



OCTOBER 2012

KEEPING ALL STUDENTS SAFE ACT (S. 2020/ H.R. 1381)

- **Support passage of S. 2020 and H.R. 1381**
- **Support efforts to decrease use of seclusion and restraint in school settings**
- **Support efforts to increase use of positive behavioral interventions and supports and other methods for preventing and stopping problem behaviors**

WHAT WE BELIEVE—OUR VALUES AND GUIDING PRINCIPLES

- We believe that disability is a natural part of the human experience that in no way diminishes the rights of individuals with significant disabilities to fully participate in all aspects of society consistent with their strengths, needs, interests, abilities and capabilities. We embrace the four goals of disability policy articulated in the Americans with Disabilities Act (ADA): equality of opportunity, full participation (informed choice and self-determination); independent living; and economic self-sufficiency.
- Education programs should be provided in the least restrictive environment and sufficiently rigorous to ensure success with the diverse and complicated needs of students with disabilities.
- Goal planning for each student should include effective and safe methods of positive behavioral management.
- The use of seclusion and restraint can be harmful and dangerous and should be minimized.
- The role of disability service providers in the provision of early intervention programs and transition programs should be expanded and improved.

BACKGROUND

The use of restraint and seclusion is widespread. New data from the U.S. Department of Education shows that nearly 40,000 students were physically restrained during the 2009-2010 school year, with about 70% of those students being students with disabilities. Research and recent reports show that the use of restraint and seclusion in schools is often unregulated and used disproportionately on children with disabilities, frequently resulting in injury, trauma, and even death. Restraint and seclusion are often used for behaviors that do not pose danger or threat of harm, and are implemented by untrained school personnel. Numerous alternatives to restraint and seclusion exist, including positive behavioral interventions and supports and other methods for preventing and stopping problem behaviors.

In 2009, the National Disability Rights Network issued a [report](#) detailing the harmful use of these interventions in over two-thirds of the states, involving children as young as three years old in both public and private school settings. Following that report, the Government Accountability Office (GAO) conducted an investigation finding no federal laws restricting the use of these interventions in schools, and that state laws vary widely if they exist at all.

Our nation's children deserve better. Legislation to protect our nation's children has been languishing for the past four years. The Senate Health, Education, Labor and Pension Committee is positioned to move restraint and

seclusion legislation forward. Federal standards are needed to improve the current patchwork of state laws to ensure that every child is afforded protection.

RECOMMENDATIONS

We **support** passage of legislation to reduce the incidence of restraint and seclusion of students and to establish minimum student safety standards.

We **support** the provision of special education and related services in the least restrictive environment using the least restrictive methods to manage behavior.

We **support** the enhancement of school personnel training and to maximize use of alternatives to seclusion and restraint in managing behavior.

We **support** establishment of national minimum standards for the use of restraint and seclusion in schools.

We **support** strengthening protections in every state and ensuring the safety of all students and school personnel.

We **support** efforts to ensure that restraint and seclusion are used only in emergencies threatening physical safety.

We **support** efforts to shift towards preventing problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports which will help school personnel understand the needs of their students and safely address the source of challenging behaviors.

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