Miller: “There Is No Room for Torture and Abuse In America’s Schools”

Miller Introduces Legislation to Protect Students in School from Harmful Abuse

WASHINGTON, D.C. – Today, U.S. Rep. George Miller (D-CA), the senior Democrat on the Education and the Workforce Committee, introduced The Keeping All Students Safe Act, bipartisan legislation to prevent schoolchildren from being abused as a result of inappropriate uses of restraint and seclusion, often involving untrained staff. According to government investigations, these abusive practices were used disproportionately on children with disabilities. The legislation first passed the House a year ago with bipartisan support.

Additionally, TASH, an international disability rights organization, released a media report today highlighting dozens of instances across the country of inappropriate restraint and seclusion abuses in schools since the bill passed the House in March of 2010.

“In the year since this legislation passed the House but failed to become law, more children were abused in school. The investigations and news reports about harmful restraint and seclusion show children being tied up with duct tape, sat on by untrained staff, locked in rooms for hours at a time – this behavior looks like torture. This legislation makes it very clear that there is no room for torture and abuse in America’s schools.”

The Keeping All Students Safe Act would, for the first time, put in place minimum safety standards to prevent abusive restraint and seclusion in schools across the country, similar to protections already in place in medical and community based facilities. After two years, states will need to have their own policies in place to meet these minimum standards. It would apply to schools and preschools receiving federal education support.

Miller first requested a government investigation in January 2009, after the National Disability Rights Network released a report highlighting these types abuses. The Government Accountability Office (GAO) found that abusive restraint and seclusion were widespread in schools across the country. The GAO report also found that, more often than not, teachers and staff who used seclusion and restraint in abusive ways had
not been properly trained. These practices were often being used as a routine disciplinary tactic, rather than in response to an emergency.

Seclusion, as the term is used in this context, means the act of involuntarily confining a student in an area by himself. Restraint is used to restrict an individual’s freedom of movement. As GAO explained, restraint can become fatal when it blocks air to the lungs. In some of the cases examined, ropes, duct tape, chairs with straps and bungee cords were used to retrain or isolate young children.

Unlike in hospitals, other health care facilities and most non-medical community-based facilities that receive federal funding, there are currently no federal laws that restrict the use of seclusion and restraint in public or private schools. State regulation and oversight varies greatly. Only 23 states have meaningful restraint and seclusion laws or regulations. As of today, only 13 states ban the use of restraints that impede breathing, only 10 states ban mechanical restraint and 10 states ban chemical restraints.

Specifically the legislation would:

- Limit physical restraint and locked seclusion, allowing these interventions only when there is imminent danger of injury, and only when imposed by trained staff;
- Outlaw mechanical restraints, such as strapping kids to chairs, and prohibit restraints that restrict breathing;
- Require schools to notify parents after incidents when restraint or seclusion was used;
- Encourage states to provide support and training to better protect students and prevent the need for emergency behavioral interventions; and
- Increase transparency, oversight and enforcement tools to prevent future abuse.

For more information about the legislation and the GAO reports, click here.

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