

Promoting Positive Behavior Intervention and Support and Limiting Restraint and Seclusion in Wisconsin Schools

Bill Summary

Why is this bill necessary?

Wisconsin parents and teachers have been contacting disability rights groups for many years to raise concerns about the use of restraint and seclusion in schools. These reports reveal that restraint and seclusion are harming children's academic progress and causing physical and emotional harm to children. Teachers describe feeling inadequately trained to restrain students. Parents share startling stories of the physical injuries and emotional trauma their children have experienced due to restraint and seclusion. For example, a 9 year-old boy attempted suicide after being secluded. A 16 year-old boy's elbow was broken in multiple places during a restraint. A 7 year-old girl died when she was improperly restrained.

Disability Rights Wisconsin, Wisconsin FACETS, and Wisconsin Family Ties are calling for legislation that will end the unregulated use of restraint and seclusion in schools. Research shows that encouraging schools to use Positive Behavior Intervention and Support (PBIS) can prevent the need to restrain and seclude students, and this bill calls for support for this approach. The bill also restricts dangerous practices in restraining and secluding students, sets standards for training, and requires documentation of incidents and reporting to parents and the Department of Public Instruction.

Are Wisconsin schools required to use Positive Behavior Intervention and Support (PBIS), and are schools restricted in how they may use restraint and seclusion?

No. Wisconsin currently has no laws in place to promote the use of PBIS or to regulate the use of restraint and seclusion. The Wisconsin Department of Public Instruction has issued "Directives for the Appropriate Use of Seclusion and Physical Restraint in Special Education programs", but the Department has no legal authority to force schools to follow these guidelines. Meanwhile, in the past ten years, 19 other states have enacted laws or regulations that govern the use of restraint and seclusion.

How does the bill address the problems created by unregulated restraint and seclusion?

1. This bill *supports academic progress.*

This bill promotes the use of positive behavior intervention and support in schools, which will also improve educational outcomes for all students. The bill will also safeguard against the misuse of physical restraints and seclusion to prevent harm to students and staff. Research shows that Positive Behavior Intervention and Support (PBIS) is an effective method of managing behavior to avoid emergency situations that lead to restraint or seclusion. Students supported with PBIS also are likely to reach higher levels of academic achievement and improved behavior.

When physical restraints and seclusion are used on students, these students are not engaged in learning activities, their educational progress is placed at-risk, and their behavior often deteriorates. Except in limited circumstances, this bill requires schools that use restraint and seclusion to use them only as an emergency measure when other positive and less restrictive measures have failed.

2. This bill *protects students by restricting dangerous restraint and seclusion practices.*

In the bill, the use of physical restraint is allowed only under limited circumstances (e.g., breaking up a fight) and in an emergency. Seclusion in a locked room is strictly prohibited. The area used for seclusion must also meet minimum requirements to protect the child's safety, including the following: be free of objects with which a student could self-inflict bodily harm, allow for staff supervision, and be equipped with adequate ventilation and lighting. School staff must continuously monitor students who are being restrained or secluded and may not allow the seclusion or restraint to continue for more than 15 minutes at a time, unless the emergency continues to exist.

3. This bill *requires schools to train staff and keep records on restraint and seclusion.*

The bill requires all school employees who may use restraint or seclusion to complete training on their proper use. Whenever restraint or seclusion are used, school staff are required to document information about the incident, including how long the restraint or seclusion was used, the name of the student, the names of staff involved, and any resulting injuries. Finally, the bill also requires all schools that use restraint and seclusion to prepare and file with the Department of Public Instruction written reports about their use of seclusion and restraint.

4. This bill *gets consent from parents and keeps them informed.*

The bill requires that parents of students with behavioral disabilities consent to the use of certain methods of restraint and seclusion before they are used on their child. The school is also required to notify all parents when their child has been restrained or secluded on the same day that the child was restrained. Schools are required to provide all of the information recorded in the school documentation to the parent. Students who have an Individualized Education Plan (IEP) are entitled to a review of their plan after restraint or seclusion have been used, and students who do not have an IEP are entitled to a review of whether the student would benefit from special education or other special services.