



Autism National Committee, Inc. (www.autcom.org)
23 years of advocating for people with autism and related disabilities
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Too Few States Protect Schoolchildren From Restraint & Seclusion (Feb. 2014)

For over 20 years, evidence has accumulated of restraint and seclusion's dangers. These dangerous practices have led to death, broken limbs and other injuries, and trauma. The GAO documented 20 deaths from restraint alone. But state laws remain fragmented, a patchwork quilt covering the country.

- **Only 19 states have statutes/regulations providing meaningful protections against both restraint and seclusion for all children; 32 for students with disabilities. Only statutes/regulations are mandatory legal protections.**
- **Only 14 states by law limit restraint of all children to emergencies where it is necessary to protect someone from imminent physical danger or serious physical danger** (18, children with disabilities).
- **Only 11 states have statutes/regulations protecting all children from non-emergency seclusion, either by limiting it to physical safety emergencies (10), banning it (1).** Only 17 protect children with disabilities (4 ban, 14 limit it to physical safety emergencies).
- Only 17 states require that less-restrictive measures be used or deemed ineffective before using dangerous restraint/seclusion and only 15 bar use after the emergency ends, preventing further harm to the child. These figures are 23 and 20 for children with disabilities. Research demonstrates that evidence-based positive behavioral supports, conflict resolution, and de-escalation resolve challenging behaviors and help prevent and reduce the seclusion/restraint use. Schools using positive supports report sharp reduction in restraint/seclusion, per Senate testimony.
- **Only 20 states require parents of all children be informed of restraint/seclusion; 32, children with disabilities.** Parents should be notified promptly so they can seek medical care and work with the schools to create positive environments for their children. The majority of states by law or guidance support notification within 1 calendar day or less, showing broad support for this kind of concept.
- **Only 21 states by law protect all children from restraints that impede breathing and threaten life;** only 28, children with disabilities. Only 15 states by law ban the use of dangerous chemical restraints. Only 15 ban the use of mechanical restraints on all children. An Alabama child locked into a restraining chair and left alone in the bathroom turned the chair upside down and was hanging from the restraints, having urinated on herself. Other children have been duct-taped to furniture.
- Seclusion rooms are unsafe. Children locked in seclusion rooms unobserved have been killed and injured, including those in rooms where staff can look in occasionally. 28 states permit seclusion of children with disabilities without requiring staff to continuously visually monitor them; 38 states lack such laws applicable to all children. Only a handful of states require seclusion rooms to be free of dangerous objects and furniture and have heating, cooling, ventilation and lighting. Many states do not limit time in seclusion. Fire and safety codes should explicitly apply to all seclusion rooms.

Source: J. Butler, *How Safe Is the Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies* (Autism National Committee May 2, 2013), <http://www.autcom.org/pdf/HowSafeSchoolhouse.pdf>. The analysis is based on laws in effect on 1/12/14 and uses 51 "states" to include the District of Columbia.