

# Seclusion & Restraint in Schools



## Executive Summary

There is no federal or Missouri law explicitly regulating the use of seclusion and/or restraint as a behavioral intervention in schools. The United States Department of Education recommends that seclusion and restraint are used rarely and only during crisis/emergency situations. The inappropriate use of seclusion and restraint is associated with negative health and behavioral outcomes and disproportionately impacts students with disabilities and students of color. [HB 387](#) would prohibit all publicly funded schools from using restraint and seclusion for any purpose other than situations or conditions of imminent danger or physical harm. It also establishes reporting requirements for instances when seclusion or restraint is used.

## Highlights

- **Inappropriate use of seclusion and restraint** is associated with **negative physical and mental health consequences**, including serious injury and death in some cases.
- Seclusion and restraint are **disproportionately applied to students with disabilities served under the Individuals with Disabilities Education Act (IDEA) and students of color**.
- Positive behavioral interventions and supports (PBIS), which include **preventative behavioral support plans and appropriate de-escalation training for personnel**, can address the behavioral events usually leading to seclusion and restraint.
- **Missouri does not have statutory restrictions on the use of seclusion and restraint in schools**. The Missouri Department of Elementary & Secondary Education (DESE) currently provides nonbinding guidance that can be adopted and modified to create a policy per each individual school district

## Limitations

- Instances of seclusion and restraint are **likely underreported** by schools/districts. The United States Government Accountability Office (GAO) also notes that **quality control within federal data sets is limited**, which may also impact national statistics.

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## Research Background

### Use of seclusion & restraint in schools

Seclusion and restraint are used as a behavioral intervention within some schools. The Civil Rights Data Collection (CRDC) defines seclusion as the “involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving,” not including time outs. Physical restraint refers to action that “immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely,” while mechanical restraint utilizes

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a device or equipment to restrict a student's freedom of movement, excluding medical assistance tools and seatbelts.<sup>1</sup> Based on CRDC data, in the 2015-2016 school year in Missouri, schools physically restrained 1,990 children, secluded 554 children, and mechanically restrained 116 children.<sup>2</sup> The US Department of Education recommends that seclusion and restraint are only used in emergency situations to prevent imminent and serious physical harm to the student or others.<sup>3</sup> However, there are several examples of seclusion and restraint interventions being inappropriately used in states across the country.<sup>4-7</sup> Recently, the Government Accountability Office (GAO) highlighted several shortcomings with federal seclusion and restraint data sets, including underreporting and incorrect reporting.<sup>8</sup>

Disparities by disability and race. Seclusion and restraint tend to be disproportionately used on students with disabilities.<sup>9</sup> As of the 2015-16 school year, 81.4% of all seclusion interventions in Missouri's public schools impacted students with disabilities under IDEA.<sup>2</sup> Similarly, 59.1% of physical restraint and 25% of mechanical restraint interventions affected students with disabilities. Students of color, regardless of disability status, also are more likely to receive seclusion and restraint interventions compared to their white peers.<sup>2</sup>

Mental and physical health impacts. Seclusion and restraint interventions can risk the physical safety and mental well-being for both teachers and students. In 2009, testimony to the US Congress highlighted several examples of injuries and death that resulted from seclusion/restraint practices.<sup>5</sup> Similar testimonies with additional examples were provided in subsequent years.<sup>6,7</sup> Frequent reports refer to the mental health impacts on students, including exacerbating inappropriate behaviors and associating fear, pain, anger and trauma with physical restraint.<sup>10,11</sup>

Alternative behavioral interventions. There is little evidence that seclusion and restraint improve behavior; rather, in some cases these techniques can make behavior worse.<sup>10</sup> In 2018, the US Department of Education's Office of Special Education Programs (OSEP) and Office of Elementary and Secondary Education (OESE) granted \$32 million to continue funding for the Technical Assistance (TA) Center on Positive Behavioral Interventions and Supports ([PBIS](#)). PBIS policies include ongoing professional development for de-escalation training, social-emotional support and self-regulation training for students, and prevention-based adjustments to school environments.<sup>12</sup> Students with special needs may also receive individualized planning and support that is meant to reduce the need for behavioral interventions and improve the student's quality of life.<sup>13</sup> Clear guidance and improved reporting in school settings will be central to improving knowledge about best practices for effective and safe behavioral interventions.

### **School seclusion & restraint policies in the United States**

Missouri has defined laws for seclusion and restraint of school-age children in mental health facilities ([RSMo 630.175](#)), but not within schools. Missouri is one of three states (also NE and SD)

with the fewest statutory restrictions on seclusion and restraint in schools.<sup>14</sup> Currently, [RSMo 160.263](#) provides general, nonbinding guidelines (or suggestions) for treatment of restraint and seclusion. DESE provides a model for developing guidance that can be adopted and modified to create a policy per each individual school district. These nonbinding guidelines recommend seclusion be allowed for threats of physical harm, destruction of property, for reasons stated in the IEP, Section 504 plan, or behavior intervention plan. Under current law, solitary locked seclusion is only banned unless awaiting law enforcement, but this does not necessarily include seclusion where the exit may be blocked.

Many states have adopted policies similar to those proposed in the failed Keeping All Students Safe Act of 2009, which prohibited the use of physical restraint and seclusion, except in emergencies, and required written and verbal notification to parents or guardians.<sup>15</sup> Protection laws against seclusion and restraint may not apply to all children and vary between states; nonbinding guidelines permit different policies between school districts and lead to greater variability *within* states than across states.<sup>16</sup> As of July 2019, 30 states have laws providing protections against restraint and seclusion for all children; 39 states have protections for children with disabilities. Ten out of 13 Midwestern states have protection laws against seclusion and restraint (Table 1).<sup>14</sup>

**Table 1. Seclusion and restraint policies in midwestern states.**

	Seclusion		Restraint	
	all	children w/ disabilities	all	children w/ disabilities
Arkansas		x		
Illinois	x	x	x	x
Indiana	x	x	x	x
Iowa	x	x	x	x
Kansas	x	x	x	x
Kentucky	x	x	x	x
Michigan	x	x	x	x
Minnesota		x		x
Nebraska				
Ohio	x	x	x	x
Oklahoma				
Tennessee*		x		x
Wisconsin	x	x	x	x
Missouri				
w/ HB 387	x	x	x	x

Note. Restraint includes both chemical and mechanical. \*=regulates chemical restraint differently. NE and OK have nonbinding guidance.

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