

## Your Question:

You asked for information on state policies related to restraints and seclusions for students with disabilities.

## Our Response:

[Data](#) show that the practice of secluding or restraining students who are perceived to be misbehaving is especially common among students with disabilities. Seclusion is generally related to isolating a misbehaving student in a separate room, while restraint refers to the physical holding, or mechanical restriction of a student's movement. According to the Office of Civil Rights, restraint and seclusion were used at least 267,000 times nationwide in the 2011-2012 school year; [75% of restraint cases and 58% of seclusion cases](#) involved students with disabilities. Below, please find information on state policies related to seclusion and restraint as well as further resources for your review.

### **State Policies**

Several states have enacted legislation related to seclusion and restraint, most of which focus specifically on students with special needs. Many of these policies have common themes, including: outlining statewide model policies, limiting restraint to cases of immediate danger, outlining seclusion safety regulations, requiring parental notification, reviewing an individualized plan in the case of multiple occurrences, requiring training for school personnel and outlining reporting requirements. Below are examples of laws recently enacted in each of these thematic areas. For more examples, please see our [state policy database](#).

### **Outlining statewide model policies**

- [Michigan HB 5409 – 5417](#) (2016) addresses several issues related to seclusion and restraint. Primarily, this bill requires the Department of Education to develop a uniform state policy regarding the use of seclusion and restraint in public schools. Additionally, it requires that each school district and public school academy adopts and implements a local policy consistent with the state policy.
- [Colorado HB 17-1276](#) (2017) prohibits the use of restraint upon a public-school student with certain exceptions and requires each school district to establish a review process to review each incident of restraint within the previous year. This bill also requires each school district and charter school to include in its code of conduct and discipline code information concerning the district's policies for the use of restraint and seclusion.

### **Limiting Restraint to Cases of Immediate Danger**

- [New Mexico HB 75](#) (2017) allows schools to use restraint or seclusion techniques for students only if the student's behavior presents imminent danger of physical harm and if other interventions prove to be insufficient. This bill also outlines training requirements for staff and includes reporting requirements.
- [Utah HB 92](#) (2017) allows school employees to use reasonable and necessary physical restraint when appropriate, including when students pose a danger to themselves or others.
- [Hawaii HB 1796](#) (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 SB 1459](#) (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.

### Outlining Seclusion Safety Regulations

- [Kansas HB 2170](#) (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 HB 210](#) (2014) 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 student no longer poses an imminent danger of physical injury or when a less restrictive intervention is effective.

### Requiring Parental Notification

- [Wisconsin law](#) requires parental notification of the use of physical restraint or seclusion as soon as possible, 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.

### Reviewing 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.

### Outlining 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.

### Further Resources—Restraints and Seclusions

- The United States Department of Education released a guidance document for states, districts and school staff in 2012 entitled [Restraint and Seclusion Resource Document](#) which highlights federal activity on restraints and seclusions. The US-DOE also released this [fact sheet](#) on restraint and seclusion of students with disabilities in December 2016.
- For a summary of seclusion and restraint statutes, regulations, policies and guidance, by state and territory, please review [this 2009 report](#) released by the United States Department of Education.

- This [Government Accountability Office Report](#) released a report in 2009 entitled *Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers*. This report provides an overview of federal and state laws and examines cases of abuse and death related to the use of restraints and seclusions.