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Alyssa Auck

aauck@ecs.org

## This response was prepared for Senator Donald Schaible of North Dakota, Chairman of the Education Interim Committee

### Your Question:

You requested information regarding the use of restraints and seclusions in schools. You were specifically interested in knowing what other states are doing with regard to restraints and seclusions.

### Our Response:

Since 2010, approximately 14 states have enacted legislation related to seclusions and restraints, and many of these laws focus specifically on students with special needs. There are a few common themes amongst many of the states. Those themes are as follows: restraint in cases of immediate danger; seclusion safety regulations; parental notification; developing an individualized plan in the case of multiple occurrences; requiring training for school personnel; and reporting requirements. Below are examples of laws recently enacted in each of these thematic areas.

#### **Restraint in Cases of Immediate Danger:**

- Hawaii [House Bill 1796](#), passed in 2014, prohibits the use of seclusion, chemical restraint or mechanical restraint unless a student's behavior poses an imminent danger to the student, school personnel or others. The law establishes limits on the type and duration of restraint as well.
- Arizona [Senate Bill 1459](#), passed in 2015, allows a school to enforce restraint or seclusion techniques if the student's behavior presents an immediate danger to others and if less restrictive measures are insufficient. The law permits a school to establish policies and procedures for the use of restraint or seclusion techniques and allows these to be incorporated into a school safety or crisis intervention plan, as long as the plan is not specific to an individual student.

#### **Seclusion Safety Regulations:**

- Kansas [House Bill 2170](#), passed in 2015, provides that a student will not be put in seclusion if he or she has a medical condition that could put the student in mental or physical danger as a result of seclusion. The bill also specifies that a school employee must be able to see and hear the student at all times while in seclusion.
- Alaska [House Bill 210](#) provides criteria for seclusion including: the student is continuously monitored in face-to-face contact or continuous direct visual contact and the seclusion is discontinued immediately when the

### **Additional data & links**

For an overview of federal and state laws on the use of restraints and seclusions, please see this [Government Accountability Office Report](#) released in 2009 entitled *Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers*

The United States Department of Education released a guidance document for states, districts and school staff in 2009 entitled [Restraint and Seclusion Resource Document](#) which highlights federal activity on restraints and seclusions.

student no longer poses an imminent danger of physical injury or when a less restrictive intervention is effective.

**Parental Notification:**

- [Wisconsin law](#) requires parental notification as soon as practicable, but no later than one business day after the incident. The law further requires that a written report be developed no later than 2 business days after the incident and provides details to be included in that report.

**Developing an Individualized Plan in the Case of Multiple Occurrences:**

- [Louisiana law](#) specifies that if a student is involved in five incidents in a single school year involving the use of physical restraint or seclusion, the student’s Individualized Education Plan team shall review and revise the student’s behavior intervention plan.

**Requiring Training for School Personnel:**

- [Tennessee law](#) requires Local Education Agencies (LEAs) to include behavior intervention training during any in-service days that an LEA uses to address the issues of prevention and intervention strategies for students in the area of behavioral and emotional issues. The law also requires school personnel who have completed a behavior intervention training program to be renewed periodically.

**Reporting Requirements:**

- New Hampshire law requires the state board to [submit an annual report](#) to the legislature on the use of seclusion and restraint in schools. Additionally, it requires the department of education to [provide annual notification](#) to schools about their responsibilities in cases involving serious injury or death of a child during incidents of restraint or seclusion.
- Here is an example of an annual report on the use of physical restraint and seclusion from the State Department of Education in [Connecticut](#). This report provides a summary of the frequency of use of physical restraint and seclusion and specifies whether the use of seclusion was used in an emergency situation or in accordance with an individualized education program. Data were collected from local education agencies, academies, public charter schools, regional education service centers, and approved private special education programs.