

Keeping All Students Safe Act

Issue

The use of restraint and seclusion is a pervasive, nationwide problem. Federal legislation is necessary to provide children in all states equal protection from these dangerous techniques and create a cultural shift toward preventive, positive behavior intervention strategies that create positive school culture and climate. All teachers need the knowledge, training, tools and support to ensure their safety, and their students by maintaining a positive and healthy educational environment. Federal legislation restricting the use of restraint and seclusion would be a step forward to ensuring all students have the opportunity to learn in safe and supportive environments with teachers who have the skills and knowledge needed. Parents deserve to be assured that their children are safe in our nation's schools.

Legislative Proposal

H.R. 927, *Keeping All Students Safe Act* was introduced in the House of Representatives by Rep. Donald Beyer (D-VA), and Rep. Bobby Scott (D-VA). The bi-partisan bill currently has 39 co-sponsors. The bill was referred to the House Committee on Education and Workforce. The House bill is identical to the bill that passed the full House in 2011.

S. 2036, *Keeping All Students Safe Act* was introduced in the Senate by Sen. Tom Harkin (D-IA) and Sen. Chris Murphy (D-CT) in the 113th Congress. The bill is substantially similar to the House companion bill, but not identical.

Key Components of Both Versions

The bill establishes federal minimum safety standards to limit the use of restraint and seclusion in schools by:

- Prohibiting the use of mechanical and chemical restraints, physical restraints that restrict breathing and aversive interventions that compromise health and safety;
- Prohibiting physical restraint and seclusion being used as planned interventions because they should only be used as a last option in emergency circumstances where a student's behavior poses an imminent danger of physical injury and less restrictive interventions would be ineffective;
- Requiring school personnel who implement the techniques to be trained and certified, and require that they continuously monitor students during interventions;
- Requiring schools to establish procedures to be followed after restraint or seclusion are used, including parental notification;
- Requiring states to report the yearly number of restraint and seclusion incidents; and
- Creating a discretionary grant program to assist states, districts and schools to establish, implement and enforce the minimum standards; support data collection and analysis; support staff training; and improve school climate and culture through the implementation of school-wide positive behavior supports.

The Senate Version also includes:

The following provisions apply only to the Senate version of the bill from the 113th Congress:

- Allows the use of physical restraint to be included in IEPs only when a state law permits such documentation in the IEP.
- States that physical restraint may be used when there is an imminent risk of “serious physical harm”.
- Prohibits the use of seclusion.

Additional Resources

- Alliance to Prevent Restraint, Aversive Interventions and Seclusion <http://aprais.tash.org>
- Congressional Research Service. The Use of Seclusion and Restraint in Public Schools: The Legal Issues (2009), <http://openocrs.com/document/R40522>
- Council of Parent Attorneys and Advocates, Inc., Unsafe in the School House: Abuse of Children with Disabilities (2009), http://www.copaa.org/pdf/UnsafeCOPAAMay_27_2009.pdf
- Government Accountability Office testimony before the Committee on Education and Labor, Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers (2009), <http://www.gao.gov/new.items/d09719t.pdf>
- National Disability Rights Network, School is Not Supposed to Hurt (2009), <http://www.ndrn.org/images/Documents/Resources/Publications/Reports/SR-Report2009.pdf>
- National Disability Rights Network, School is Not Supposed to Hurt, Update (2010) (2012), <http://www.ndrn.org/en/media/publications.html>
- Stop Hurting Kids <http://stophurtingkids.com>