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Testimony of Sarah Eagan, Child Advocate, State of Connecticut
In Support of Raised Bill 927, An Act Concerning Seclusion and Restraint in Schools

February 24, 2015

Senator Bartolomeo, Representative Urban, distinguished members of the Children's Committee:

The Office of the Child Advocate appreciates the opportunity to offer this testimony today in support of Senate Bill 927. The mandate of the Office of the Child Advocate (OCA) includes evaluating the delivery of state funded services to children and advocating for policies and practices that promote children's well-being and safety.

OCA strongly supports Senate Bill 927 which would begin to reduce the unnecessary use of restraint and seclusion for children in schools. The Office of the Child Advocate is concerned about the use of restraint and seclusion for children for the following reasons:

1. Restraint and Seclusion are harmful for children and have caused injury or even death when used inappropriately or unsafely.
2. Restraint and Seclusion **increase** rather than decrease the likelihood of staff injury.
3. Restraint and Seclusion are **not shown** to be effective as therapeutic behavior interventions.
4. Restraint and Seclusion practices may **be reduced or even eliminated by the use of evidence-based prevention** and intervention frameworks, including Positive Behavior Supports, the Six Core Strategies, and increased support for children's functional skill development.
5. Implementation of evidence-based strategies that promote positive behavior and support children in all areas of development will better serve teachers, schools and all children with or without disabilities in more efficient and cost-effective ways.

Restraint and Seclusion of Children in CT Schools

Over the last 3 years, the Connecticut State Department of Education reported more than 1,313 incidents of a child being injured during a restraint or seclusion, with more than 2 dozen injuries categorized as "serious."

2012-2014: Each year there are more than 30,000 incidents of seclusion and restraint affecting more than 2,500 students.

According to the Connecticut State Department of Education, children who are restrained or secluded in school:

- **May be as young as preschool,**
- **Are identified as eligible for special education due to a disability of Autism or Emotional Disturbance,**
- **Are disproportionately male,**
- **Are disproportionately African-American or Hispanic.**

SENATE BILL 927 is Critical Because Seclusion and Restraint Are Shown to be Traumatizing and Ineffective for Children and Staff

Overwhelming research confirms that restraint and seclusion can physically and emotionally harm children—traumatizing and scaring them, and even worsening behaviors practitioners are seeking to reduce. In 2009, the United States Department of Health and Human Services, issued a report emphasizing that the use of seclusion and restraint is dangerous and traumatic *not only to the individuals subjected to these practices, but also for the staff implementing them.*

Senate Bill 927 is Important Because In 2009, Federal GAO Investigators Reviewed Hundreds of Cases of Alleged Abuse and Death Related to Restraint and Seclusion of Children in Schools

New attention was brought to restraint and seclusion practices in our nation’s schools after a 2009 Federal Government Accountability Report was issued, sounding an alarm after investigators reviewed “hundreds of cases of alleged abuse and death related to the use of these methods on school children during the past two decades.”

States around the Country Are Changing Their Laws and Policies Regarding Restraint and Seclusion in Schools

Recently, states such as Georgia, Ohio, Massachusetts, New Hampshire, and Alaska, to name only a few examples, have issued new policies and laws restricting restraint and seclusion, with Massachusetts issuing sweeping changes—limiting restraint, *prohibiting seclusion*, and increasing oversight—in January, 2015. New legislation is on the verge of passage in Virginia as well.

Senate Bill 927 is Important Because Too Many Children with Developmental Disabilities are Subject to Restraint and Seclusion—a practice that experts say represents “failure” for these children

In 2011, the federal Interagency Autism Coordinating Committee (IACC) issued a public letter to the U.S. Department of Health and Human Services outlining significant concerns regarding the pervasive use of restraint and seclusion for children with autism:

[U]tilization of restraint or seclusion should be viewed as a treatment failure that exacerbates behavioral challenges and induces additional trauma.

There are Effective Measures to Reduce Restraint and Seclusion

We must offer educators the tools they need to support children without using restraint and seclusion. Research and evaluation indicate that dramatic decreases in utilization of restraint and seclusion that can be achieved through implementation of evidence-based strategies such as **Positive Behavioral Interventions and Supports, the Six Core Strategies, and related trauma and expert-informed tiered interventions.**

Senate Bill 927 is Important Because OCA's Recent Investigation into Restraint and Seclusion in Schools Raised Significant Concerns

In 2014 OCA examined the data and reports produced by the State Department of Education, met with state agency officials and leadership, visited numerous educational programs around the state to review practices, and sampled student-specific education records from several schools, both public and state-approved private. **OCA's review focused on the use of restraint and seclusion with elementary-school age children.**

OCA's findings, based on observations, data reviews, field-work, and response to citizen concerns raise significant concern regarding the frequency with which young children with disabilities were restrained or secluded, the lack of documentation or actual compliance with state laws, and the prevalence of unidentified and unmet educational needs for children subject to forceful or isolative measures. Significant concern is also raised regarding the spaces used for seclusion, which have included utility closets, storage closets, and cell-like spaces.

Educational programs varied widely in their ability to provide trauma-informed, expert-driven educational plans for children identified as eligible for special education services due to Emotional Disturbance.

A critical theme underlying the recommendations for this report is the need to identify, evaluate and appropriately educate children in all areas of disability, with an emphasis on social-emotional and functional communication development from the youngest possible age. Reducing restraint and seclusion requires that all children benefit from skilled instruction, with attention not only to academics but also to social-emotional learning and positive behavioral supports. The state must consider requiring and supporting schools in an effort to implement evidence-based, tiered frameworks for prevention and intervention.

OCA strongly advises that given the clear commitment of teachers and administrators to serving the needs of children with disabilities, that critical reforms cannot be achieved *solely* through revision and updating of state laws, but must necessarily incorporate meaningful technical and resource support for professionals working with our most vulnerable children.

Supporting and enhancing the ability of school communities to work capably with special-needs children *and* their caregivers, is a public policy of high and urgent priority. Teachers, administrators, and related providers must have access to the tools they need to assist children at the *youngest ages*, provide guidance to families, and coordinate care with other agencies and community providers. Reliance on seclusion and restraint is a symptom of a *larger systemic challenge*.

Accordingly, OCA is recommending revision to the state's laws regarding restraint and seclusion to accomplish the following:

- 1) Ensure consistency with current research and best practices for children regarding the potential harms of restraint and seclusion;
- 2) Increase monitoring and evaluation of restraint and seclusion; and
- 3) Offer more *support, including training and capacity building, for schools to meet the varied and specialized learning needs of children with and without disabilities*. OCA emphasizes that building capacity and effectiveness does *not always* (though sometimes does) require more dollars over fixed periods of time, but rather requires efficient and strategic planning within available appropriations. Children must be supported in all areas of development from *the youngest possible age*, benefitting from positive behavioral supports, functional skill development and social-emotional learning.

Suggested Amendment for Senate Bill 927

Respectfully, OCA suggests that Senate Bill 927 be restructured as a modification and revision of Connecticut General Statute 46a-150 et seq to ensure a consistent and reliable framework for the use of restraint and seclusion in all child-serving facilities and programs.

Sincerely,

Sarah Eagan, JD
Child Advocate