

Keeping All Students Safe Act (H.R.3474)

Protecting All Students from the Dangers of Seclusion and Restraint

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, because many schools still punish students by locking them in rooms or forcibly restraining them in dangerous ways—practices known as seclusion and restraint. 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—78 percent of whom were students with disabilities, and of those were disproportionately Black students or 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. Chis Murphy (CT), Chairman Bobby Scott (VA-03), Chair 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 the safety of 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 minimum safety standards in schools by:

- Prohibiting seclusion, mechanical restraints, chemical restraints, physical restraint that restricts breathing or is life threatening, and any form of aversive behavioral intervention;
- Requiring certification of staff conducting physical restraint that meets the minimum standards;
- Prohibiting physical restraint as a planned intervention; and
- Requiring parental notification and follow-up meetings if a physical restraint occurs.

Support states by providing better training to ensure student and staff safety and establishing monitoring and enforcement systems by:

- Requiring each state to have its own policies, procedures, monitoring, and enforcement systems in place to meet the minimum standards within two years of the law's enactment;
- Providing grant funding for states to establish, implement, and enforce the policies and procedures required by the law; and
- Improving state and local capacity to analyze the data and improve 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; and
- 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.