



## ***The Keeping All Students Safe Act***

### *Protecting All Students from the Dangers of Seclusion and Restraint*

#### **Background**

Every child should be safe and protected while in school. Sadly, that is not always the case. A [2009 investigation](#) by the Government Accountability Office (GAO) found hundreds of incidents of child abuse, some resulting in death, due to the use of seclusion and restraint practices in school. The most current data from the [Civil Rights Data Collection](#) (CRDC) continues to confirm this with 101,990 students subjected to seclusion or restraint during the 2017-18 school year. Of the students restrained or secluded, 78 percent were students with disabilities who were disproportionately students who identified as Black/African American and boys.

Although the number of students subject to seclusion or restraint is staggering, the CRDC data may be an under-estimation of the actual incidents due to reporting issues uncovered in a [GAO report](#) released in April 2020. Due to insufficient quality control measures and other problems found, it is difficult to understand the full scope of seclusion and restraint incidents in schools today. [ProPublica](#) uncovered violations of state laws, lack of reporting, and a lack of oversight regarding seclusion and restraint in an ongoing series out of Illinois, and that is only one example of inconsistency between reported data and the facts on the ground.

#### **About the *Keeping All Students Safe Act***

The *Keeping All Students Safe Act*, introduced by Rep. Don Beyer (VA-08), Sen. Chris Murphy (CT), Chairman Bobby Scott (VA-03), Ranking Member Patty Murray (WA), and Rep. Donald McEachin (VA-04) would make it illegal for any school receiving federal funds to seclude a child or use dangerous restraint practices that restrict 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. Lastly, the bill would better equip school personnel with the training they need to address school-expected behavior with evidence-based proactive strategies.

More specifically, the *Keeping All Students Safe Act* would:

#### **Establish requirements in schools by:**

- Prohibiting seclusion, mechanical restraints, chemical restraints, physical restraint that restricts breathing or is life threatening including prone and supine restraint;
- Requiring certification of staff conducting physical restraint that meets the additional requirements;
- Prohibiting physical restraint as a planned intervention; and
- Requiring parental notification and follow-up meetings if a physical restraint occurs.

**Support states to provide training to better ensure students’ and staffs’ safety and to establish monitoring and enforcement systems by:**

- Requiring each state to have its own policies, procedures, monitoring, and enforcement systems in place to meet the requirements within two years of the law’s enactment;
- Allowing states to apply for competitive grants for support in establishing, implementing, and enforcing the policies and procedures required by the law; and
- Improving state and local capacity to analyze the data and improving school climate and culture.

**Increase transparency, oversight, and enforcement to prevent future abuse and death by:**

- Requiring states to collect and report data on the use of seclusion and restraint annually;
- Making data about restraint and seclusion publicly available while protecting student privacy, including data on the number of incidents, injuries, cases of death, and the demographic breakdown.

The *Keeping All Students Safe Act* is endorsed by:

***National Organizations***

Council of Parent Attorneys and Advocates (COPAA), The Arc, National Disability Rights Network (NDRN), Autistic Self Advocacy Network (ASAN), National Center for Learning Disabilities (NCLD), National Center for Special Education in Charter Schools, Association of University Centers on Disabilities (AUCD), National Autism Association, SPAN Parent Advocacy Network, Family Alliance to Stop Abuse and Neglect, National Parent Teacher Association (National PTA), National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE), Autism Society of America, Center for Public Representation, RespectAbility, Council of State Administrators of Vocational Rehabilitation (CSAVR), CommunicationFIRST, National Association of School Psychologists (NASP), Disability Rights Education & Defense Fund, Higher Education Consortium for Special Education (HECSE), National Association of Secondary School Principals (NASSP), Learning Disabilities Association of America (LDA), National Association of State Directors of Special Education (NASDSE), Alliance Against Seclusion and Restraint, Council for Exceptional Children (CEC), and Bazelon Center.

***State Organizations***

The Arc of Arizona, The Arc of Maryland, The Arc of New Jersey, The Arc of Wisconsin, Parents Place of Maryland, Family Voices NJ, Parents Reaching Out (NM), and Parent Education Advocacy Leadership Center (PEAL Center; PA).