Data Reveal Disparities in Schools' Use of Restraints

By Nirvi Shah
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New federal data that for the first time attempt to catalog how many times students were isolated or restrained—by a school employee or with a device—show that, in many cases, those techniques are applied disproportionally to students with disabilities, particularly black students with disabilities.

As part of its most recent data collection, the U.S. Department of Education’s office for civil rights asked more than 72,000 public schools to report how many students were isolated or restrained for the purpose of keeping them from harming themselves, classmates, or school employees. Although such techniques most often are associated with special education, the data show they are used with all students.

Among the findings: Of students with disabilities who were mechanically restrained—which might mean being handcuffed, tied down, strapped to a chair, or held with equipment for that purpose—a disproportionate share, 44 percent, were black. Only 21 percent of the overall population of students with disabilities are African-Americans.

And, of all 38,792 students physically restrained by school staff members, nearly 70 percent were students with disabilities.

While it is expected that more students with disabilities than other students would be restrained, that disparity was shocking, said Russlynn H. Ali, the Education Department’s assistant secretary for civil rights.

Every two years, her office requires a sample of districts across the country to answer questions about subjects including course enrollment and participation on athletic teams and in college-entrance exams, all broken down by race, gender, and whether students have a disability. The data the OCR gathered, from the 2009-10 school year, encompassed more districts than ever—nearly half of all districts, a large enough swath to include 85 percent of the country’s public school students.

Ms. Ali asked schools to start reporting restraint and seclusion data, in part because of public input and concerns about the practices raised in 2009, when the Washington-based National Disability Rights Network issued “School Is Not Supposed to Hurt.”

Students with Disabilities: Mechanical Restraint
African-American students represent 21 percent of the students with disabilities, but 44 percent of students with disabilities who were subjected to mechanical restraint during the 2009-2010 school year.

NOTE: Numbers have been rounded.
SOURCE: U.S. Department of Education, office for civil rights
That report describes episodes of restraint and seclusion that led to students' deaths, such as that of a Michigan teenager with autism who was restrained for more than an hour by four school employees.

Data 'Alarming'

What the numbers, analyzed by Education Week and the Education Department, indicate: Of the 131,990 instances of physical restraint tallied by the data collection, 78.6 percent involved students with disabilities, compared with 21 percent for other students. Yet just 12 percent of the 42 million students in the data set have disabilities.

"Certainly the data are really alarming," Ms. Ali said.

Schools were also far more likely to isolate students with disabilities. Of the 111,417 instances of seclusion in the survey, 61.7 percent were of students with disabilities, compared with 38.3 percent for other students.

The data are imperfect. Most publicly available data are rounded to obscure student identities. Numbers available online don't match some of the department's figures.

It's still powerful information, some disability-advocacy groups said. They argue incidents of restraint and seclusion may even be underreported because schools were unused to gathering the data.

At the least, the numbers should dispel any idea that the use of restraint and seclusion is isolated, said Ron Hager, a senior staff lawyer for the National Disability Rights Network.

The group published its second update to "School Is Not Supposed to Hurt" on March 6, the same day the federal restraint and seclusion data were released.

The group's first report led to congressional hearings, a request from U.S. Secretary of Education Arne Duncan that states develop or revise policies governing their use, and a Government Accountability Office report. Bills that would regulate and limit restraint and seclusion have been introduced in Congress, but they have stalled. In the meantime, states have passed a patchwork of laws regulating those practices on their own.

In its latest report, the disability-rights network calls on the Education Department to produce clear guidance on when restraint and seclusion should be used. The department said last week that it was developing a technical-assistance paper outlining best practices for using restraint and seclusion.

Necessary Tool?

Not everyone agrees that such methods need federal regulation.

Last week, the American Association of School Administrators issued its own report, "Keeping Schools Safe: How Seclusion and Restraint Protects Students and School Personnel." It relates incidents in which restraining students was delayed and the result was injuries to teachers and administrators severe enough to prompt visits to the emergency room.

It also cites parents who attest that, without the use of restraints and seclusion, their children would have been institutionalized.

"This is not something schools use to punish children," said Sasha Pudelski, the government-affairs manager for the Alexandria, Va.-based AASA. "It's something the school used when behavior-management techniques fail and the situation becomes untenable."
The AASA does not support any federal legislation on the issue, but Ms. Pudelski admitted that sometimes the practices are misused. "The unfortunate reality is, there are individuals in school systems that make a variety of mistakes—sometimes intentionally—that hurt children," she said. "We would never support those actors."

The proposed legislation provides for training, which may be lacking in some cases where students or staff were injured, said Lindsay E. Jones, the senior director of policy and advocacy services for the Arlington, Va.-based Council for Exceptional Children.

A common thread in those scenarios, Ms. Jones said, is that the class is large, the teachers and other staff members are inexperienced, or the educators involved are general education teachers who haven't had any training about restraint and seclusion.

"When you have a well-trained professional in that room, they recognize signs of escalation sooner," she said. "The situations are much less likely to escalate. The whole point is to stop it from getting there."

She said the new data will inform a conversation that, until now, has been based largely on news reports and on stories shared by school employees and parents.

"Right now, all we have are dueling anecdotes—and they're all awful," Ms. Jones said. "This is a step in the right direction."

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