carried by his arms and legs to the seclusion room . “There were two, maybe three adults, women, holding him down. One woman was straddling him. Another woman was holding his hands and his feet down.”
- The boy spent as much as **six hours a day for a total of 48 hours secluded in the janitor’s closet**, with exposed wiring, and often sitting in his own urine
- Parents were led to believe it was what’s called a “sensory room,” where their son would be safe.



<http://www.cleveland19.com/story/32847915/carl-monday-investigates-restraint-seclusion-rooms-in-schools>

Mechanical Restraint – September 8, 2016 – Kansas City, MO.

- 7 year old, 2nd grade boy; 4 feet tall; less than 50 pounds
- Crying and screaming in class because he was being bullied. School resource officer wanted to remove him from class for being disruptive.
- When the student refused to follow him, and continued screaming and crying, the school resource officer handcuffed him and physically removed the student from the classroom. Student threatened no one and didn’t pose any real danger.
- Student: “He just grabbed my hands and twisted them like this and put the handcuffs like that” “I was kind of scared” “I just didn’t really like how it felt”.
- Mother is suing district for violating his constitutional rights with excessive force (4th and 14th amendments)



<http://fox4kc.com/2016/09/08/aclu-files-suit-claiming-young-boys-rights-were-violated-when-he-was-handcuffed-at-kc-elementary-school/>

Specific Federal Policy & Background

- **Legislation** to regulate restraint and seclusion has been proposed since 2009, no proposed legislation has been enacted.
- We are not aware of any bills currently introduced on this topic.
- This topic continues as a priority for advocacy organizations.



Restraint & Seclusion in Schools - Federal Level

Every Student Succeeds Act - ESSA (December, 2015)

- Each State plan shall describe-
- “(1)...(C) how the State educational agency will support local educational agencies receiving assistance under this part to improve school conditions for student learning, including through reducing—
 - “(i) incidences of bullying and harassment; “(ii) the overuse of discipline practices that remove students from the classroom; and
 - “(iii) the use of **aversive behavioral interventions** that compromise student health and safety;” p. 41-42 of pdf
- Conference Committee discussion indicates that this includes “physical restraint and seclusion.”

RAMIFICATIONS FOR LOCAL SCHOOLS?

States will create state plans for improvement within their states...
Unknown at this time how that will affect or change current district policies...

Federal Guidance

- **States are encouraged to have their own policies**
 - Duncan (2009): states & districts should have policies
- **Federal Resource Document on restraint and seclusion (2012).**
 - Indicates principles to consider



Analysis of State Policies

- Jessica Butler in a report entitled- *How Safe is the Schoolhouse- An analysis of state seclusion and restraint laws and policies* (Butler, 2015)
 - **22 States currently have laws providing “meaningful” protections** in place for all students; 35 have laws or policies addressing restraint and seclusion.
- **Only 16 require an emergency or physical danger before use of restraint**; 20 do for children w/disabilities
- **In 23 states schools must by law notify parents** of restraint or seclusion; 35 require it for parents of students with disabilities

In our four state region-

- **Iowa** –detailed legislation 10/2008.
 - Chapter 103 corporal punishment ban; restraint; physical confinement and detention.
- **Kansas** -legislation — most recent August, 2015.
 - Kansas HB 2170, the Freedom From Unsafe Restraint and Seclusion.
- **Missouri** -legislation requiring policy;
 - Developed a statewide model policy for districts.
- **Nebraska** – No state legislation or policy...
 - Except that a policy is required for district accreditation.

What components should be in a state or local district policy?



(adapted from Peterson, 2010)

	Iowa	Kansas	Missouri*	Nebraska**	Illinois	Minnesota
Definitions		✓	✓		✓	✓
Rationale (Preamble)	✓					
Focus on Prevention (Crisis De-Escalation)	✓	✓				✓
Purpose of Employing Restraint		✓				✓
Staff Training Requirements (Program Content)	✓	✓	✓		✓	✓
Staff Training Requirements (Certification)	✓	✓			✓	✓
Maintaining Safety (Time Lines/Limits)	✓		✓		✓	✓
Maintaining Safety (Monitoring)					✓	✓
Maintaining Safety (Special Cases)	✓	✓	✓		✓	✓
Documentation of Each Incident	✓	✓	✓		✓	✓
Debriefing	✓					✓
Appropriate Reporting to Parents/Guardians/Others	✓	✓	✓		✓	✓
Supervision, Oversight, and Review		✓	✓		✓	✓
Seclusion		✓	✓		✓	✓
Dangers & Risks						✓
Restraint Holds/ Procedures	✓	✓	✓		✓	✓
Follow-Up	✓	✓			✓	✓

Midwest State Restraint & Seclusion Policies

*Missouri requires district policies and provides a model policy.

**Nebraska school accreditation requires districts to have a policy, but does not specify policy requirements.

Leadership Considerations

- Is your staff aware of your state and local policies?
- Is your policy helpful?
- Does your district policy match your state policy?
- Does your crisis intervention training program cover district/state policy guidelines?
- Is there someone who is monitoring the use of these procedures in your district?



Duty to Protect

- ✓With safety plan
- ✓With trained staff
- ✓From threats
- ✓From internal or external threats & hazards
- ✓From injury (accident/deliberate)



For Behavioral Crisis-

- ✓Is there a plan for use of restraint or seclusion when behavior is dangerous?
- ✓Are staff trained?
- ✓Are threats and escalating behavior recognized?
- ✓Are safety equipment and training in place where they might be needed?

Adapted from Heidelberg, NDE

Duty to Supervise

- ✓ Adequate number of staff for activity
- ✓ Properly trained staff
- ✓ Adequate records and data
- ✓ Appropriate staff behavior
- ✓ Appropriate staff response to ...



For Behavioral Crisis-

- ✓ Is incident data gathered and analyzed?
- ✓ Are data used to make changes in behavior plans?
- ✓ Adequate number of staff?
- ✓ Are people responsible for oversight identified?

Adapted in part from Heidelberg, NDE

Considerations: Duty to Prevent

- ✓ Unsafe student behaviors
- ✓ Accidents
- ✓ Unsafe staff behaviors
- ✓ Unsafe conditions
- ✓ Intruders
- ✓ Weapons on campus
- ✓ Alcohol / Drugs on campus



- ✓ Appropriate academic and behavioral instruction
- ✓ Positive behavior supports
- ✓ Functional assessments
- ✓ Effective behavior intervention plans, etc.

Heidelberg, NDE

Legal Problems for Schools

Legal problems for schools have occurred in crisis and emergency situations due to failure of the school to follow their own policies, procedures, or plans.

The first questions often asked after many school incidents that result in investigations or litigation are:

- Does the school have a plan for handling this type of situation?
- Was the school plan adequate to address the potential outcomes?
- Did the school follow it's own plan?



How can schools get in trouble?

Causes for action

- Staff or Student Injury
- Repeated or overuse of R&S
- Staff member engages in restraint without training/certification
- Not following state or district policy
- Even if we are doing the right thing!

Who can take action?

- The student or Parents/Guardians
- If disabled, the Parent Surrogate
- Staff members
- The State –
 - Department of Education
 - Child protection /social services
- Independent Child Protection and Advocacy Organizations
- The police

Current Legal Avenues

□ Constitutional Claims

- 4th Amendment (searches and seizures)
- 8th Amendment (cruel and unusual punishment)
- 14th Amendment (deprive life, liberty or property; equal protection of the law)

□ Section 1983 Claims

□ **Maltreatment** - Does it constitute child abuse?

□ **Licensing Complaints**- violate professional codes of conduct of teachers/administrators- bad judgement?



□ Criminal Liability

□ (Usually not taken by Protection & Advocacy agencies or law enforcement agencies)

□ Personal Injury/Tort Actions

□ The parents suing the individuals involved

□ **Special education and Section 504 claims** (Issues around FAPE; due process, behavior plans, etc.)

Litigation & Hearings on Restraint and Seclusion

Court Cases Review - Restraint

- Zirkel (2016) overview of 50 restraint related cases from 2011-2015
- $\frac{3}{4}$ were regarding *physical* restraints → most were challenging broader array of aversive procedures
- Majority of conclusive outcomes favor districts and Significant number of inconclusive outcomes
 - 30% Conclusive for Districts (n=15); 48% Inconclusive (n=24); 2% Conclusive for Plaintiffs (n=1)

(Zirkel, 2016)

Court Cases review – Seclusion

- Zirkel (2016) overview of 24 seclusion or time out related cases from 2013-2016
- Seclusionary cases are less clear cut
 - Majority labeled “Seclusionary Timeout”
 - Most cases were secondary to more invasive aversives
 - Under the few cases where aversive action was limited to seclusion, violations of FAPE were the primary challenge
- Majority of conclusive outcomes favor districts and Significant number of inconclusive outcomes
 - 38% Conclusive for Defendants (n=9); 63% Inconclusive (n=15); 0% Conclusive for Plaintiffs (n=0)

(Zirkel, 2016)

Court Cases review Conclusions

- 14th Amendment SDP most common constitutional claim
- Most successful defense was either 11th Amendment immunity or lack of the requisite policy or custom
- Most common hurdle for plaintiffs was to establish that the conduct was “shocking to the conscience of society”
- Majority of the cases were in federal vs. state courts
- Almost half of cases make it past on of the 2 successive pre-trial stages → prices and fees increase with each successive stages (significant costs win or loose)

(Zirkel, 2016)

KEY ISSUES

-  Clear and Imminent Danger
-  Shocking to the Conscience of Society
-  Violating FAPE
-  Crisis Intervention Training





CLEAR AND IMMINENT DANGER

What is “clear and imminent danger”?

- Although this term is used in many locations its definition is not obvious.
- Training may be required for staff to have a uniform and clear understanding.



What is “clear and present danger”?

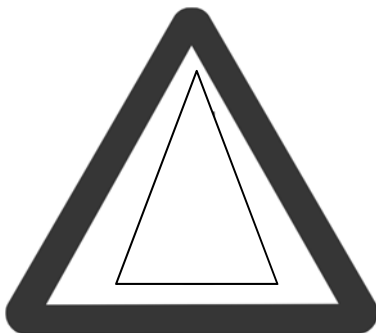
- Clear and present danger was a doctrine adopted by the U.S. Supreme to determine under what circumstances limits can be placed on First Amendment freedoms of speech, press, or assembly.

Justice OLIVER WENDELL HOLMES JR., writing for the U.S. Supreme Court in Schenck v. United States, 249 U.S. 47, 39 S. Ct. 247, 63 L. Ed. 470 (1919),



What is “imminent danger”?

Occupational Safety and Health Administration



- Section 13(a) of the Act defines *imminent danger* as ...

“any conditions or practices in any place of employment which are such that a *danger* exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such *danger* can be eliminated through the enforcement procedures otherwise provided in the Act”

What is “clear and imminent danger”?

Crisis Intervention Training Program Definitions

- “a person: has the ability to injure seriously, shows an intent to injure seriously and immediately, and the threat or attempt would create a need for immediate, professional, medical attention” (**PRO-ACT**)
- “It is when people are no longer able to maintain self-control due to a perception that they are unable to cope with the demands presented.” (**RIGHT RESPONSE**)
- “‘Immediately Dangerous’ situations are those which ‘put self or others at risk of imminent and serious harm, and verbal instructions have failed’ (**TACT 2**)
- “Acute physical behavior that is likely to result in injury” (**TCI**)
- “An immediate threat of harm exists when [it is] ‘not separated in time, acting or happening at once, next in order.’ (Harper, 2010) The words that characterize such situations are “severe” and “out of control.” (**MANDT**)



What is “clear and imminent danger”?

Example

An angry and upset 12 year old boy runs away from a school which is located on a busy street. This boy normally walks to school on his own each day.

Vs.

An angry and upset 12 year old boy runs away from school which is located on a busy street. The boy is severely cognitively impaired and is still working on functional skills including learning the meaning of street signs.

What is “clear and imminent danger”?

Another Example

A student in a classroom loses self control and pushes a computer and other materials onto the floor.



Vs.



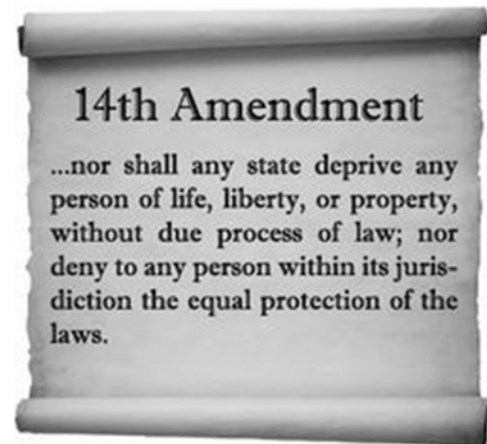
As student in a classroom loses self control and begins throwing heavy objects at other students and the teacher.



**Shocking to the
Conscience of Society**

Shocking to the Conscience of Society

- An action is understood to "shock the conscience" if it is perceived as manifestly and grossly unjust.
- Based on if the due process requirement in the 14th amendment
- Subjective decision by the judge –
Give a lot of latitude to professionals



"Shocking to the Conscience of Society"

- Largest plaintiff hurdle is establishing the use of restraint and seclusion is "Shocking to the Conscience of Society" (Zirkel, 2016)
- What constitutes "Shocking to the Conscience of Society" to judges?



Illustration by Ward Zwart

T.W. v. School Bd. Of Seminole County (Eleventh Circuit, 2010)

- “[Teacher] used profanity in her classroom daily and directed it at her students, including T.W. [Teacher] told T.W. that he stinks and called **him lazy, an asshole, a pig, and a jerk** . . . [Teacher] often restrained her students after doing something to upset or anger them.”
- Court rules that parent of a child who was restrained did not establish that constitutional rights of student had been violated.
- . . . Interventions were used to “restore order, maintain discipline . . . ”
- There was a strongly worded dissenting opinion by 1 of 3 judges.
Teacher behavior did not reach the level of “Shocking to Conscience..”

C.N v. Willmar Public Schools (Eighth Circuit, 2010)

- Teacher had been reported three times to Minnesota Dept of Ed for “maltreatment”
- “. . . [teacher] allegedly made C.N. sit at a ‘thinking desk’ and hold a physical posture for a specified time, or else face restraint or seclusion”
- Other allegations included demeaning and belittling student, pulling hair and denying use of restroom.
- Court concluded that a special education teacher, using restraint, had not violated student’s constitutional rights.
- Because restraint was listed in BIP, it was in the realm of acceptable practices.
- Teacher behavior did not reach the level of “Shocking to Conscience..”

Muskrat v. Deer Creek Public Schools (2013)

- “While we understand emotions can run high in maintaining classroom order, at the time of this incident the [parents] had not yet made [principal] aware of the medical consequences that they now attribute to [the] timeouts. Thus, although [the child] obviously did not want to be placed in the timeout room, this single incident lasting four minutes **does not shock the conscience**. The various details, such as placing a chair in front of the door, show at most a ‘**careless or unwise excess of zeal**’ rather than a ‘**brutal and inhumane abuse of official power**’ (Zirkel, 2016)”.
- Teacher behavior did not reach the level of “Shocking to Conscience..”



Free and Appropriate Public Education

Violation of FAPE for students with disabilities

- Loss of instructional time
- Continuous use of non-effective interventions
- Non-effective BIPs
- Documented lack of educational benefit or progress



B.H. v. Clermont School District (2011)

- Parent won their claim under IDEA: “the District’s failure to address [the child’s] behavior...especially where [her IEP] goals graphically demonstrated .. regression” (Zirkel, 2016).
 - 1 board's failure to consider evaluations obtained privately by guardian denied guardian meaningful participation in individualized education program (IEP) process;
 - 2 student was denied free appropriate public education (FAPE) because of **district's** improper behavior program;

“Spaghetti Strategy”- throwing everything against the wall and hoping something sticks” (Zirkel & Lyons, 2011).

D.L., ...v. The WAUKEE SCHOOL DISTRICT

Plaintiffs claim that Defendants’ conduct toward and treatment of I.L., including repeated use of restraint and seclusion, caused various damages.

The Amended Complaint asserts eleven causes of actions:

- (1) violation of 20 U.S.C. §§ 1414–15,⁶ the Individuals with Disabilities Education Act (“IDEA”);
- (2) denial of substantive and procedural due process in violation of 42 U.S.C. § 1983;
- (3) denial of equal protection, in violation of 42 U.S.C. § 1983;
- (4) violation of the Rehabilitation Act (“RA”), 29 U.S.C. § 794;
- (5) disability discrimination in violation of Iowa Code § 216.9;
- (6) assault and battery;
- (7) false imprisonment;
- (8) intentional infliction of emotional distress;
- (9) negligent infliction of emotional distress;
- (10) negligence—bystander; and
- (11) intentional or reckless infliction of emotional distress—bystander.

Some claims were granted and some were denied.



Crisis Intervention Training

CRISIS INTERVENTION TRAINING

Training is the key to preventing many inappropriate uses of restraint or seclusion, and to de-escalating or preventing the need for these procedures.

***Crisis Intervention Training** - Vendors who provide training on strategies to de-escalate and prevent aggressive behavior, as well as procedures for physical restraint, seclusion, and various safety topics .*

Current Review of Training Programs

- Only those providing training on restraints were included.
- 25 programs identified
- **17 vendors participated (68% of total)**
- Lead trainers or owners completed questionnaire
- **99 item questionnaire**
- Covering 10 training content areas

17 Crisis Intervention Training Programs	Organization Name	Website
Calm Every Storm, Crisis Intervention Training	Crisis Consultant Group, LLC.	crisisconsultantgroup.com
Management of Aggressive Behavior (MOAB®)	MOAB® Training International, Inc.	moabtraining.com
Nonviolent Crisis Intervention® Program	Crisis Prevention Institute	crisisprevention.com
Oregon Intervention System (OIS)	Alternative Service, Inc. - Oregon	ois.asioregon.org
PMT	PMT Associates, Inc.	pmtassociates.net
Pro-ACT®	Pro-ACT, Inc.	proacttraining.com
Professional Crisis Management (PCM)	Professional Crisis Management Association	pcma.com
Response	Response Training Program LLC	responsetrainings.com
RIGHT RESPONSE	Service Alternatives Training Institute	rightresponse.org
Safe and Positive Approaches®	Devereux	devereux.org
Safe Crisis Management® (SCM)	JKM Training Incorporated	jkmtraining.com
Safe Prevention Principle and Techniques	JIREH Training and Consulting LLC	jirehtraining.com
Safety-Care™	QBS, Inc.	qbscompanies.com
Satori Alternatives to Managing Aggression (SAMA)	Satori Learning Designs, Inc.	satorilearning.com
The Mandt System®	The Mandt System, Inc.	mandtssystem.com
Therapeutic Aggression Control Techniques (TACT2)	SBP Consulting, Inc.	tact2.com
Therapeutic Crisis Intervention (TCI)	Residential Child Care Project, Cornell Univ.	rccp.cornell.edu/tcimainpage.html

Respondents were asked for % of training allocated to each of 8 global training content areas*

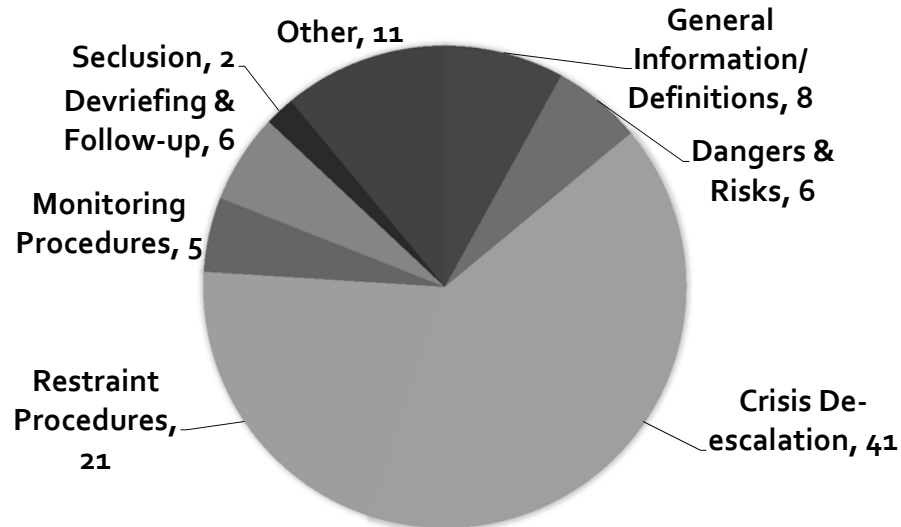
- General information and definitions
- Dangers and Risks
- Crisis De-escalation procedures
- Restraint procedures
- Procedures for monitoring
- Debriefing and follow up
- Seclusion
- Other topic areas

* Interpretations may vary based on differing terminology or understandings; use only for gross comparisons

Allocation of resources across general topics

Training Program Name	Total Basic Training Time	General Information/Definitions %	Dangers & Risks %	Crisis De-escalation %	Restraint Procedures %	Monitoring Procedures %	Debriefing & Follow-up %	Seclusion %	Other %	Total %
Calm Every Storm	16 hrs	5	5	55	15	5	5	5	5	100
MOAB	6-8 hrs	20	15	20	20	10	5	5	5	100
Nonviolent Crisis Intervention® program	14 hrs	20	5	35	25	5	10	0	0	100
OIS	12 hrs	15	10	25	15	2	2	2	29	100
PMT	8 hrs	15	10	40	20	5	5	5	0	100
Pro-ACT®	20 hrs	5	4	60	8	7.5	7.5	3	5	100
Professional Crisis Management	14 hrs	10	5	30	50	0	5	0	0	100
Response	12 hrs	4	6	58	12	4	4	0	12	100
RIGHT RESPONSE	5-14 hrs	2	2	31	30	5	5	0	25	100
Safe & Positive Approaches®	14 hrs	5	7	34	18	3.5	3.5	0	29	100
Safe Crisis Management	18 hrs	5	5	45	30	5	10	0	0	100
Safe Prevention Principles and Techniques	16-20 hrs	10	12	38	15	5	15	5	0	100
Safety-Care	12 hrs	5	5	25	20	5	5	0	35	100
SAMA	16 hrs	1	2	40	20	1	1	0	35	100
The Mandt System®	19 hrs	7	8	58	12	7	7	1	0	100
TACT2	18-20 hrs	10	2.5	50	30	2.5	2.5	2.5	0	100
TCI	28-32 hrs	5	5	50	25	5	10	0	0	100

Average Allocation Across Training Programs



<http://k12engagement.unl.edu/study-crisis-intervention-training-programs>

State Approval of Crisis Intervention Training

- Approximately 15 states now undertaken “approval” of training
- Other state agencies are moving to approving and quantifying training
- As of June 2014, Missouri regulations that govern the use of restraint and seclusion for employees, contractors, and clients under the **Children’s Division of the Missouri Department of Social Services**

Rules 13 CSR 35-71.045 – Personnel, Section 6, Staff Training mandates that all employees and contracted personnel must have **40 hours of training** during the first year of employment and forty hours annually each subsequent year. **Training is to include crisis intervention, de-escalation, and behavior management techniques and proper and safer methods and techniques of restraint to be used only as a last resort.**

From: <http://www.crisisprevention.com/Legislation/Updated-Seclusion-and-Restraint-Rules-for-Missouri>

Recommendations- Handling incidents, media & avoiding problems?

How to stop the negative “cascade” effect?

- Make sure strong policy is in place to support your actions → and follow it!
- Have documentation for every incident demonstrate compliance with your policy.
- When an incident occurs, have a knowledgeable spokesman tell the truth up front/share information instead of withholding information.
- Make sure preventative practices are in place- e.g. PBIS; Behavior Intervention Plans; etc.



- When behavior is deteriorating, revise and intensify behavior intervention before crises develop.

Other Recommendations

- Ensure adequate training is in place
 - Choose a training program with a large emphasis on prevention and de-escalation
 - Make sure the training program aligns with state and district policies
- Ensure all relevant staff members are trained
 - Determine and adhere to certification requirements and re-certification time lines
 - Make sure all staff understand “clear and imminent danger”
 - Make sure staff practice physical procedures to stay current

Questions - Discussion?

*What experiences or incidents have you had?
How were they handled?*



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Resources

Law, policy and practice regarding physical restraint and seclusion in schools.

Updated 10-3-2016

U.S. Congress

- Bills introduced in the 2015 Congressional session: H.R. 927
 - <https://www.congress.gov/bill/114th-congress/house-bill/927>
- Bills introduced in the previous Congressional session but which did not pass:
 - H.R. 1381 as drafted Preventing Harmful Restraint and Seclusion in Schools Act
<https://www.govtrack.us/congress/bills/112/hr1381/text>

U.S. Department of Education

- [U.S. Department of Education Issues Resource Document that Discourages Restraint and Seclusion](#)
 - *05/15/2012 10:07 AM EDT.* The U.S. Department of Education issued a publication that outlines principles for educators, parents and other stakeholders to consider when developing or refining policies and procedures to support positive behavioral interventions and avoid the use of restraint and seclusion. The press release for the document is available at: <http://www.ed.gov/news/press-releases/us-department-education-issues-resource-document-discourages-restraint-and-seclu>. The document itself is available at: <http://www2.ed.gov/policy/seclusion/index.html> or the full pdf at: <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>
- Secretary of Education Arne Duncan July 31, 2009 letter
 - Calls on states and schools to develop and clarify policies.
<http://www2.ed.gov/policy/elsec/guid/secletter/090731.html>

Reports about Restraint and Seclusion

- Reports about problems and abuses:
 - The Cost of Waiting – TASH, 2011
 - <http://tash.org/the-cost-of-waiting/>
 - COPAA Declaration of Principles Opposing the Use of Restraints, Seclusion and Other Aversive Interventions Upon Children with Disabilities, June 2008 (updated March 2011)
 - <http://www.copaa.org/wp-content/uploads/2010/10/COPAA-Declaration-of-Principles4-5-111.pdf>
 - School is Not Supposed to Hurt, National Disability Rights Network, January, 2009
 - http://www.ndrn.org/images/Documents/Resources/Publications/Reports/School_is_Not_Supposed_to_Hurt_3_v7.pdf.
 - Seclusions and Restraints, U.S. Government Accounting Office Report, May, 2009
 - <http://www.gao.gov/>
 - How Safe Is The Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies, Jessica Butler, July 25, 2015.
 - <http://www.autcom.org/pdf/HowSafeSchoolhouse.pdf>
 - Unsafe in the Schoolhouse: Abuse of Children with Disabilities, July 25, 2015
 - <http://www.autcom.org/pdf/HowSafeSchoolhouse.pdf>

Position Papers for Educators on Restraint and Seclusion:

- Council for Children with Behavior Disorders (CCBD) Position Summary on the Use of Physical Restraint Procedures in School Settings; and
- CCBD's Position Summary on the Use of Seclusion in School Settings
 - Both of these are available at: <http://www.ccbd.net/publications/positionpapers>
 - Council for Exceptional Children Position on Physical Restraint and Seclusion-- www.cec.sped.org

Other References

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<http://dps.sagepub.com/content/early/2015/09/21/1044207315604366.abstract>

Video Tape Resources

Reducing the Use of Seclusion and Restraint in Schools

Reducing the Use of Seclusion and Restraint in Schools is a new video summarizing the practice and policy issues regarding the use of these procedures in schools. The video was produced at Clemson University's College of Health, Education and Human Development, and is one of their *Policy Matters* series. The video is about an hour long and includes four panelists, Dr. Reece Peterson-University of Nebraska-Lincoln, Dr. Joe Ryan-Clemson University, Dr. Dan Stewart- an attorney at the Minnesota Disability Law Center, and Bill Lichtenstein a journalist and parent of a child who had been restrained. There are also clips embedded from a documentary video by Dan Habib "Restraint & Seclusion: Hear Our Stories". These video clips tell the stories of youth who had been subjected to being restrained or secluded in school. The video is available free at: <http://newsstand.clemson.edu/tv/?p=3166>. (1 hour). A variety of links to other additional resources on this topic can be found on the same web page.

Restraint and Seclusion: Hear Our Stories

Restraint and Seclusion: Hear Our Stories (working title) is a film by Dan Habib, Filmmaker at the Institute on Disability at the University of New Hampshire, and creator of the films Including Samuel and Who Cares About Kelsey? In the film, Jino Medina, Brianna Hammond, Helena Stephenson and Peyton Goddard describe the restraint and seclusion they experienced while students in public schools, and the devastating physical and emotional injuries they suffered as a results. <https://vimeo.com/68102037>

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Zirkel, P. (2016). The use of time-out and seclusion students with disabilities: An update of the case law. *National Association of School Psychologists Communique*, 45(1), <http://apps.nasponline.org/resources-and-publications/periodicals/cq-index-list.aspx>

Crisis Intervention Training Program Content

See pie charts available at: <http://k12engagement.unl.edu/study-crisis-intervention-training-programs>.

Examples of Recent Incidents Regarding Restraint or Seclusion in Schools

- Kansas City student handcuffed and removed from class by SRO. (September 8, 2016)
 - <http://legalclips.nsba.org/2016/09/13/aclu-suit-claims-sro-at-missouri-elementary-school-handcuffed-student-after-removing-him-from-classroom-for-crying-and-screaming/>.
 - <http://fox4kc.com/2016/09/08/aclu-files-suit-claiming-young-boys-rights-were-violated-when-he-was-handcuffed-at-kc-elementary-school/>
- Denver Behavior Specialist teacher fired for physical intervention with a student with ADHD who had “social emotional needs” and who was in the affective needs classroom. (April 8, 2016).
 - <http://www.9news.com/news/crime/teacher-fired-over-physical-misconduct-with-student/126582636>
- Lawsuit claims school kept boy confined to a tiny room for most of the school year. (Eugene, OR, September 7, 2016).
 - <http://fox5sandiego.com/2016/09/07/lawsuit-claims-school-kept-boy-confined-to-tiny-room-for-most-of-the-school-year/>
- Handcuffing of students reignites debate on use of restraint. (Kentucky, August 19, 2015).
 - <http://www.edweek.org/ew/articles/2015/08/19/handcuffing-of-students-reignites-debate-on-use.html?cmp=ENL-EU-NEWS2>
- 12 year old student thrown down by school police officer who is fired. (San Antonio, TX, March 29, 2016).
 - <https://www.washingtonpost.com/news/education/wp/2016/04/11/school-officer-fired-after-video-showed-him-body-slamming-a-12-year-old-girl/>
- Teacher uses “appropriate” physical restraint, Superintendent determines when teacher uses “choke hold” on 15 year old student. (Danbury, CT, January 8, 2016)
 - <http://wtnh.com/2016/01/07/teacher-uses-appropriate-physical-restraint-superintendent-determines/>

CRISIS INTERVENTION POLICY CHECKLIST

Components	In State Policy?	In District Policy?	In Training Program Content	Notes
Definitions				
Rationale (Preamble)				
Focus on Prevention (Crisis De-Escalation)				
Purpose of Employing Restraint				
Staff Training Requirements (Program Content)				
Staff Training Requirements (Certification)				
Maintaining Safety (Time Lines/Limits)				
Maintaining Safety (Monitoring)				
Maintaining Safety (Special Cases)				
Documentation of Each Incident				
Debriefing				
Appropriate Reporting to Parents/Guardians/Others				
Supervision, Oversight, and Review				
Seclusion				
Dangers & Risks				
Restraint Holds/ Procedures				
Follow-Up				