

Use Of Student Restraints, Seclusions Tops 18,000

by Colleen Shaddox | Dec 6, 2010 9:55 am

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COLLEEN SHADDOX PHOTO

Gloria Bass (left) and Maryann Lombardi advocated for laws limiting restraints and seclusion in schools. Here Lombardi

holds a platter made in her son's special education class for a PTA fundraiser.

Six-year-old Anthony Wickham weighed about 48 pounds when five adults forcibly restrained him at Plainfield's Shepherd Elementary School. Anthony, a student in the school's Clinical Day Treatment program, was regularly locked in a windowless room that measured four by six feet, a court document says.

The allegations sound highly unusual, but Connecticut schools reported using emergency restraint and seclusion more than 18,000 times last year.

C-HIT received the data from the state Department of Education after making a request under the Freedom of Information Act.

"This is really pretty disturbing," said Alicia Woodsby, public policy director for the National Alliance for Mental Illness in Connecticut. The number of incidents far exceeds what her organization suspected and "illustrates why we need transparency on this and better reporting of it," she said.

The state Department of Education cautions that these numbers are preliminary and unaudited. In only one other state, California, are schools required by law to report these incidents to the state. California schools reported about 21,000 "behavioral emergencies" in the same time period in public and non-public schools. California's K-12 public school population was 6,252,011 in 2009. Connecticut's was 563,869.

The Connecticut data comes from public schools, regional education service centers and approved private special education programs. Restraints accounted for 8,511 of the incidents, while 9,823 seclusions were reported. Schools were asked only to report "emergency seclusions." Connecticut law allows for non-emergency seclusions to be a planned behavioral intervention for special education students. Schools are only mandated to report restraints and seclusions of children with disabilities, but some included incidents involving children without disabilities as well.

The state defines restraint as "any mechanical or personal restriction that immobilizes or reduces the free movement of the child's arms, legs or head." Seclusion is "the confinement of a child in a room, whether alone or with staff supervision, in a manner that prevents the child from leaving."

Parents were notified of these incidents 85.1 percent of the time by public schools, though a 2007 state law requires they always be notified. Regional education service centers did notification 42.2 percent of the time. Notification data were not reported for the private special education programs. The data did not indicate if there were any injuries.

In hospitals and residential facilities, restraint and seclusion have been regulated at the federal and state level since the late nineties. There is currently no federal law restricting these practices in schools. Connecticut U.S. Sen. Christopher J. Dodd is co-sponsoring legislation that would place limits on restraints and seclusions in schools. The Keeping All Students Safe Act has passed the U.S. House of Representatives but is stalled in the Senate. Dodd is seeking a new sponsor to promote the bill after his retirement. A report by the federal General Accounting Office found instances across the country of students being handcuffed, duct taped and even suffocated during restraints.

The Connecticut Office of Protection and Advocacy for Persons with Disabilities receives reports of cases of serious injury resulting from restraint or seclusion. Since 2001, the agency has gotten 27 such reports. All were from special

education facilities, most of which contract with local school districts. Unless there are allegations of abuse, the office has limited authority to investigate, said James McGaughey, executive director of the OPAPD. His staff is assisting several students and their families to file complaints with the U.S. Department of Education's Office of Civil Rights.

Schools Ill Prepared

The issue is part of a larger problem of schools being ill prepared to serve children with special needs, according to McGaughey. Teachers, with inadequate training in behavioral supports, say: "I don't know what else to do. This is all I can figure out," he said.

But there are ways to cope with a range of behaviors, particularly if the individual needs of a child have been thoroughly and professionally evaluated, added Bruce Garrison, assistant director for protection and advocacy for persons with mental illness at OPAPD. "When a student gets to that point [of being restrained or secluded] there's that long history of what we could have done before that happened," he said. "Physical wounding, that's one aspect, but there's an emotional wounding as well."

"We have a lot of information that they're harmful," Denise Stile Marshall said of restraints and seclusions. Marshall is executive director of The Council of Parent Attorneys and Advocates. She added that there is no research that shows any educational or therapeutic benefit from these practices. Her group did a national report in 2009, *Unsafe in the Schoolhouse*, that solicited incident reports from parents. Stories from Connecticut parents included:

An 8 year old with Asperger's Syndrome ran away from a paraprofessional who grabbed him by the shoulder after she created a power struggle over a ball with him ... The child was then restrained by three adult staff who threw him to the ground.

A 5-year-old little girl, nonverbal, came home from school with a softball-sized bruise on her back. She had been locked in a small bathroom, seated on a potty seat. She obviously had rocked back and forth, hitting her back on a small round knob on the back of the potty seat.

Gloria Bass has two grandsons who were secluded in Wilton public schools. "If you did it as a parent, you could be arrested," said Bass, who is raising her twin grandsons, both of whom have autism and multiple other disabilities. She's succeeded in getting them placed in a school for special needs children, where she said they are thriving.

Together with several other Wilton parents, including Maryann Lombardi, she campaigned for the current Connecticut state law on seclusion and restraint. Many parents around Connecticut are not even aware that schools have seclusion rooms, often little more than converted closets, according to Lombardi. "It's not like they are going to wave a banner over it on open house night," she said. Her son, Gianni, who has autism, does not speak and she only learned that he was regularly placed in seclusion after another parent informed her.

Anthony Wickham, the Plainfield boy whose family is suing the school district, has since been moved to another school. "Things improved tremendously for him," said his lawyer, George Schober. Plainfield's superintendent of schools Edward Malvey did not respond to requests to comment.

Lombardi's son is about to age out of a residential program. She's hoping he can move into a house near her and make a living running errands for elderly neighbors. Lombardi worked in her husband's pizza restaurants before her battle with the school system. Bass described herself as a "stay-at-home mom" at the time. Today each woman works in disability advocacy. Both have given a lot of thought to why restraint and seclusion happen. They each site a lack of training for teachers and resistance to call in consultants to guide the plan for a special needs child.

"It's a lack of understanding fundamentally of who the child is and how to deal with the behavior," said Lombardi.

"They have feelings," Bass said over and over in the course of the interview. "I don't know why people don't get that."

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