

## WHO IS DEFENDING THE CHILDREN? Part One – The Data

We applaud the passage of H.R. 4247, the Keeping All Students Safe Act, in the House of Representatives on March 3<sup>rd</sup>, 2010. We are grateful to Representative Miller and Representative McMorris Rodgers for their leadership on this issue.

A few self-preservationist educators have written Our Children Left Behind [OCLB] expressing concern that barring the use of seclusion and restraint in Individualized Education Programs [IEPs] and Behavior Intervention Plans [BIPs] denies children and parents their right to “individualization” in an IEP or BIP. These same educators decry the move toward a federal law banning the use of restraint and seclusion by asking “where’s the data?”

Are these self-preservationist educators serious? Our heads are still shaking. There is an abundance of data from state and federal public and private hospitals and adult and child residential facilities collected over the last four decades that shows both that the use of seclusion and restraint create the significant likelihood of injury to the person being secluded/restrained *and* to the persons applying the seclusion/restraint; and that using seclusion and restraint as part of an applied program to change behavior simply does not work. “In 1998, the Harvard Center for Risk Analysis estimated deaths due to such practices at 150 per annum across the nation. Children have been noted at especially high risk for death and serious injury.” [See SAMHSA Seclusion and Restraint: Statement of the Problem and SAMHSA’s Response -- [http://www.samhsa.gov/seclusion/sr\\_handout.aspx](http://www.samhsa.gov/seclusion/sr_handout.aspx).]

In fact, the safety record on the use of seclusion and restraint in hospitals and residential facilities has been so dismal that the use of seclusion and restraint either has been banned altogether or permitted only under the most stringent rules and only in emergency situations. Those rules require the existence of imminent danger to the person or to others; the immediate involvement of trained medical personnel [at least an RN and in most instances a physician or psychiatrist]; continuous monitoring including checking vitals at regular intervals; and termination of the seclusion or restraint immediately once the danger has passed. The use of seclusion and restraint in adult or child residential facilities as a means of behavior management or treatment has been universally repudiated.

Given these established facts on the inherent dangers of the use of seclusion and restraint in the environments where we would expect they would be applied most safely and effectively – psychiatric and residential facilities with trained staff and medical professionals on site at all times – how can we even think of exposing our children to the use of seclusion and restraints in a school environment with *none* of the safety measures in place that are required in residential facilities? In a 5 month period in Michigan in 2003, two students, aged 12 and 15, were killed while being restrained.

What other data must we produce to show the inherent risk – and **stupidity** – of using seclusion and restraint in schools?

Local, state and federal entities responsible for our schools have not been forced to be accountable for the use of seclusion and restraint in schools, either in application or in reporting usage. We should not reward them for their lack of accountability by allowing them to say that we need no law because they haven't been forced to keep data. Who needs data from schools when we already know the inherent danger as has been so carefully documented in institutions and residential facilities?

Our Children Left Behind [OCLB] is a group of volunteer parents [four moms and a dad]. We are parents who rely on our experiences and perspectives, along with what we read ourselves and hear from other families. It is difficult for us, as families, to listen to people who are self-serving preservationists of the status quo. Until the education establishment lobbies for more protection for students against educational malpractice, educational negligence and school-sanctioned assault and battery, we cannot and will not compromise. Our children's lives and futures are at stake

In the next several weeks you can expect that the educational self-preservationists will be calling their senators claiming that no data justifies barring the use of seclusion and restraint in our nation's schools. Call your senators and tell them the data already is in. Seclusion and restraint are dangerous practices that place lives at risk and serve no useful behavioral training purpose. Ask your senators why in the world we should permit the use of seclusion and restraint in schools when we no longer allow their use in those facilities that once were thought to be specially suited for their use. Tell them you support Keeping All Students Safe Act, S.2860.

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