BREAKING THE CYCLE

The case for ending the use of restraint and seclusion in our schools

Presented by:
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Today’s Agenda

- Introductions and background
- Restraint and seclusion
- The School-to-prison pipeline
- Legal landscape
- We can do better
- Question and answers
INTRODUCTION
AND BACKGROUND
I am a father.

I am the Founder and Executive Director of the Alliance Against Seclusion and Restraint.

I believe that we can do better for students, teachers, and families across the nation and the world, and I believe if we can do better we must.

I believe that we need to embrace neurodiversity and neuroscience to create safe and inclusive environments to ensure equal rights and opportunities for all.
THE ALLIANCE AGAINST SECLUSION & RESTRAINT BEGINS ON FACEBOOK

In March 2019, Guy Stephens started a group called the Alliance Against Seclusion and Restraint (AASR) to raise awareness about the use of aversive practices including restraint and seclusion in classrooms in schools across our nation.
The initial goal of the group was to share information. While there were websites and social media pages on the topic, many of them were updated infrequently. I started AASR as an informational resource. Over time the group began to grow as did our mission, we developed a vision and mission statement and published our core values on our website.
MISSION STATEMENT

Our mission is to educate the public and connect people who are dedicated to changing minds, laws, policies, and practices so that restraint and seclusion are reduced and eliminated from schools across the nation (and beyond).
As I write this we have nearly 10,000 followers on Facebook from across the globe including parents, advocates, attorneys, educators, and others. We have a team of seven volunteers who manage and develop content for the organization.
We support the re-introduction of the Keeping All Students Safe Act. We also support the effort to pass better state laws.

In the early stages of working on a documentary to raise awareness about the issue of restraint and seclusion in schools.

Currently working on a new advocacy handbook to help parents, teachers and others advocate for change.

We support the re-introduction of the Keeping All Students Safe Act. We also support the effort to pass better state laws.
WHY I STARTED AASR

I have an amazing son named Cooper. He is fifteen years old and loves science, nature and being outdoors, preferably at the beach.

He was restrained and secluded in Maryland schools.

I made Cooper a promise, I told him that I would do everything in my power to make sure it never happens to him again.
TELL US ABOUT YOURSELF

In the chat tell us:

- Who you are?
- Where you are from?
- Why you are interested in this topic?
THE ISSUE OF
RESTRAINT & SECLUSION
DEFINITION
PHYSICAL RESTRAINT

A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.

Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
Standing restraints are meant to restrict a child’s arms. A school worker can cross the student’s arms over his chest from behind, as shown here, or grasp the arms while standing beside the child.
In seated restraints, adults use their lower bodies to hold the child still and secure the student’s arms across their bodies.
Supine restraints begin with a “takedown,” and staff members then secure the student’s arms and legs. Care should be taken not to put pressure on the child’s joints. Typically, at least three staff members participate.
Prone, or facedown, restraints begin like supine restraints. Employees then turn the student onto his front and secure his arms and legs. Workers are told to avoid putting pressure on the student’s back, which can inhibit breathing.

This is illegal in some states.
DEFINITION

SECLUSION

The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.
WHAT ABOUT SENSORY ROOMS?

Calm down corners, amygdala areas that are within the classroom that allow an adult to be with the child, if the child prefers, can be helpful. The key is whether or not the child is permitted to leave and whether the child is supported, not lectured.

Seclusion rooms are often labeled with names such as the cool room, break room, blue room, quiet room, and the calm down room.
Restraint or seclusion should never be used except in situations where a child’s behavior poses imminent danger of serious physical harm to self or others, and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff. These are considered emergency measures to be used for crisis management.
IMMINENT SERIOUS
PHYSICAL HARM

Imminent, serious, physical harm has the same meaning as serious bodily injury as used in the Individuals with Disabilities Education Act (IDEA). It means bodily injury which involves:

- A substantial risk of death;
- Extreme physical pain;
- Protracted and obvious disfigurement; or
- Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
IMMINENT SERIOUS PHYSICAL HARM

Is a potential **life or death situation**, restraint and/or seclusion should not be used for:

- Minor injury (kick, bite, bruise, or scratch)
- Punishment
- Non-compliance
- Convenience
- Disrespect
- Bad language
- Property damage
Children restrained for minor behaviors such as splashing water, flipping lights off and on and refusing to clean up their area.
USE LEADS TO **TRAUMA, INJURY, AND DEATH**

Restraint and seclusion are intended as crisis management procedures, however, they involve significant risks. Even with proper training, there is no such thing as a “safe restraint”. Anytime children and adults enter into a fight or flight response there is the danger of significant injuries and even death.
Brain areas implicated in the stress response include the amygdala, hippocampus, and prefrontal cortex. Traumatic stress can be associated with lasting changes in these brain areas. The amygdala detects threats in the environment and activate the “fight or flight” response. The use of restraint and seclusion can lead to changes in the brain.
Children that have been traumatized may not feel safe and may enter a hypervigilant state. This can lead to distress behaviors when the child becomes overwhelmed or triggered. When demands are placed on the child that they are unable to meet the situation may escalate. This may lead to fight, flight or freeze behavior, which may lead to punishment and retraumatization.
Injuries to students

Children have suffered from broken bones, head trauma, scratches, bruises, seizures, brain injuries, amputations and more.
INJURIES TO
TEACHERS AND STAFF

"I've been punched in the face more times than I could remember. I've been hit in the head with chairs."

"When you're done, it's exhausting."

"It's a rare day where you don't get hurt at all."

"It takes a toll on us... there's no one to really talk to."
During lunch on April 29, 2020 Cornelius Frederick, a student at the Lakeside Academy in Kalamazoo, Michigan threw a sandwich at another boy in the Lakeside Academy cafeteria.

A staff member responded by tackling Cornelius to the ground. Over the next 12 minutes, as Cornelius struggled and gradually grew still, seven men who worked for Lakeside held him down, some putting their weight on his legs and torso. Cornelius died in a hospital two days later. The medical examiner ruled his death a homicide.

This should have never occurred!
On November 28, 2018, 13-year-old boy Max Benson died as a result of being held in a prone physical restraint by the staff at his now-defunct K-12 private school, Guiding Hands School in El Dorado County.

Michael Renner-Lewis III, a 15-year-old autistic student, was killed on his first day of high school in 2003 when he was restrained face-down by several staff members at Parchment High School in Michigan after he became agitated following a seizure. His mother, Elizabeth Johnson, sued the school district and settled the case.

Seven-year-old Angelika Arndt died in 2006 after being suffocated while in a face-down restraint hold performed by staff members at the Rice Lake Day Treatment Center in Wisconsin.

Corey Foster of New York City, 16, died after being restrained by school staff members for allegedly refusing to leave the basketball court at the Leake & Watts school for students with special needs in Yonkers, N.Y. The autopsy report ruled Corey's death an accident due to "cardiac arrest during excited state while being subdued." The Foster family is suing the school.

The seclusion room in Jonathan King’s north Georgia special education school was spent in something akin to a prison cell - a concrete room latched from the outside, its tiny window obscured by a piece of paper. It's where in November 2004, Jonathan King hanged himself with a cord a teacher gave him to hold up his pants.
Restraint and seclusion are used disproportionately on students with disabilities, black and brown students, and boys.

Students with disabilities are 200% more likely to be restrained or seclusion. Black students were almost 200% more likely and Hispanic students were 45% more likely to experience a restraint or seclusion than their White counterparts.

Elementary school students are more likely to be restrained or secluded than secondary school students.
Students with disabilities are disproportionately restrained and secluded. According to the most recent data (2017-18 school year), the disproportionality rate has increased. Disabled students are restrained and secluded more often in “special schools.” Students with disabilities account for 13% of all students, but 80% of students restrained and 77% of students secluded.
Black and indigenous students are disproportionately restrained and secluded. Percentage distribution of students subjected to restraint or seclusion by race.
THE SCHOOL-TO-PRISON PIPELINE
THE SCHOOL-TO-PRISON PIPELINE

The school-to-prison pipeline is a term that refers to policies and practices that directly and indirectly push students out of school and on a pathway to prison.

These policies and practices include overuse of harsh school disciplinary procedures including restraint, seclusion, suspension, and expulsion.

The STPP includes increased policing and surveillance that create prison-like environments and referrals to law enforcement and the juvenile justice system.

This diverts students from the intended purpose of the public education system and deposits them in the correctional system.
Zero tolerance laws were passed in the 1980s and 1990s, and policies and practices were implemented that were intended to keep America’s school children safe. These policies typically enforce mandatory sentencing such as automatic suspension, expulsion, or even arrest.
A review found more than 30,000 incidents of school suspensions and expulsions for nonviolent, non-criminal offenses in just one school year including:

- Suspending a student from school for four months for sharpening his pencil without permission and giving the teacher a “threatening” look when asked to sit down;
- Expelling a student from school for the rest of a school year for poking another student with a ballpoint pen during an exam;
- Expelling a student from school permanently because her possession of an antibiotic violated the school's zero tolerance drug policy; and
- Calling the police, handcuffing, and then expelling a student who started a snowball fight on school grounds.

Source: Children's Defense Fund report
Exclusionary discipline was widely used and continues to increase particularly for African American students, and rather than being restricted to serious behavior infractions, it was most commonly used for more interactive day-to-day disruptions, especially defiance and non-compliance.

African American students were overrepresented in discipline for nearly 40 years, and the over-representation has increased. The discipline disproportionality for other racial/ethnic groups, especially Latino and Native American students, and for gender and disability status was also reported.

School exclusion through suspension and expulsion is associated with decreases in academic achievement for both the overall school and individual levels, and an increased risk of negative behavior over time.

Source: Skiba, Arredondo, and Williams 2014
A Black boy born in 2001 had a 1 in 3 chance of going to prison in his lifetime;

a Latino boy a 1 in 6 chance; and

a White boy a 1 in 17 chance.

A Black girl born in 2001 had a 1 in 17 chance of going to prison in her lifetime;

a Latino girl a 1 in 45 chance; and a

White girl a 1 in 111 chance.

Source: Children's Defense Fund “Cradle to Prison Pipeline Campaign” 2008
Law enforcement has been embedded in some schools as early as the 1940s. President Bill Clinton’s 1994 Violent Crime Control and Law Enforcement Act created the Office of Community Oriented Policing Services (COPS). This bill included funding for policing in schools. Federal funding supported additional police in school after the Columbine shootings and each time there was another school shooting.

Police officers in schools include School Resource Officers (SRO), School Security Officers (SSO), Security Guards or other titles, depending on the district or state.
COPS AND NO COUNSELORS

As funding for schools has been squeezed with reductions or caps at the state and federal level to a varying degree during the past 10-15 years, the prioritization of school police officers over mental health support staff such as social workers, counselors and psychologists can be seen in the following statistics:

- 1.7 million students are in schools with police but no counselors.
- 3 million students are in schools with police but no nurses.
- 6 million students are in schools with police but no school psychologists.
- 10 million students are in schools with police but no social workers.
- 14 million students are in schools with police but no counselor, nurse, psychologist, or social worker.

Source: American Civil Liberties Union Cops and No Counselors 2019
Referral to law enforcement is an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation. School-related arrest refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities, or due to a referral by any school official.
The Kids We Lose is a 90-minute documentary film about the human side of being a child or student with behavioral challenges, and the struggles faced by parents, educators, staff in facilities, mental health clinicians, and judicial and law enforcement professionals in trying to ensure that these kids receive the help they need. (video)
THE LEGAL LANDSCAPE
CURRENTLY THERE IS NO FEDERAL LAW

There are currently no federal laws in place that govern the use of restraint and seclusion in schools across the nation.

Federal attention to the issue of seclusion and restraint began about a decade ago in 2009. On December 9, 2009, the Preventing Harmful Restraint and Seclusion in Schools Act, HR 4247 was introduced by Congressman George Miller (D-CA) and Congresswoman Cathy McMorris Rodgers (R-WA). A companion bill was also introduced in the Senate by Senator Chris Dodd and is numbered S 2860.
GAO found no federal laws restricting the use of seclusion and restraints in public and private schools and widely divergent laws at the state level. Although GAO could not determine whether allegations were widespread, GAO did find hundreds of cases of alleged abuse and death related to the use of these methods on school children during the past two decades. (2009)
Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.

Physical restraint or seclusion should not be used except in situations where the child’s behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated. (2012)
“There is no evidence that physically restraining or putting children in unsupervised seclusion in the K-12 school system provides any educational or therapeutic benefit to a child.

In fact, use of either seclusion or restraints in non-emergency situations poses significant physical and psychological danger to students.” (2014)
DEAR COLLEAGUE

LETTER

Guidance to inform school districts how the use of restraint and seclusion may result in discrimination against students with disabilities.

The use of restraint or seclusion may have a traumatic impact on that student, that even if she were never again restrained or secluded, she might nevertheless have new academic or behavioral difficulties that, if not addressed promptly, could constitute a denial of FAPE. (2016)

Notice of Significant Guidance. The U.S. Department of Education (Department) has determined that this letter is significant guidance under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See www.whitehouse.gov/sites/default/files/omb/memoranda/2007/mnt-07.pdf. Significant guidance is non-binding and does not create or impose new legal requirements. The Department is issuing this guide and the accompanying letter to provide State and local educational agencies, including charter schools, with information to assist them in meeting their obligations under Federal civil rights laws, including Section 504 of the Rehabilitation Act of 1973, and implementing regulations that it enforces. 29 U.S.C. § 794; 34 C.F.R. Part 104. This document also provides members of the public with information about their rights under the law and regulations.

If you are interested in commenting on this letter or have questions, please send them to OCR by email at OCR@ed.gov, by phone at 800-421-3481 (TDD 800-877-8339), or by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. For further information about the Department’s guidance processes, please visit www.ed.gov/policy/gen/guid/significant-guidance.html.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

December 28, 2016

Dear Colleagues:

I write to explain the limits that Federal civil rights laws enforced by the U.S. Department of Education’s Office for Civil Rights (OCR) impose on the use of restraint and seclusion by public elementary and secondary school districts.¹ In particular, this guidance informs school districts how the use of restraint and seclusion may result in discrimination against students with

¹ In this document, school districts and public elementary and secondary school systems are used synonymously and include all local educational agencies (LEAs) and public charter schools. Charter schools are subject to the same Federal civil rights obligations as all other public schools. The use of the term charter schools includes schools that are public schools of a school district as well as charter schools that operate as LEAs under State law. For additional information about the applicability of Federal civil rights laws to charter schools, see OCR and Office of Special Education and Rehabilitative Services, Dear Colleague Letter about the Rights of Students with Disabilities in Public Charter Schools (Dec. 28, 2016), www.ed.gov/ocr/letters/colleague-201612-504-charter-school.pdf; and OCR, Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973 (Dec. 28, 2016), www.ed.gov/privacy/docs/faq-201612-504-charter-school.pdf.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

The Department of Education’s mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. [OCR-00101]
The latest Office of Civil Rights report on the use of seclusion and restraint reported:

- 101,990 Children restrained or secluded
- 16% of all students are students with disabilities
- 80% of physical restraints children with disabilities
- 77% of seclusions children with disabilities
- Black & Brown children disproportionately impacted

This is an obvious civil rights issue.
SIGNIFICANT ISSUES WITH DATA

The Government Accountability Office calls out the Department of Education for significant quality issues with restraint and seclusion data.

Our experience and experience working with parents from across the state lead us to believe that there are issues across the country.
The Keeping All Students Safe Act would make it illegal for any school receiving federal taxpayer money to seclude children and would ban dangerous restraint practices that restrict children’s breathing, such as prone or supine restraint. The bill would also prohibit schools from physically restraining children, except when necessary to protect students and staff. The bill would better equip school personnel with the training they need to address school-expected behavior with evidence-based proactive strategies, require states to monitor the law’s implementation, and increase transparency and oversight to prevent future abuse of students.
Jessica Butler, AUTCOM, provides updated information regarding each state’s protections (or lack thereof) via the publication, “How Safe is the Schoolhouse.”
WE CAN DO BETTER
AND IF WE CAN WE MUST
MOVING FORWARD

No one wants to restrain or seclude a child.

It puts everyone at risk.

There must be a better way?

In fact, there are far better approaches!
Inclusive education benefits all children. We see better outcomes for children with disabilities in inclusive environments. Differentiated instructional techniques to support inclusive schools can be beneficial to all students and increase student engagement. Consistent school-wide behavioral supports benefit all children and create a more positive learning environment.

Children are less likely to be restrained and/or secluded in an inclusive setting.
Universal Design for Learning (UDL) is a way of thinking about teaching and learning that helps give all students an equal opportunity to succeed.

This approach offers flexibility in the ways students access material, engage with it and show what they know.

Developing lesson plans this way helps all kids, but it may be especially helpful for kids with learning and thinking differences.
TRAUMA-INFORMED APPROACHES

The majority of children and youth will be exposed to at least one potentially traumatic event before graduating from high school.

In a trauma-sensitive school, all staff share a common understanding of trauma and its impact on students, families, and staff and a mission to create learning environments that acknowledge and address trauma’s impact on school success.

Children that have experienced trauma need to feel seen, safe, soothed, and secure. Relationships are critical to helping children succeed.
NEUROSCIENCE-BASED APPROACHES

Students that have experienced ACEs, the use of traditional punishments can unintentionally retraumatize and reactivate their stress response systems. We need to focus on the importance of relationships.

Understanding stress-based responses and the polyvagal theory helps us to understand that not all behavior is volitional. Children with disabilities and those who have experienced trauma may be in a hypervigilant state and may more easily enter into a fight, flight or freeze reaction. Understanding the brain structure and function can help us to develop strategies to more effectively work with all children.
COLLABORATIVE & PROACTIVE SOLUTIONS

Collaborative & Proactive Solutions (CPS) is the non-punitive, non-adversarial, trauma-informed model of care Dr. Greene originated and describes in his various books, including The Explosive Child, Lost at School, Lost & Found, and Raising Human Beings.

In the Collaborative & Proactive Solutions model we believe that children sometimes exhibit challenging behavior because they're lacking the skills or have unsolved problems. If they had the skills, they wouldn't be challenging. That's because – and here is perhaps the key theme of the model -- Kids do well if they can.
A growing body of research shows that schools and districts that have implemented restorative strategies report a range of impressive outcomes.

These include reductions in student misbehavior and classroom disruptions and dramatic decreases in suspensions, improved academic outcomes, improved school climate indicators, and reduced absenteeism.
Ukeru is a trauma-informed crisis management alternative to restraint and seclusion. Developed by Grafton Integrated Health in Virginia.

Ukeru centers on a philosophy of comfort vs. control:

Using a trauma-informed approach to create a supportive, caregiving environment sensitive to clients’ past experiences of violence and victimization.

Helping individuals thrive in the least restrictive environment consistent with achieving the best outcome.

Achieving the greatest impact with the least amount of disruption to an individual’s routine.
Staff often think that they need restraint and seclusion as “tools” to keep themselves safe.

However, the data show that the use of restraint and seclusion increases the chance of injury. Anytime we have children and staff in fight or flight mode we increase the likelihood of injuries.

Long term data from Grafton show that reducing restraint by 99% and eliminating seclusion led to cost savings, increased staff satisfaction, decreased staff turnover - and decreased injuries to students and staff.
It is easy to feel overwhelmed. There is never enough time, money or training available. However, despite the challenges even a single teacher can make a huge difference.

“The more healthy relationships a child has, the more likely he will be to recover from trauma and thrive. Relationships are the agents of change and the most powerful therapy is human love.” - Bruce D. Perry
MEET
KAREN BLACHER

“All of my students are neurotypical, but my classroom looks very much like a special education classroom. I teach mindfulness and emotional literacy. I provide fidgets and sensory toys. I have a calm corner and use it to teach self-regulation. My students are thriving.”

I have never encountered a single human being, of any age or neurotype, who doesn’t thrive when treated like an autistic person. I mean, of course, treated the way an autistic person OUGHT to be treated. With open communication, adaptive expectations, and respect for self-advocacy and self-regulation.
"I wrote Lost at School because a lot of educators were telling me they wanted a book on Collaborative & Proactive Solutions that was specially geared toward the problems they face in school...and to help them persuade colleagues who were still stuck in old ways of thinking about school discipline to change their thinking and their practices. It's had an impact on discipline practices in many schools...just not enough of them just yet."
Dr. Mona Delahouke describes behaviors as the tip of the iceberg, important signals that we should address by seeking to understand a child’s individual differences in the context of relational safety.

Featuring impactful worksheets and charts, this accessible book offers professionals, educators and parents tools and techniques to reduce behavioral challenges and promote psychological resilience and satisfying, secure relationships.
Children who carry chronic behavioral challenges are often met with reactive and punitive practices that can potentially reactivate the developing stress response systems.

This book deeply addresses the need for co-regulatory and relational touch point practices, shifting student-focused behavior management protocols to adult regulated brain and body states which are brain aligned, preventive, and relational discipline protocols.
MANY OTHERS
AMAZING BOOKS

*Punished by Rewards* by Alfie Kohn

*The Boy Who Was Raised as a Dog* by Bruce Perry Ph.D.

*The Body Keeps the Score* by Bessel Van Der Kolk MD

*Talk to Me* by Emma Van Der Klift
“We can do better and if we can do better we must do better.”
QUESTIONS & ANSWERS
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I appreciate the opportunity to share this information with you today. Please feel free to reach out with any questions or comments.