



FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

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Guidelines for the Prevention and Reduction of Restraint in the Public School System

- **The Council supports a policy where physical restraint in the school system shall be only used as a last resort when there is a demonstrable and imminent physical danger to the student or others, and implemented by trained staff.**
- **The Council opposes the use of seclusion, mechanical restraints and prone restraint entirely.**
- **The Council opposes restraint as a planned intervention in education plans for students with disabilities.**

Seclusion and restraint are highly dangerous interventions that have led to death, injury, and trauma in children. In 2009, the Government Accountability Office (GAO) collected at least 20 stories of children who died in restraint. Restraint should not be used when there is no emergency posing a danger to physical safety. Even then, restraint should not be used when less restrictive measures would resolve the issue. The Council supports a requirement of using restraint in situations of imminent danger and not as an educational tool or used in an Individual Educational Plan. This position provides a clear direction to students, parents, teachers and school administrators that restraint cannot be used for discipline, addressing non-compliance or for convenience.

In the report, *How Safe Is the Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies (January 20, 2014)* Jessica Butler, (jessica@jnba.net) writes that Florida came close to being included in the "weak" state group, and ranks at the bottom of states with meaningful protection. Florida was classified as having meaningful protections because it has one of the strongest data collection provisions in the country, monitors schools for compliance with the law and publishes its monitoring reports. It also requires parental notification and bans restraint that interferes with breathing. Florida's law requires schools to report why each restraint incident involved a threat of serious bodily injury. Yet, the statute does not explicitly limit restraint and seclusion to emergencies threatening serious bodily injury or any physical harm, which is a significant problem and the reason for a lower rating in Butler's report. The current situation in Florida is that any trained staff can legally restrain or seclude any student with a disability for any reason and for any length of time. This is unacceptable. Florida needs to extend the same best practices to its schools that hospitals, group homes, and nursing homes have in place.

The data collected from the Florida Department of Education shows that some Florida counties have successfully banned the use of the seclusion, prone restraint and mechanical restraint. The Council would like to see all counties adopt these prohibitions against these dangerous practices.

Restraint and seclusion can re-traumatize children who have had prior abuses in their lives and data from the U.S. Department of Education shows a disproportionate impact of these practices on students with disabilities. The Council believes there are less dangerous ways to address behavioral concerns in schools. Restraint can be reduced and often avoided by implementing positive behavioral supports in schools. Florida's students and teachers benefit from initiatives to implement behavior management training which emphasizes positive behavior supports and includes crisis reduction and de-escalation techniques.