

RESOURCES ON RESTRAINTS AND SECLUSION

Colton, David, PhD. *Checklist for Assessing Your Organization's Readiness for Reducing Seclusion and Restraint*. August 2004

<http://rccp.cornell.edu/pdfs/SR%20Checklist%201-Colton.pdf>

Cornell University Review of Restraint Data in a Residential Treatment Facility for Adolescent Females (2003) <http://rccp.cornell.edu/pdfs/Leidy.pdf>

Day, David M. Ph.D., *Review of the Literature on Restraints and Seclusion with Children and Youth: Toward the Development of a Perspective in Practice*. (2000) <http://rccp.cornell.edu/pdfs/Day.pdf>

- A review of 109 articles on the practice of restraint and seclusion with children and adolescents spanning a 35 year period from 1965 to 2000. Through this review, the report attempts to identify safe, appropriate, and proper use of restraint and seclusion.

Donovan, Abigail, et.al. *Two-Year Trends in the Use of Seclusion and Restraint Among Psychiatrically Hospitalized Youths*. *Psychiatric Services* 54:987-993, July 2003 <http://psychservices.psychiatryonline.org/cgi/content/full/54/7/987>

Johnson, Scott. *Preventing Physical Restraints in Schools: A Guide for Parents, Educators & Professionals*. Education Law Resource Center, LLC 2006 www.edlawrc.com

- A comprehensive overview of physical restraint, legal requirements/issues, position statements and resources for training, information, policy making and positive behavior intervention and support.

Magee Sandy K., and Ellis, Janet. *The Detrimental Effects of Physical Restraint as a Consequence for Inappropriate Classroom Behavior*. *Journal of Applied Behavior Analysis* 2001, 34, 501–504 number 4 (Winter 2001) <http://seab.envmed.rochester.edu/jaba/articles/2001/jaba-34-04-0501.pdf>

- The article describes results from an experimental analysis on the use of physical restraint on two 13 year old students contingent on aggressive behaviors. Results indicated that these behaviors increased when restraint was used and the authors discuss the potential problems of using physical restraint when applied without regard for the function of the problem behavior.

Ryan, Joseph B., Peterson, Reece L., and Rozalski, Michael. *State policies concerning the use of seclusion timeout in schools*. (Report). *Education & Treatment of Children* 30.4 (Nov 2007).

- This article provides a review of current state policies on the use of seclusion timeout in schools. Twenty-four states were identified that have policies or guidelines established. The article points out problems in the significant variability and lack of comprehensiveness in the guidelines and policies reviewed.

Smith, Karen. *Physical Restraint: An Emergency Procedure Institute on Community Integration*. College of Education, University of Minnesota, Minneapolis
<http://cehd.umn.edu/ceed/projects/preschoolbehavior/tipsheets/physrest.pdf~>

- A three page “tip sheet” outlining basic information on physical restraint; what it is, when it is appropriate and inappropriate to use, the risks involved, the potential effects on student and staff, and what should precede its’ use.

APA/American Psychiatric Association, et al. *Learning from Each Other: Success Stories and Ideas for Reducing Seclusion/Restraint in Behavioral Health* (2003)
<http://www.naphs.org/rscampaign/Learning.pdf>

- A publication developed by psychiatric health care associations focusing on the reduction of restraint and seclusion of psychiatric patients. The guide shares ideas to support improved patient care and to provide a framework for the leadership of behavioral healthcare facilities to discuss the issue of restraint/seclusion within the context of quality care.

APRAIS: The Alliance to Prevent Restraint, Aversive Interventions, and Seclusion. *In the Name of Treatment: A Parent's Guide to Protecting Your Child From the Use of Restraint, Aversive Interventions, and Seclusion*
<http://www.aprais.org/ParentGuide2.pdf>

ARC Position Paper on Restraint and Seclusion:
<http://www.aprais.org/PositionPapers/ArcPositionOnRestrainsSeclusion.pdf>

Autism National Committee. Position on Restraints:
<http://www.aprais.org/PositionPapers/AutComPolicyOnRestrains.pdf>

Bridges 4 Kids: <http://www.bridges4kids.org/>

- From their homepage: “A non-profit parent organization providing a comprehensive system of information and referral for parents of children from birth through transition to adult life.”

<http://www.bridges4kids.org/articles/10-06/restraint.seclusion.html>

- Bridges4Kids' CEO Statement on Restraint & Seclusion in Michigan's Schools

Child Welfare League of America. (2004b): *Achieving Better Outcomes for Children and Families: Reducing Restraint and Seclusion*
<http://www.cwla.org/programs/behavior/achievebetterbook.pdf>

- Write-up from a 3-year project funded by the Substance Abuse and Mental Health Services Administration (SAMHSA) on Best Practices in Behavior Support and Intervention. The project sought to identify best practices in preventing and reducing the use of restraint and seclusion in facilities serving children and youth.

PL 106-310 — Children's Health Act of 2000 Title 32, Section 3208
<http://www.napas.org/issues/an/Restraintoutline03.htm>

- The Act specifies when restraint and seclusion can be used and covers all public and private health care facilities which receive support from any program from funds appropriated to any Federal agency.

Protection & Advocacy, Inc. (PAI) Summary of Select Regulations Regarding Behavioral Restraint and Seclusion:

<http://www.pai-ca.org/opr/prat2005/seclusionrestraintregs.htm>

Protection & Advocacy, Inc. (PAI) *Restraint and Seclusion in California Schools: A Failing Grade* <http://www.pai-ca.org/pubs/702301.pdf>

- A report from an investigation in 2006 into complaints of alleged abusive restraint and seclusion practices in some California schools. The report includes case summaries, a review of the literature, law, regulations, policies, practices and PAI's findings and recommendations.

Project REST (Restraint: Efficacy, Safety and Training) *Manual of Recommended Practice* developed by the Family Resource Center for Disabilities and Special Needs, South Carolina <http://www.frcdsn.org/>

<http://www.frcdsn.org/Manual%20of%20Recommended%20Practice.pdf>

- This Manual of Recommended Practice is meant to be used as a tool for Educators, Classroom Assistants, Student Aides, and School Administrators. It identifies the need to develop clearly defined policies regarding restraining children with disabilities in a school environment and provides many recommendations for policy content.

Michigan Schools Guidelines on Seclusion and Restraint of Students:

<http://www.schoolsk-12.com/parents/guidelines-on-seclusion-and-restraint-of-students-adopted-by-the-michigan-schools.html>

National Association of State Mental Health Program Directors: Position Statement on Seclusion and Restraint

http://www.nasmhpd.org/general_files/position_statement/posses1.htm

Wisconsin Department of Public Instruction (WDPI) *Guidelines for the Appropriate Use of Seclusion and Physical Restraint in Special Education Programs* September 2005 <http://www.dpi.wi.gov/sped/doc/secrestrgd.doc>

Wrightslaw: <http://www.wrightslaw.com/info/abuse.index.htm>

- Resource for topics on special education law, including information and case law around the use of restraint and seclusion in public schools

**SAMPLES OF EXISTING OR PROPOSED DISTRICT, STATE AND COUNTY DEPARTMENTS OF
EDUCATION POLICIES AND REGULATIONS ON RESTRAINT AND/OR SECLUSION**

Arkansas: <http://arksped.k12.ar.us/documents/policy/rulesandregulations/20.00.pdf>

California: <http://www.cde.ca.gov/sp/se/lr/om110707.asp>

<http://caselaw.lp.findlaw.com/cacodes/edc/56520-56525.html>

Connecticut: New Reporting and Notification Requirements for Seclusion and Restraint
<http://www.connecticuteducationlawblog.com/2007/10/articles/special-education/new-reporting-and-notification-requirements-for-seclusion-and-restraint/>

Testimony on Reporting Requirements Bill
http://www.ct.gov/opapd/lib/opapd/documents/adobe/testimony_2007/2-8-07_childrens_committee_r&s.pdf

Maryland: <http://www.dsd.state.md.us/comar/13a/13a.08.04.05.htm>

Massachusetts: <http://www.mass.gov/legis/laws/mgl/71-37g.htm>
Belmont (Mass.) Public School Physical Restraint Protocol
<http://www.belmont.k12.ma.us/docs/RestraintProtocol.pdf>

Michigan: “Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint”
http://www.michigan.gov/documents/mde/Seclusion_and_Restraint_Standards_180715_7.pdf

North Carolina:
http://law.justia.com/northcarolina/codes/chapter_115c/gs_115c-391.1.html

Texas: [http://framework.esc18.net/Documents/Texas%20statutes/TEC_37.0021\(b\).htm](http://framework.esc18.net/Documents/Texas%20statutes/TEC_37.0021(b).htm)

Utah: <http://le.utah.gov/~code/TITLE53A/htm/53A0C045.htm>

Vermont: http://education.vermont.gov/new/pdfdoc/resources/model_restrictive_behavior.pdf

Virginia: <http://www.doe.virginia.gov/VDOE/sess/EmergBehaviorGd.pdf>

Wisconsin, Madison: <http://www.madison.k12.wi.us/hr/physical%20force.pdf>

Education Law Resource Center: Lists of links to State Laws on Restraint & Behavior Intervention in Schools http://www.edlawrc.com/state_laws_on_restraint.htm

EXAMPLE OF A LAWSUIT RESULTING FROM THE USE OF RESTRAINT AND SECLUSION

The lawsuit claimed that Special Education teachers used unauthorized and unlawful behavior management procedures with a 10 year old special education student. The suit alleged that there was a pattern of battery, false imprisonment, violations of civil rights, negligence and infliction of emotional distress through the use of restraint and seclusion procedures in the classroom.

It was found that staff had violated numerous state laws, rules and orders regarding the student's treatment. It was found that the school district used aversive and deprivation procedures beyond their authority

<http://www.winonapost.com/archive/www/120901/2news120901.html>

Fatal Restraint: The Death of a Student at a Residential Treatment Center

Maryland Disability Law Center Maryland Disability Law Center

<http://www.mdicbalto.org/pdfs/EdgemeadeDec12.pdf>

"The Office of the Medical Examiner (M.E.) concluded that the cause of death was 'cardio respiratory arrest and asphyxia as a consequence of being restrained and having an acute asthmatic attack occurring during a struggle.' The M.E. further concluded that the manner of death was a homicide. The criminal investigation by the Prince George's County Police Department and the Office of the State's Attorney culminated in the criminal trial of an Edgemeade staff member on the charges of involuntary manslaughter and child abuse."

Links to Articles on Student Deaths from Restraint:

<http://www.caica.org/MICHAEL%20RENNER-LEWIS%20III%20safe%20restraint%2012-8-06.htm>

<http://www.autismconnect.org/news.asp?itemtype=news§ion=000100010001&page=5&id=5140>

<http://wjz.com/local/death.carroll.county.2.425212.html>

<http://charlydmiller.com/LIB06/073105DatelineNBCMoodyStory.html>

<http://www.isaccorp.org/anderson/martin-lee-anderson.10.19.06.html>

<http://www.mnddc.org/news/inclusion-daily/2006/12/120706wiarndtabuse.htm>