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## **AUCD Supports Congressional Efforts to Address the Urgent Need for Training and Oversight Related to Reports of Student Deaths and Injury as a Result of Restraint and Seclusion**

Silver Spring, MD, May 20, 2009 — AUCD applauds Chairman George Miller of California and the other Members of the House Education and Labor Committee for bringing attention to the lack of federal laws that restrict the use of restraint and seclusion and to the limited scope of the few state guidelines that exist for teachers and administrators. Lack of oversight, regulatory guidance and appropriate training has resulted in numerous reported cases of student injury and even death, the vast majority of which involve students with disabilities.

In January 2009, the National Disability Rights Network (NDRN) issued a 56-page report titled “School is Not Supposed to Hurt,” exposing the egregious and shocking incidents that occur daily in our nation’s public schools as a result of the use of seclusion and restraint. It also cites numerous government-funded studies that show the use of these methods to be out-dated and ineffective, and particularly dangerous and harmful when being administered by someone without proper training in behavior support or crisis intervention. The use of prone restraint, or mechanical or physical restraint that results in similar impact on the body, is particularly deadly regardless of the level of staff training.

Case studies listed in the “Chronicles of Harm” section of NDRN’s report documented incidents in every state where death, broken bones and other physical and, most commonly, psychological harm has been done to children with disabilities, some as young as five years old. AUCD supports NDRN’s public policy recommendations, which strongly advocate for legislation to ban the use of seclusion and restraint and provide funding to adequately train teachers, administrators and other school staff in the use of positive behavioral supports. This method, which includes determining the function(s) of the behavior, and developing a behavior support plan that addresses the function(s) has been proven to reduce the use of or perceived need for seclusion and restraint by almost 100% in some cases and has shown itself as an effective strategy for managing classrooms and groups as a whole, and not just when applied to children with behavioral issues and disabilities.

The GAO report released the same day as the House hearing found no federal laws restricting the use of seclusion and restraints in public and private schools and widely divergent laws at the state level. GAO

uncovered hundreds of cases of alleged abuse and death related to the use of these methods on school children during the past two decades.

The Children's Health Act of 2000 is the only federal legislation that contains protections against the inappropriate use of restraints and seclusion; however, the law was designed to protect only those children in facilities such as institutions and rehabilitation centers and does not specifically protect children from those same practices in public schools or in private residential placements that receive public school funds for out of school placements.

AUCD urges the Congress and President Obama's Administration to take swift action and pass federal legislation to ban the use of seclusion, prone restraints and all other types of restraint in schools except in emergency situations where the immediate physical safety of the student, staff, or others is threatened.. Federal legislation should also require extensive training in the use of school wide positive behavioral supports, in all teacher education programs, and as part of pre-service and in-service training for all teachers, para-professionals, and counselors. National data should be collected and prompt reporting required of the use of restraint or seclusion on children to parents/guardians, state boards of education, the state Protection and Advocacy system, and the United States Department of Education.

The Association of University Centers on Disabilities, located in Silver Spring, MD, is a national, non-profit organization that promotes and supports the national network of over 100 interdisciplinary university centers advancing policy and practices through research, education and services for and with individuals with developmental and other disabilities, their families, and communities. Many of these Centers provide support for educators to participate in graduate programs in Positive Behavior Supports as well as projects that provide training, technical assistance, and coaching in the use of individualized behavior support and program-wide behavior support in schools and community early childhood programs.

AUCD also supports the Obama Administration for inviting national experts to a White House meeting next week to examine ways to address this urgent issue and looks forward to assisting the Administration and Congress in these efforts.

For more information and a directory of Centers, please visit our website at [www.aucd.org](http://www.aucd.org).

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