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State Senator Kowalski introduces Legislative Study Resolution on restraining/secluding students in Nebraska’s schools

LINCOLN, Neb. DATE – State Senator Rick Kowalski of Omaha has introduced a Legislative Study Resolution, approved by the Nebraska Legislature, to examine schools’ use of restraint and seclusion statewide, aiming to reduce and/or eliminate the practices in Nebraska schools.

Nationwide, deaths and serious injuries among children who have been restrained or secluded has spotlighted school practices. A 2009 federal Government Accountability Office (GAO) investigation found hundreds of cases of alleged abuse and death related to the use of restraint and seclusion on youngsters during the previous two decades.

“We have a patchwork policy in place in Nebraska and across the country,” said Brad Meurrens, Public Policy Specialist for Disability Rights Nebraska, a statewide advocacy organization. “Nebraska is one of six states around the country who have only guidance on this issue.”

In our state, the Nebraska Department of Education provides non-binding guidance to school districts on the use of restraint and seclusion in schools, leaving little uniformity in regulating the use of the practices. Some school districts, such as Lincoln and Grand Island, have fairly detailed policies. Others, such as Bellevue, do not.

Beyond the risk of physical injury or death, experts consider the practice of secluding or restraining children traumatic and detrimental, Meurrens said. “Secluding and restraining children causes trauma for all involved, including staff and other students. It also compromises the ability of the student being restrained or secluded to succeed in school -- it’s a double whammy for those students.”

The Legislative Study Resolution is expected to examine issues such as the need for more data on restraint and seclusion in schools, more uniformity in reporting incidents of restraint and seclusion, more uniform and consistent training of school employees; how other states are addressing the issue effectively and compassionately, and best practices, such as requiring that parents or guardians be notified if their children or wards are restrained or secluded, and the need for monitoring a child while in restraint or seclusion for safety.

“Nebraska’s students deserve more protection from the use of restraint and/or seclusion than merely unenforceable advice,” Meurrens said. “Nebraska needs to join the many states that have taken legislative action on reducing these risky practices.”

There are no federal laws governing the use of restraint and seclusion in U.S. schools. The GAO’s 2009 investigation reported that children were restrained as a disciplinary measure, even when their behavior appeared not to be aggressive. The same study reported that children with disabilities were at particular risk of being restrained and/or secluded.

Data collected by the Office of Civil Rights, U.S. Department of Education, shows that nationwide, public schools self-reported just over 1,000 instances – 1,017 – where students with disabilities were subject to physical restraints. During the same period, schools around the country self-reported over 2,000 – 2,119 – instances where students with disabilities were subjected to seclusion.

“We have no idea how many people have been injured, including staff,” Meurrens said. “We need baseline data and on-going reporting.”

Disability Rights Nebraska’s report, “At Risk with Only Guidance For Protection – Restraint and Seclusion Policy For Nebraska Students,” is available on the Disability Rights Nebraska website at <http://www.disabilityrightsnebraska.org/about_us/success_stories_2/school_not_to_hurt.html>. It can also be found by visiting Disability Rights Nebraska.org, clicking on REPORT, then on Restraint and Seclusion in Schools, then on “At Risk With Only Guidance For Protection – Restraint and Seclusion Policy For Nebraska Students,” which is below “School Isn’t Supposed to Hurt.”

A copy of Kowalski’s Legislative Resolution 314 is available on the Nebraska Legislature’s website, <http://nebraskalegislature.gov/bills/>. Under Search Bills and Resolutions, type LR 314 in the Document Box.

For more information, contact Brad Meurrens, Public Policy Specialist, Disability Rights Nebraska.