



# What's the Big IDEA? # 20

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

## Restraint and Seclusion

At this point in time there are no federal laws, including IDEA, which specifically prohibit the use of restraint and seclusion in the public schools. However, if parents are concerned about the use of restraint or seclusion, there are steps they can take that are within the current framework of IDEA. First of all, make sure the topic is discussed at your child's Individualized Education Program (IEP) meeting. If you have strategies that work at home and you would like them implemented at school, make sure they are clearly described in the IEP. You will want to ensure that any type of restraint is only done by personnel who have been trained and certified in the particular restraint procedure. Guidance from the New Mexico Public Education Department states that any use of restraint and seclusion must be carefully monitored and done in accordance with the IEP process. As you meet with the IEP team, keep in mind that neither restraint nor seclusion is considered an educational tool. Neither helps a child learn new skills to manage or improve his/her behavior. The following definitions and much of the information in this fact sheet comes from the guide, *Shouldn't Schools Be Safe?* which is published by TASH, an advocacy organization for people with disabilities. The complete guide is available for download at: [http://tash.org/wp-content/uploads/2011/05/TASH\\_Shouldnt-School-Be-Safe1.pdf](http://tash.org/wp-content/uploads/2011/05/TASH_Shouldnt-School-Be-Safe1.pdf)

*“Restraint is a type of aversive that involves the forced restriction or immobilization of the child’s body or parts of the body, contingent on a designated behavior.”* Restraint is usually done by either a manual or mechanical method. Manual restraint means an adult is using their hands, legs, or body to keep a child in a restraint position. Mechanical restraint means using a device such as tape, straps, or a blanket to restrict a child’s movement. Be aware that some schools may use different terms for restraint such as: holding, physical support, containment, and hands-on.

*“Seclusion involves forced isolation in a room or space from which the child cannot escape.”* Some other terms for seclusion that you will want to be aware of are: isolation, confinement, exclusion, and extended time out.

**Note:** The New Mexico Public Education Department (PED) does not condone the use of mechanical restraint.<sup>1</sup> The New Mexico Public Education Department (PED) Special Education Office (SEO) “does not condone the use of time-out as a punishment for negative student behavior or as a means of removing the student indefinitely from the classroom setting, as it does not meet the intent of IDEA.”<sup>2</sup>

### *How can I ensure that restraint and seclusion are not used on my child?*

- First of all, make sure that restraint, seclusion, or other aversive practices are not written into your child's IEP or Behavior Intervention Plan (BIP). Help the team develop an IEP or BIP that emphasizes Positive Behavioral Interventions and Supports (see our fact sheet #19 for more information about BIPs). The New Mexico PED guidance requires that parents give written approval for the use of restraint and seclusion except in crisis situations where others are at risk.

- Sign a “No Restraint Letter.” This is a form letter that you can individualize and sign. It states that you do not agree to the use of restraint on your child. You will want to make sure the school has a copy of this letter. You can get a copy from Parents Reaching Out.
- Ask for a copy of the school’s/district’s discipline policy.
- Create a Parent Report to share information about your child with the school staff. You can use the report to describe your child’s skills and communication strategies. You can provide suggestions for ways to help your child de-escalate.
- Communicate frequently with teachers and the rest of the school staff.

***What should I do if I think my child may have been restrained or secluded without my consent?***

- Take your child to a doctor if you see any visible signs of abuse.
- Take pictures of your child’s condition as soon as you can and label the pictures with the date and time.
- Contact the school. Ask to speak to the teacher and principal and request a verbal accounting of what happened. Follow up the verbal request with a written request for a full account of the incident in writing. The school is required to document the incident and to provide you with that documentation.
- If your child sees a mental health professional, you may want to contact that person and have him/her talk to your child.
- You may want to consider reporting the incident to the police or to the New Mexico Children, Youth and Families Department.
- Request a meeting with your child’s IEP team, including the school principal. At this meeting the team should review your child’s BIP, with a focus on preventing a crisis. The team will want to be able to respond to early warning signs with safe, positive interventions. You may also want to ask about training in crisis prevention and de-escalation. What system is the staff trained in? Ask to see dated training certificates.
- You may also want to contact the Office for Civil Rights (OCR) in the U.S. Department of Education to see if an investigation should be considered.

If you have further questions about the use of Restraint and Seclusion in your child’s school, we suggest you contact Parents Reaching Out at 1-800-524-5176 or 505-247-0192 for more information.

<sup>1</sup> PED guidance memo on the use of physical restraint dated March 14, 2006.

<sup>2</sup> PED guidance memo on the use of time-out dated August 7, 2003.

*“What’s the Big IDEA?” fact sheets are developed by Parents Reaching Out under a grant from the US Department of Education, Office of Special Education. Views expressed do not necessarily represent the policy of the US Department of Education and should not be assumed to be an endorsement by the federal government.*