



ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES
RESEARCH, EDUCATION, SERVICE

ISSUE BRIEF

Keeping All Students Safe Act

The use of restraints and seclusion in schools has been found to be extremely harmful to both students and teachers. The use of these practices has resulted in numerous physical injuries, psychological trauma, and sometimes death to children in public and private schools. National research also shows that students have been subjected to physical restraint in schools as a means of discipline, to force compliance, or as a substitute for appropriate educational support. Restraints and seclusion have no proven educational benefits. Training school personnel to use positive behavior supports and interventions has been shown to reduce or eliminate the perceived necessity of these procedures. In addition, research has also shown huge disparities in the use of these practices on students with disabilities and minority students.

While several states have laws governing the use of restraints and seclusion in schools (See the [Autism Committee web site](#) for a review of these laws), there is no federal law to provide minimum national standards for their use. Congress has introduced bills to prevent and reduce the use of physical restraints and seclusion in schools in the past two Congress. This issue brief outlines the House and Senate bills introduced in the 113th Congress and their current status.

On May 8, 2013, Representatives George Miller (D-CA) and Gregg Harper (R-MS) introduced the Keeping All Student Safe Act (H.R. 1893). Senator Tom Harkin (D-IA) and Chris Murphy (D-CT) introduced a companion bill (S. 2036) by the same name on February 24, 2014. The bills are similar -- both establish federal standards to reduce the use of restraint and seclusion and promote the use of positive behavioral interventions in schools.

Summary of House and Senate Bills

Both the House and the Senate Bills (H.R. 1893 /S. 2036) establish federal minimum standards to limit the use of restraints and seclusion in schools and promote a shift toward preventing problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports.

Both bills completely ban mechanical restraints (e.g., Velcro straps, belts, or duct tape), chemical restraint, physical restraints that impede breathing, as well as aversive behavioral interventions that compromise health and safety. The Senate bill also bans physical restraints when contraindicated because of a student's medical or psychological needs or when it would prevent the child from communicating medical distress. Both bills allow for restraints in emergency situations only and only if other less restrictive interventions have been tried and failed or would be ineffective to prevent the threatened danger. Both bills require that personnel using such procedures be trained and that school personnel continuously monitor the student during the procedure.

The Senate bill allows restraints only if the student's behavior poses an immediate danger of *serious physical harm* to self or others. The House bill allows physical restraints or seclusion only when there is imminent danger of *physical injury* to the student or others. In all cases, the Senate bill prohibits the use of seclusion.

Both bills require that the use of these procedures must end when the emergency is over. The Senate bill forbids the use of force greater than necessary to stop the threat. This is an important protection because it prevents the use of dangerous restraint if a simple restraint would suffice. If restraints and seclusion are used, the legislation requires immediate verbal or electronic notification to parents and written notification within 24 hours; and schools must conduct a debriefing after an incident and plan for positive behavioral interventions that will prevent their use in the future.

The House bill bans planning for the use of physical restraints and seclusion in a student's Individualized Education Plan (IEP), individual safety plan, or 504 plan. The Senate bill permits planning for the use of restraints in a student's education plan when necessary to prevent serious physical harm; only after a research-based functional behavioral assessment and positive behavioral intervention plan designed to prevent the threatened danger have been implemented with fidelity; and only if all other provisions of the law are met. In addition, the state's laws must allow inclusion in the IEP. To ensure the practice is limited, the Senate bill includes other provisions that will enable families to seek redress for misuse of restraint. Both bills require state educational agencies to establish policies and procedures to promote preventative systems and instruction to prevent the need for use of restraints and seclusion, and require thorough, effective training programs.

Both bills require new data collection and reporting requirements. Data collection helps schools understand how to better prevent use of restraint and seclusion and enables public oversight. In addition, both bills authorize new grants to improve their capacity to implement the law and improve school climate. Grants must be used to research strategies, provide professional development, and carry out reporting requirements. The Senate bill would also enable parents to seek an injunction in federal court when the law is violated, without having to go through a due process hearing first. The House and Senate bills are reinforced by a U.S. Department of Education report which describes the importance of many practices included in the two bills.

Current Status

The House bill was referred to the Education and Workforce Subcommittee on Early Childhood, Elementary, and Secondary Education. No markup has been scheduled and no hearings have been held during the 113th Congress. The House bill now has 63 co-sponsors, 63 Democrats and 3 Republicans.

The Senate bill was referred to the Committee on Health, Education, Labor, and Pensions (HELP). No hearings were held and no markup was held. The Senate bill has four Democratic sponsors. They are Senators Christopher Murphy (CT), Mazie Hirono (HI), Tammy Baldwin (WI), Jeanne Shaheen (NH).

It is unlikely either bill will pass during this session of Congress. Opposition is coming from Members of Congress who believe that most education issues should be left to state and local officials. The bills also face opposition from some educational organizations that view federal legislation on this issue as overreach and educational organizations that consider the use of restraints and seclusion to be part of the "tool kit" available to administrators to control behavior in their schools. Organizations such as the American Association of School Administrators and the National Association of School Boards oppose both bills.

Lead sponsors, Senator Harkin and Representative Miller, are both retiring this year. Therefore, new House and Senate champions will be needed if the bill is not passed during this session of Congress. AUCD will continue to advocate for these bills in this session and for the introduction of similar bills in the next Congress.

For more information, including the full text of both bills, see the [policy section on restraints and seclusion](#) on the [AUCD website](#).