

## **Keeping All Students Safe Act Introduced in U.S. House of Representatives** **Bill Will Protect Students Nationwide from Dangerous Restraint & Seclusion** **Over 110,000 Students were Restrained and Secluded in 2011-12**

**Congressman Don Beyer and Congressman Bobby Scott, Ranking (Senior) Member of the House Education and Workforce Committee have introduced The Keeping All Students Safe Act, legislation to protect all American students from restraint and seclusion. The bill was introduced in the U.S. House of Representatives in February. Congressman Beyer and Scott are to be applauded for their immense leadership and work to make America's schools safer for all children.**

The bill was introduced in two ways.

One, it was introduced as a standalone bill, H.R. 927, by Congressman Don Beyer and his Primary Original Cosponsor was Congressman Bobby Scott, the Ranking Member (Senior Democrat) on the House Education and Workforce Committee. Both will champion the bill together. The bill had 24 original cosponsors, more than in any prior year at introduction.

Two, Ranking Member Bobby Scott included the bill in his proposed Democratic substitute amendment to the Elementary and Secondary Education Act (ESEA) bill in the House Committee. Globally, this substitute amendment was designed to protect a high quality education for all students and restore protections for disadvantaged students, the rights of children with disabilities. It included the Keeping All Students Safe Act as one of its subparts.

The Keeping All Students Safe Act will protect all children in school from restraint and seclusion. It will shift schools to using evidence-based preventative and positive approaches that keep everyone safer. It will ensure that physical restraint and seclusion are used only in emergencies posing an imminent threat of physical danger. Few states have this protection today, and children have been restrained and secluded for disliking class baking activities, running around, tearing paper, and waving and whistling. The bill will require that parents be informed on the same day that the practices are used. Far too often, parents don't find out at all, or find out months later. It will ban the use of restraints that impede breathing and dangerous mechanical and chemical restraint.

Under the bill, if there is a threat of imminent danger, but less restrictive and dangerous measures like de-escalation, conflict management, and positive behavioral supports will prevent the threat, they must be used. The bill will ensure that staff are properly trained in evidence-based methods to minimize the use of restraint and seclusion and to protect children and staff. The bill will require reporting and data collection, disaggregated by subgroup. The data collection will better inform decision-making and planning to avoid use of these procedures and will provide transparency and better public oversight.

Department of Education statistics show that in 2011-12, over 110, 000 students were subjected to restraint and seclusion confinement. These students were disproportionately students with disabilities and students of color. No federal law currently prohibits or sets limits on the use of

seclusion and restraint on school children and state laws vary substantially. In many states, school staff may isolate or restrain all children even when there is no threat of danger at all. Too often, parents are not even told that their child was restrained or secluded. The Government Accountability Office reported the deaths of 20 students in restraint, some of whom said that they could not breathe before they died. Other children have been killed or injured in seclusion confinement. While children are protected by federal law from restraint and seclusion in hospitals and other settings, schools remain the last frontier without federal regulation.

H.R. 927 can be found on the Congressional website here:

<http://hdl.loc.gov/loc.uscongress/legislation.114hr8-927> This link also includes other information, such as the names of cosponsors.

“It is our responsibility to make sure all children are safe and protected at school. Too often dangerous and abusive techniques are used to discipline our students, disproportionately subjecting minority and disabled students to inappropriate seclusion and restraint in the classroom,” **said Rep. Beyer.** “The Keeping All Students Safe Act will protect students from these incidents of harmful discipline by setting minimum safety standards for schools and by providing training and support to school personnel. It is of paramount importance that we address this issue now, as Congress begins to reauthorize the Elementary and Secondary Education Act.”

**Rep. Bobby Scott**, Ranking Member of the Committee on Education and the Workforce, is an original co-sponsor of the Beyer bill, as well as sponsor of his own proposed ESEA substitute.

“I commend Congressman Beyer for introducing this important legislation,” **said Rep. Scott.** “Every child, in every school, in every state deserves to be safe. It’s time to end the despicable abuse that has hurt too many students, families and school communities.”

### **Highlights of Keeping All Students Safe Act (H.R. 927) in the U.S. House of Representatives**

- The KSSA will ensure that physical restraint and seclusion are used only in emergencies posing an imminent threat of physical injury. Too often, these dangerous practices are used for behaviors that threaten no one. Fewer than 1/3 of states protect students from both non-emergency seclusion and non-emergency restraint.
- The KSSA will require that parents be informed of restraint/seclusion on the day that it happened. The majority of states do not require parental notification for all children (although a majority do for students with disabilities). Too many parents have reported that they were never told, or that the notice was very delayed; prompt notification is needed to seek medical care and to work with the schools to prevent future incidents.
- If less restrictive and dangerous measures, such as de-escalation, conflict management, and positive behavioral supports will prevent the threat, the bill will require that they be used. Restraint and seclusion must end when the emergency ends; schools can no longer use them on students for lengthy periods of time.

- The bill will ensure schools take steps to prevent problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports. For example, the Centennial School in Pennsylvania, which serves children in 35 school districts, has cut the use of restraint and seclusion from well over 1,000 occurrences per year to less than ten through the use of positive supports. For over 20 years, the Montgomery Public Schools in Virginia have used restraint/seclusion only in very rare emergencies. School personnel use “easily accessible, evidence-based” positive interventions. These have reduced crisis-level behaviors by 78 percent and targeted problem behaviors by 81 percent. In 2012, 86 percent of the district's students with individual positive behavioral support plans made "very significant" behavioral advances.
- The KSSA will ban restraints that impede breathing, mechanical restraints, and chemical restraints. These are highly dangerous. Of the 20 deaths the GAO documented, 4 were of children who said they could not breathe due to restraint. Mechanical restraints include locking chairs and devices, duct tape, rope, and straps, etc. The bill will impose additional strong protections around seclusion, including forbidding seclusion except in emergencies threatening imminent physical injury and requiring continuous visual monitoring.
- The KSSA will require reporting and data collection, disaggregated by subgroup. The data collection will better inform decision-making and planning to avoid use of these procedures and will provide transparency and better public oversight.
- Aversive behavioral interventions that threaten health or safety will be forbidden.
- The bill will require staff training to ensure that restraint and seclusion are used only when appropriate under the law, and to ensure that they are properly used.