

Testimony to the Committee on Education and Labor of the
U.S. House of Representatives
Examining the Abusive and Deadly Use of Seclusion and Restraint in Schools

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Chairman Miller, Ranking Member McKeon and Members of the Committee:

Thank you for inviting me to testify to you today regarding the use of “seclusion and restraint” from a public school administrator’s perspective.

My name is Mary Kealy and I am the Assistant Superintendent for Pupil Services for Loudoun County Public Schools, a large growing and thriving school division of over 57,000 students in the Washington, DC metropolitan area. I speak to you from experience in my current role and from several years of experience in various administrative roles in New Jersey and Virginia, including principal of both public and private special education schools.

Among other areas, including guidance, psychology, social work, attendance and health services, my department provides oversight, direction and services for special education and related professional development to administrative, teaching and support staff in 75 schools, grades Pre-K through 12. Currently, about 6,000 of these students receive special education services.

It is apparent that this topic is of concern as we continue to strive for safe and orderly environments in our public schools. We must ensure that all children are treated with respect and dignity and that the learning environment is safe for all students and staff. We all know there is a high correlation between positive and safe school environments and student achievement. Given the concern surrounding the issues related to this topic, I would like to offer comments on the following: the use of seclusion and restraint, the student population affected, prevention focus, staff development and training/best practices, implementation challenges, recommendations and some information about professional resources and advocacy efforts.

I will briefly address each of these areas.

Use of Seclusion and Restraint

I’d like to begin by emphasizing that neither the use of seclusion or restraint is considered a “best educational practice” and is not recommended as a typical educational strategy in our schools. In fact, the use of these practices is strongly discouraged and an emphasis on

positive behavior supports is encouraged. *The American Association of School Administrators believes that monitored seclusion and restraints should be used as a last resort but must be an option for staff working with students who are out of control and pose a danger to themselves and others.* When there is a need to manage aggressive or violent behavior of students in emergency situations, there must be a balance between maintaining an effective and safe learning environment for children and school staff and safeguarding the rights and protections of students. However, their use may be considered as an option on the continuum of behavioral interventions as a safety measure of last resort, when all other interventions have been tried and the student may be a danger to himself or others. It is important for school divisions to ensure that any behavior management techniques used are appropriate. Physical restraint and seclusion should only be used in emergency situations, when other less intrusive alternatives have failed.

Student Populations Most Affected

Special education students with emotional, behavioral or significant cognitive disabilities have historically been the students requiring the most intense behavioral interventions for aggressive and other challenging behaviors. Programs for students with emotional disabilities, autism and multiple disabilities are typically structured to provide the continuum of supports, services and resources to address severe behavioral issues. However, as we continue to meet the least restrictive environment requirements of the Individuals with Disabilities Education Act (IDEA), several of these students spend all or part of their day in general education environments. As a result, both general and special education staff need to receive the appropriate training and supports to address the needs of these special populations in inclusive environments. Therefore, an inclusive approach to prevention, training and support is recommended as best practice. However, it is essential that special education teachers of students with the most challenging behavior issues take a leadership role in implementing a team-based approach to address challenging behaviors as part of a schoolwide approach.

Prevention

Based on over 30 years of research, Drs. George Sugai and Rob Horner, co-directors of the US Department of Education, Centers for Positive Behavior Intervention and Support (www.pbis.org), support the use of schoolwide strategies as a proactive way to address behaviors in schools and promote success for all students. Using the 3-tiered approach, students are provided with a continuum of behavior supports based on their needs at each level: schoolwide (80%), targeted interventions for students requiring more specialized strategies (10-15%) and individualized (5-10%). It is these students at the top tier who need the specialized interventions and alternatives required to meet their needs.

The appropriate use of physical restraint may be a tool, under certain circumstances, used as a last resort for students who exhibit out of control or dangerous behavior and may injure themselves or others. In order for physical restraint to be used effectively, it is essential that behavioral interventions which might prevent the need for restraint are in

place. Included among them should be a variety of positive behavioral supports including establishing and teaching behavioral expectations, recognizing and reinforcing positive behavior, providing mental health services and interventions, and relying on functional behavior assessment and related intervention plans for any student whose behavior indicates a need for intervention. Without these, the number of “emergency” situations which might require restraint would be much greater than would otherwise be necessary. It is essential that behavioral interventions which might prevent the need for restraint are in place and staff have the resources and support to implement them.

Staff Development and Training

Although the research on best practice calls for a focus on prevention and the use of positive behavior supports and interventions, it is apparent that in specific emergency situations, the use of appropriate restraint as a tool may be necessary. If either seclusion or restraint are used in extreme or emergency situations, it is critical that anyone using these procedures be carefully trained in all aspects of their use. In addition to training in positive behavior supports, special education staff should receive mandatory training in behavioral techniques designed to de-escalate and resolve conflicts to avoid and defuse crisis situations. Conflict de-escalation appears to be a necessary intervention to prevent the use of restraint as well as useful in preventing and defusing behavior problems both for students with emotional or behavioral disorders as well as all students who may engage in power struggles or escalate emotional crises for other reasons.

In my experience with best practice models, the systematic training provided through the Mandt System (www.mandtsystem.com) provides educators with the necessary components of a comprehensive training program for school staff to be certified in these techniques. In my school division and others I have worked in, the basic level of training is mandated for special education teachers, while other more advanced levels involving more specific technical skills and intervention is required for teachers of students with severe cognitive challenges as well as students with autism and emotional disability. The appropriate use of physical restraint is taught at the advanced level. General education staff may register for components of the advanced training with the approval of their principal or supervisor, thus allowing them to learn techniques that will prevent injury to themselves or others.

Staff receives certification after successful course completion which must be renewed annually. It is important for school divisions to build the capacity to train staff annually, renew certifications and monitor staff implementation of these best practices to ensure appropriate implementation of these techniques and procedures. Resources must be provided to school divisions to allow for the successful implementation of the training and follow-up support required.

Implementation Challenges

There are several challenges that prevent the successful implementation of the proactive approaches for addressing effective use of appropriate behavioral interventions including the use of physical restraint and seclusion, when necessary. School divisions must provide the:

- administrative oversight for direction to schools and staff;
- policies, guidelines and procedures to ensure consistent and appropriate implementation;
- systems approach to behavioral intervention using best practices approaches;
- recurrent training to ensure annual updates and staff recertification;
- resources and support for school staff to participate in training;
- follow-up support by behavior specialists or other staff through consultation and support activities; and
- capacity-building training to sustain efforts over time.

Recommendations

The following recommendations or guiding principles are intended to frame any goals or policies of school divisions to diminish the need to use seclusion or restraint procedures in school settings.

- All children should receive necessary educational and mental health interventions and supports in a safe and least restrictive environment.
- School staff should receive training in the use of proactive, research-based strategies focused on preventive techniques, such as schoolwide positive behavior supports and interventions.
- A continuum of behavioral interventions and supports should be provided routinely to all children.
- All staff should participate in specialized training to include conflict de-escalation training and techniques to avoid and defuse crisis and conflict situations.
- Schools must have the necessary resources, staffing levels to provide positive supports to students and on-going training and support for staff to sustain best practice interventions for students with challenging behaviors.
- In accordance with IDEA, students exhibiting a pattern of behavior impeding their learning or that of others should receive a functional behavior assessment and related behavior intervention plan which incorporates positive behavioral interventions, including instruction in appropriate behavior and strategies to deescalate their own behavior.

- The US Department of Education should provide more research on the use of seclusion and restraint in the school setting in at least four different settings, primary grades, upper elementary grades, middle schools and high schools. Students at each level are so different that research must identify age appropriate interventions to avoid the use of seclusion and restraint and how as a last resort such methods can be used most effectively for the progress of students and safety of the student, other students and staff, and volunteers.

Professional Resources and Advocacy Efforts

Many states provide guidelines or for the development of policies and procedures and to assist school divisions and public school programs that will help in situations involving the management of challenging student behavior with reference to the state code and regulations.

For example, the Virginia Department of Education has provided such a document for school divisions: **Guidelines for the Development of Policies and Procedures for Managing Student Behaviors in Emergency Situations in Virginia Public Schools- Focusing on Physical Restraint and Seclusion, November 2005.**

www.doe.virginia.gov/VDOE/sess/

Additionally, the Council of Children with Behavior Disorders, a division of the Council for Exceptional Children (CEC), has done extensive work on developing comprehensive position documents on both **Seclusion and Physical Restraint Procedures in School Settings**. The draft documents represent research and best practices from the field coordinated by Dr. Reece Peterson, University of Nebraska-Lincoln, Lincoln, NE and Dr. Susan Albrecht, Ball State University, Muncie, IN. They are currently being vetted to other CEC divisions, such as the Council of Administrators of Special Education (CASE), for review and comments. As President-Elect of CASE, I am currently involved in this review. Upon completion, I am hopeful that this important work will inform the practice of those administrators and teachers working in school settings and present clear policy recommendations and best practices with prevention as the primary focus.

I thank you again for the opportunity to speak with you today and share some insights into the local school division perspective on this issue. I hope that we can work together to ensure safe, positive learning environments for all students in our schools. I look forward to answering your questions.