



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 387		DATE: 2/9/2021	
COMMITTEE: Elementary and Secondary Education			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: AMY GOTT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
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EMAIL: pxlranger@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/9/2021 2:15 AM	
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I want to share one of the many experiences my son has had in regards to seclusion & restraint. Hayden son was in 2nd grade...the year of continued retaliation. When I arrived to the school, I was informed I would need to take my son to be evaluated for "self-harm." The majority of the details were not disclosed to me at that time, including the fact the he had received the Heimlich Maneuver prior to my arrival. At the psychiatric facility, I had to place all my belongings in a locker, including my phone, to accompany my child for interview. Upon his discharge, three hours later, I checked my email....and that's when I learned what happened...according to the school. The following is the sequence of events I put together from my son's statements & the school's email: Hayden was upset he was left out of another field trip his SPED class was taking without him (despite my disagreement in IEP meetings). He was "escorted" to the "green room" to "process" his exclusion and to be restrained. The "green room" was a padded seclusion/restraint room the district denied existed to the public. The heavy door had a small marred viewing window with a crack running the length and a single sided door handle. Having been to the green padded room many times before, he knew what this room meant. They would call all staff available over radio as he waited (calm or not) to be restrained. He picked at a small hole he found in the green padding as he waited and removed a piece of foam. It was squishy. He put it in his mouth--much like his fingers or toes until he was 6 years old; later, it was the corners of blankets, the neckbands of shirts and gum--fulfilling the proprioceptive need. He continued to chew on the foam like gum. When school staff finally saw what he was doing, they yelled at him to spit it out. He choked as he jumped at the sudden yelling. It lodged in his throat & he required the Heimlich Maneuver...and then they proceeded to restrain him. It ended up being a convenient excuse to continue the (pre-planned) restraint as self-harm. There was a lengthy IEP meeting that followed. I asked for restraint to be removed from his IEP multiple times prior to this and each time I received his IEP, it remained in place. The abuse of SPED children is wide spread...and when the district thinks they might be held accountable, they simply make referrals to the juvenile office (the pipeline to prison) in an attempt to remove the liability--the child.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:
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CITY:		STATE: ZIP:
EMAIL: ArnieDienoff@Yahoo.Com	ATTENDANCE: Written	SUBMIT DATE: 2/9/2021 10:36 AM
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I am in Support of this Bill



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WITNESS NAME			
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We appreciate Rep. Bailey bringing HB 387 before the committee today. Kids Win Missouri supports the need for setting guidelines at the state level for seclusion and restraint policies. We support legislation's outlining of notifying parents or guardians within 24-hours of the occurrence and the ability to learn all possible details of the incident. Many districts currently require this in 5-days---a week after the incident has taken place. Additionally, we appreciate the collecting of data at the statewide level to ensure that these techniques are used in exceptionally rare cases to ensure the immediate health and safety of children and staff. Kids Win Missouri would be remiss if we didn't take the opportunity to discuss the need for additional mental health supports for our children and staff when these strategies are implemented. These techniques, even when used properly, can cause trauma and reinforce difficult aspects of our children's lives. To best serve our children, staff also need the opportunity to reflect, learn, and practice self-care after an incident. We look forward to working with Rep. Bailey on the passage of this legislation. I can be reached by email at CStevenson@kidswinmissouri.org or by phone at 573-397-1274 should there be questions for me. Thank you for your time.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: CYNTHIA RAMSEY		PHONE NUMBER:
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Human beings were not intended for isolation or seclusion. There are countless research studies about the negative mental, emotional and physical dangers of isolation and seclusion on people at all ages and stages of life. Missouri schools should be a safe place to learn for all students. Even when a student may need extreme interventions, we must protect them from further harm by the methods used. For DESE to have a model Seclusion, Isolation, and Restraint policy is not enough if school districts don't have to adopt it. Seclusion and restraint are traumatic and there are risks involved with using them; they should be used in the rarest of occasions. Strong policies protect teachers and students. State law needs to set boundaries. It needs to define what constitutes seclusion and restraint and what needs to happen when these practices are used. It needs to protect students. It needs to inform and educate and involve parents. We have far too many news stories covering the harm, injury and even death of students from improper seclusion, isolation and restraint in Missouri. Those stories must stop with this legislation.



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WITNESS NAME			
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WITNESS NAME: E. BRIANA CONLEY		PHONE NUMBER: 314.289.4304	
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Testimony before the House Elementary and Secondary Education Committee February 9, 2021 Submitted by E. Briana Conley Paraquad, Inc. 5240 Oakland Ave, Saint Louis, MO 63110 (314) 289-4200 bconley@paraquad.org TESTIMONY IN SUPPORT OF HB 387 Paraquad would like to thank the Chair and members of the House Elementary and Secondary Education Committee for allowing us to submit testimony, as well as Representative Bailey for sponsoring this vital legislation. Paraquad is one of the oldest and largest independent living centers in the country. Centers for Independent Living are unique because more than 50% of our board and staff are people with disabilities – we are the experts when it comes to disability policy and programs. Paraquad’s mission is to champion equity and independence for people with disabilities through services, partnerships, education, and advocacy. Equity and independence apply to children with disabilities as well as adults. HB 387 addresses the practice of ‘restraint and seclusion’ that many children with disabilities experience in schools. This bill modifies provisions relating to restraint and seclusion policies in public schools, charter schools, and publicly contracted private providers. This bill defines restraint and seclusion, requires schools reserve their use for situations or conditions in which there is imminent danger of physical harm to the student or to others, prohibits practices that are designed to inflict pain or that could result in a lack of oxygen or circulation, and requires parents to be notified within one hour after the end of the school day on which any use of restraint or seclusion involved their child. Among other things, this bill also mandates that any use of restraint and seclusion is documented in a report detailing the reasons why the action was taken, along with the names, roles, and certifications of each employee involved. It would also require the school to provide a copy of the report to the student’s parent or guardian within five school days, and to provide a copy of each incident report to the department of elementary and secondary education within 30 days. All these provisions will help ensure that the practice of restraint and seclusion is only utilized in rare situations when the safety of individuals as at stake. Research has consistently shown that restraint and seclusion do not improve a student’s academic performance or behavior. However, it is well-documented that schools use these inappropriate techniques as a fall back rather than take the time to implement positive behavioral supports. We have heard from some parents that their children experienced PTSD because of use of these tactics. Students are often harmed because of these practices and in some states, students have even died when restrained. Below are links to several news articles about how this issue is directly impacting students with disabilities in Missouri.

- [MO school using padded rooms to subdue special-needs children \(July 2018\)](#)
- [Disabled boy found strapped down to wheelchair at school; caregiver wants answers \(April 2018\)](#)
- [Independence parents ‘furious’ that school puts elementary kids in isolation rooms](#)

We know that the use of restraint and seclusion is a problem in the United States and Missouri.

Adoption of HB 387 will move Missouri forward in its use of proper behavioral interventions for students with disabilities. Respectfully Submitted, E. Briana Conley Public Policy and Advocacy Manager Paraquad



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ELIZABETH SCHOLLE		PHONE NUMBER:	
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August 28th, 2019 is a day I will never forget. I got a call from my son's school (Kirksville Primary School) saying I needed to come that he was pooping and smearing it all over the place. When I arrived at the school the staff told me that he was in the sensory room they had changed into a safe room with the door being held shut. That is all I knew at the time. I kept asking what happened and no one could give me a clear answer. The head of the SPED department was there, the principal of the school was there, the behaviorist and his SPED teacher. I trusted these professionals and figured it was best my son did not see me and we come up with a plan as a team to get him calmed down. But, when I got there he was calm. I felt it was important to support the school and let my son know he had to listen to them. So I told the staff to have him clean up the poop. Then I talked to him (more at him) and he went back to school. I later found out what happened my son had said the "f" word along with several other children at the lunch table and been moved to this room to calm down. The behaviorist told him when he was ready to talk to let her know. He then stood on the table and then knocked some chairs over. The behaviorist did a two person carry with the paraprofessional and put him in what is normally the sensory room. They held the door shut on him. He had a little window he could see out of if he stood on his tip toes. He was held in that room for a total of 1 hour and 45 minutes. I was not called until 1 hour and 30 minutes had passed. He pooped in there for two reason one as a call for help and another because he had to go to the bathroom. He was terrified! I did not get the real story of what happened to him for another 5 days at his IEP meeting I called for him. This was after he was put in that room 3 more times. If I had known on that day why he was put in there and how long he had been in there I would have handled things very differently. The damage emotionally that day and the ones to follow did to my son we have been working through with him for years with a child psychologist and other therapists. The last time he was put in the room it was his 7th birthday. He cried himself to sleep that night and I could not help but remember how great my 7th birthday was compared to his. I decided on that day that I could not trust these "professionals" anymore and I had to figure something else out for him. He did homebound schooling through the district until I got him into a virtual schooling. I had to quit my job and stay home with him to be virtual schooled. He is missing out on socialization with peers, therapies and so much more that he needs through the school district. But, not only is he terrified to go back to that school but I have lost my trust in their ability to care for my son. If I had locked my son or any of my children in a room for 1 hour and 45 minutes I would have served jail time and only be seeing them through visitation with a social worker present and rightfully so! Why should schools be held to a different standard than parents? Terrifying children rather than learning to teach them to regulate their emotions is a huge mistake. I fear if there is not change in school systems across the state of Missouri we are going to see a huge increase in prison populations. We must teach these kids not lock them up and petrify them. I was told by the district they would continue to put children in rooms when they see it as necessary. I was also told there is training for teachers and staff

for deescalating children but it is optional. These trainings need to be mandatory. Not every parent has the option of pulling their child out of school and virtual schooling or homeschooling. I worry about all the children who are getting emotionally damaged by being locked in a room or the door being held shut. Honestly, whether a door has a locking mechanism on it or someone is holding the door shut makes no difference to a child emotionally. They are trapped and they are scared! They also are not learning emotionally or academically which is the reason to attend school in the first place. Something has GOT to change in our state and NOW!



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: GARRETT WEBB		PHONE NUMBER: 219-229-1104	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: HEIDI GEISTUHLER SUTHERLAND		PHONE NUMBER: 573-636-5151	
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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JESSICA		PHONE NUMBER: Seitz	
BUSINESS/ORGANIZATION NAME: MISSOURI KIDSFIRST		TITLE: DIRECTOR OF PUBLIC POLICY	
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Missouri KidsFirst is the statewide network of Missouri’s 15 regional Child Advocacy Centers (CACs) and the state chapter of Prevent Child Abuse Missouri. Missouri KidsFirst advocates for policies that prioritize the safety and well-being of children and improve the system response to child abuse in our communities. Today, we appreciate the opportunity to express our support for House Bill 387. It is our position that this legislation better enables adults to protect children from the trauma and abuse that can come from the unregulated and improper use of restraint, seclusion and isolation in schools. Traumatizing experiences, which include the use of seclusion and restraint, can affect children’s brain development and behavior. Emotional trauma from these incidents can also result in an increased Adverse Childhood Experience (ACE) score. ACEs create toxic stress, which even in low levels has been shown to damage the developing brain of a child and affect overall health. Research also shows that jumping to restraint and seclusion without first implementing positive behavior supports may actually reinforce aggression in students instead of guiding them to manage their emotions and interact with others in a healthy way. Furthermore, improper restraint and seclusion disproportionately affect children with disabilities who are especially vulnerable to abuse, neglect and the associated trauma. Behaviors resulting from trauma can create challenging and sometimes dangerous situations for the child, providers and educators. Secure relationships with trusted teachers and paraprofessionals are essential to building resilience and improper restraint and seclusion can irreparably harm those relationships. According to the 2019 report *How Safe is the Schoolhouse?*, published by the Autism National Committee, Missouri is one of only nine states that have extremely weak or no protections in law or statute regarding restraint and seclusion. Under the proposed legislation, Missouri’s school districts would be required to adopt and enforce strong policies that protect both students and teachers. Parents of children who experience improper restraint or seclusion would have legal recourse outside of due process and allow them to better hold school districts accountable. The reporting requirements included in the bill allow increased public and parent oversight, in addition to helping school districts develop benchmarks to reduce restraint and seclusion in Missouri’s schools. Thank you to the members of the Committee for their consideration.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: KENDALL MARTINEZ-WRIGHT		PHONE NUMBER:	
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Salutations to the Chair and members of this committee. I am Kendall Martinez-Wright representing myself, and I go on record in support of HB 387. This bill is a great bipartisan bill and I am a firm believer that schools should better suit various issues in regards of behavioral issues with the students.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: MICHELLE RIBAUDO		PHONE NUMBER:	
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EMAIL: mribaudo@gmail.com		ATTENDANCE: Written	SUBMIT DATE: 2/9/2021 7:55 AM

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Chairman Bayse and committee members, My name is Michelle Ribaudó from Columbia. First, thank you for hearing this important bill. Children in Missouri need protection from improper use of seclusion and restraint. It should be noted that this bill is not banning the use of seclusion and restraint, but is putting in place clear definitions. The lack of clear definitions has led to poor policies in our school districts, which puts children at risk. Jessica Butler, a mother of a child with autism and attorney, did extensive research into the various state laws around seclusion and restraint. She put all of this data together in her July, 2019, publication *How Safe Is the Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies*. This report shows that Missouri has such “limited, weak protections that they are not at all like those that provide meaningful protection.” In case you are wondering, the other bottom states are Nebraska, South Dakota and Washington DC. The current law in Missouri has “nonbinding guidelines and no meaningful laws for children” according to Baker. This needs to change. In addition to definitions, parent notification is also very important. Children may not or may not be able to tell their parents about an incident, so it is important to ensure that parents are notified the day an incident occurs followed by a written report in a short amount of time, which should be specified in the law. Butler indicates that “there is a crucial, short window to seek needed medical and other care for concussions, hidden injuries and psychological harm.” Honest, parental notification is key to helping parents and educators work together. These rooms are in schools today, so we need to put definitions in place to protect the children of Missouri. Many people believe that this does not happen in their district; however, it is happening throughout Missouri. We hear from families across the state with many commonalities. The issue is usually around seclusion being used as a punitive measure instead of an emergency situation, extended time in seclusion rooms, lack of parent notification, and child coming home bruised and injured. A stronger law needs to be put into place to protect these children. Thank you.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MO DEL VILLAR		PHONE NUMBER: 8169296616	
REPRESENTING: AMERICAN CIVIL LIBERTIES UNION OF MISSOURI		TITLE: LEGISLATIVE ASSOCIATE	
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THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

House Committee on Elementary and Secondary Education Chairman Bayse HB 387 Hearing Room 5 February 9, 2021 Dear Honorable Representatives, Thank you for allowing me to present written testimony today. On behalf of the American Civil Liberties Union of Missouri and our approximately 15,000 supporters statewide, I would like to express our support for HB 387. HB 387 allows us to keep our schools safe while protecting the interests of students and respecting parents' rights to advocate for their children. This bill will uphold constitutional freedoms. Students, just like adults, have the right to be free from unreasonable searches and seizures under the 4th Amendment. Students do not "...do not 'shed their constitutional rights at the schoolhouse door'" and have a right to be free from excessive force. Moreover, under the 14th Amendment, students have a right to due process. In the case of seclusion, if that seclusion is unreasonable, it could constitute a violation of a student's right to due process. Within this framework, HB 387 becomes essential. We can better protect liberty if we establish clear policies preventing the abuse of restraint and seclusion practices. Missouri is engaged in an important statewide conversation about how to provide the best education for all its young people. What has become clear during the course of this conversation is that students cannot learn when they do not feel safe. We have spoken with families across the state who have been impacted by the use of restraint and seclusion. We have met children who are afraid to attend school for fear of being locked away in a closet and parents who were never notified that their children were suffering these experiences. By providing clear language about the appropriate notification and deployment procedures for extreme forms of discipline, such as restraint and seclusion, HB 387 ensures that these tactics are rarely used and used only with clear communication between schools and families. HB 387 would require that all parties present or involved in an instance of restraint and seclusion complete a detailed report. This provision will allow Missouri to gather data about these practices that can be used to improve education across the state. Additionally, HB 387 would require school districts to notify parents or guardians within 24 hours when their children have been subjected to restraint or seclusion. This provision will ensure that parents are informed about their child's experiences while in school and gives parents the resources they need to adequately care for and advocate for their child. As noted by the U.S. Department of Education, informing parents as soon as possible " ensures that parents are fully informed about their child's behavior and the school's response and helps parents participate as informed team members who can work with their child's teachers and other school staff to determine whether the behavioral supports at school and at home, including prevention and de-escalation strategies, are effective." HB 387 will also add needed scrutiny to persistent inequities in school discipline. Restraint and seclusion practices significantly impact students with disabilities. For example, during the 2015-16 school year, Missouri's students with disabilities (i.e., IDEA students) were nearly 10 times more likely to be subjected to restraint compared to their non-IDEA peers. There were

at least 2,676 students subjected to restraint, 59% of which were IDEA students; and there were at least 5,841 separate instances of restraint, 65% of which involved IDEA students. These numbers are particularly striking given that IDEA students made up only 13% of Missouri's total student body. This disproportionality is even more alarming in the case of seclusion. Missouri's students with disabilities were 27 times more likely to be subjected to seclusion compared to their non-IDEA peers. In the 2015-16 school year, there were at least 640 students subjected to seclusion, 80% of which were IDEA students; and there were at least 2234 separate instances of seclusion, 93% of which involved IDEA students. The disparities continue for students of color. Our report on the School to Prison Pipeline found that Black students in Missouri were much more likely than their White peers to be disciplined at school. This same trend is apparent in the restraint and seclusion data. During the 2015-16 school year, Black students were more than twice as likely as their White classmates to be subjected to physical or mechanical restraint and nearly three times more likely to be subjected to seclusion. These data provide further evidence of Black students being deprived of educational opportunities at much higher rates than their White peers. This disproportionality comes at great cost to Missouri's students, however, it also imposes a cost on every taxpayer. Recent data from DESE indicates that it costs \$11,249 to provide a student with one year of education. Every time a student is subjected to restraint or seclusion they are losing vital instruction time which has negative consequences for their academic performance. Based on current data, if even one percent of the students who are subjected to restraint and/or seclusion repeated a year of school as a result of lost classroom time it costs the taxpayer \$373,017 per year. Missouri cannot afford to continue our current practices. Restraint and seclusion have serious, long-term consequences, and there is no evidence to indicate that these practices are effective at improving behavioral outcomes. These tactics contribute to the school to prison pipeline. We must act immediately to address these systemic disproportionalities and ensure students' rights are being protected. We strongly urge you to support this legislation and look forward to answering your questions. Sincerely, Mo Del Villar Legislative Associate ACLU Missouri



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: ROBYN T SCHELP		PHONE NUMBER: 6604413260	
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Seclusion and restraint are dangerous practices which need to be limited to emergency situations only. Missouri is one of 16 states which allows seclusion in non-emergency situations either explicitly or through a loophole in the law. Currently MO requires that schools adopt a seclusion and restraint policy but there are little guidelines on what it must say. The DESE model seclusion and restraint policy is just that--an option model. Many school policies will say that they ban seclusion but this is misleading. Many districts have recently changed the definition of seclusion in their policies. MSBA's suggested policy now states, "The confinement of a student alone in an UNATTENDED enclosed space from which the student is physically prevented from leaving by locking hardware." The word "unattended" has been added within the last few years. By doing this, it is not considered seclusion when a student is alone in a locked room but watched through a window or a camera. Independence School District goes so far as to clarify this loophole in its policy. This is very concerning. Students be locked alone in small spaces and as long as someone is watching from a window or a camera, it is not seclusion. It is considered time-out. Parents do not have to be notified. It does not have to be reported to the district or to DESE. There are no guidelines on how long or often this can be done. This bill defines seclusion and restraint, as well as places guidelines on the use of the practices. School seclusion and restraint policies need the strength of the law behind them so students can be protected.



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 387		DATE: 2/9/2021	
COMMITTEE: Elementary and Secondary Education			
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input checked="" type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
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***I am happy to provide a PDF copy of this testimony upon request. A copy will also be available shortly on our website: <https://mostpolicyinitiative.org/legislative-science-notes/-Executive Summary> There is no federal or Missouri law explicitly regulating the use of seclusion and/or restraint as a behavioral intervention in schools. The United States Department of Education recommends that seclusion and restraint are used rarely and only during crisis/emergency situations. The inappropriate use of seclusion and restraint is associated with negative health and behavioral outcomes and disproportionately impacts students with disabilities and students of color. HB 387 would prohibit all publicly funded schools from using restraint and seclusion for any purpose other than situations or conditions of imminent danger or physical harm. It also establishes reporting requirements for instances when seclusion or restraint is used. Highlights • Inappropriate use of seclusion and restraint is associated with negative physical and mental health consequences, including serious injury and death in some cases. • Seclusion and restraint are disproportionately applied to students with disabilities served under the Individuals with Disabilities Education Act (IDEA) and students of color. • Positive behavioral interventions and supports (PBIS), which include preventative behavioral support plans and appropriate de-escalation training for personnel, can address the behavioral events usually leading to seclusion and restraint. • Missouri does not have statutory restrictions on the use of seclusion and restraint in schools. The Missouri Department of Elementary & Secondary Education (DESE) currently provides nonbinding guidance that can be adopted and modified to create a policy per each individual school district. Limitations • Instances of seclusion and restraint are likely underreported by schools/districts. The United States Government Accountability Office (GAO) also notes that quality control within federal data sets is limited, which may also impact national statistics. Research Background Use of seclusion & restraint in schools Seclusion and restraint are used as a behavioral intervention within some schools. The Civil Rights Data Collection (CRDC) defines seclusion as the “involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving,” not including time outs. Physical restraint refers to action that “immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely,” while mechanical restraint utilizes a device or equipment to restrict a student’s freedom of movement, excluding medical assistance tools and seatbelts. 1 Based on CRDC data, in the 2015-2016 school year in Missouri, schools physically restrained 1,990 children, secluded 554 children, and mechanically restrained 116 children. 2 The US Department of Education recommends that seclusion and restraint are only used in emergency situations to prevent imminent and serious physical harm to the student or others. 3 However, there are several examples of seclusion**

and restraint interventions being inappropriately used in states across the country.⁴⁻⁷ Recently, the Government Accountability Office (GAO) highlighted several shortcomings with federal seclusion and restraint data sets, including underreporting and incorrect reporting.⁸ Disparities by disability and race. Seclusion and restraint tend to be disproportionately used on students with disabilities.⁹ As of the 2015-16 school year, 81.4% of all seclusion interventions in Missouri's public schools impacted students with disabilities under IDEA.² Similarly, 59.1% of physical restraint and 25% of mechanical restraint interventions affected students with disabilities. Students of color, regardless of disability status, also are more likely to receive seclusion and restraint interventions compared to their white peers.² Mental and physical health impacts. Seclusion and restraint interventions can risk the physical safety and mental well-being for both teachers and students. In 2009, testimony to the US Congress highlighted several examples of injuries and death that resulted from seclusion/restraint practices.⁵ Similar testimonies with additional examples were provided in subsequent years.^{6,7} Frequent reports refer to the mental health impacts on students, including exacerbating inappropriate behaviors and associating fear, pain, anger and trauma with physical restraint.^{10,11} Alternative behavioral interventions. There is little evidence that seclusion and restraint improve behavior; rather, in some cases these techniques can make behavior worse.¹⁰ In 2018, the US Department of Education's Office of Special Education Programs (OSEP) and Office of Elementary and Secondary Education (OESE) granted \$32 million to continue funding for the Technical Assistance (TA) Center on Positive Behavioral Interventions and Supports (PBIS). PBIS policies include ongoing professional development for de-escalation training, social-emotional support and self-regulation training for students, and prevention-based adjustments to school environments.¹² Students with special needs may also receive individualized planning and support that is meant to reduce the need for behavioral interventions and improve the student's quality of life.¹³ Clear guidance and improved reporting in school settings will be central to improving knowledge about best practices for effective and safe behavioral interventions.

School seclusion & restraint policies in the United States Missouri has defined laws for seclusion and restraint of school-age children in mental health facilities (RSMo 630.175), but not within schools. Missouri is one of three states (also NE and SD) with the fewest statutory restrictions on seclusion and restraint in schools.¹⁴ Currently, RSMo 160.263 provides general, nonbinding guidelines (or suggestions) for treatment of restraint and seclusion. DESE provides a model for developing guidance that can be adopted and modified to create a policy per each individual school district. These nonbinding guidelines recommend seclusion be allowed for threats of physical harm, destruction of property, for reasons stated in the IEP, Section 504 plan, or behavior intervention plan. Under current law, solitary locked seclusion is only banned unless awaiting law enforcement, but this does not necessarily include seclusion where the exit may be blocked. Many states have adopted policies similar to those proposed in the failed Keeping All Students Safe Act of 2009, which prohibited the use of physical restraint and seclusion, except in emergencies, and required written and verbal notification to parents or guardians.¹⁵ Protection laws against seclusion and restraint may not apply to all children and vary between states; nonbinding guidelines permit different policies between school districts and lead to greater variability within states than across states.¹⁶ As of July 2019, 30 states have laws providing protections against restraint and seclusion for all children; 39 states have protections for children with disabilities. Ten out of 13 Midwestern states have protection laws against seclusion and restraint (Table 1).¹⁴

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