



**Testimony of Sarah Eagan, Child Advocate, State of Connecticut
In Support of Raised Bill 183, with proposed amended language**

February 26, 2018

Senator Slossberg, Senator Boucher, Representative Fleischmann, and distinguished members of the Education Committee:

This testimony is submitted by Attorney Sarah Eagan, the Child Advocate for the State of Connecticut. The primary statutory obligations of the Office of the Child Advocate (OCA) include investigation, evaluation and reporting regarding the efficacy of publicly-funded services for vulnerable children. OCA also responds to daily calls for help regarding children with specialized needs or who live in state care or under state supervision. OCA meets regularly with lawmakers, policy-makers and other stakeholders to review and advocate for policies and practices that will promote children's well-being and safety.

Raised Bill 183: An Act Implementing the Recommendations of the Department of Education

I. **Bill 183 Clarifies and Reduces Use of Seclusion for Children in Schools**

OCA supports several provisions of Raised Bill 183 which would, in part, assist with continuing to reduce the use of restraint and seclusion for children in schools.

- Restraint and Seclusion are harmful for children and have *caused injury or even death when used inappropriately or unsafely.*
- Restraint and Seclusion *increase rather than decrease* the likelihood of staff injury.
- Restraint and Seclusion are *not evidence-based* as therapeutic behavior interventions.
- Restraint and Seclusion practices can 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.

Restraint and Seclusion of Children in Connecticut Schools

From 2012-2016, the Connecticut State Department of Education reported more than 1,583 incidents of a child being injured during a restraint or seclusion, with approximately 3 dozen injuries categorized as "serious."

**Restraint and Seclusion in Connecticut
2012-2017**

1. Each year in Connecticut there are more than 30,000 incidents of seclusion and restraint affecting between 2,500 and 3,000 students, primarily students with disabilities.¹
2. The highest proportion of children who were restrained and secluded were in *elementary school*.
3. Children of color are disproportionately restrained and secluded.
4. Children are restrained and secluded as early as preschool.

OCA's 2015 Investigation into Restraint and Seclusion in Schools Found Significant Concerns

In February, 2015 OCA published an investigative report regarding the use of restraint and seclusion for over 70 elementary school-age children in a cross-section of educational programs.

OCA's findings included--

1. Lack of documentation or actual compliance with state laws;
2. Frequent unidentified and unmet educational needs for children subject to restraint and seclusion.
3. Significant concerns regarding the spaces used for seclusion, which included utility closets, storage closets, and cell-like spaces.
4. Educational programs varied widely in their ability to provide trauma-informed, expert-driven educational plans for children identified as eligible for special education services.

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.

Research Demonstrates Seclusion and Restraint Are Traumatizing and Ineffective for Children and Staff

In 2009 the United States Department of Health and Human Services issued a report emphasizing that the use of seclusion and restraint is ineffective, dangerous, and traumatic *not only to the individuals subjected to these practices, but also for the staff implementing them.*

Federal Investigators Reviewed Hundreds of Cases of Alleged Abuse and Death Related to Restraint and Seclusion of Children in Schools

A 2009 Federal Government Accountability Report sounded 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."

¹ 74% of students had 10 or fewer R/S incidents during the 2015-16 school year. Forty-six Students were restrained or secluded more than 100 times.

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

In recent years states such as Georgia, Ohio, Massachusetts, New Hampshire, and Alaska issued new policies and laws restricting restraint and seclusion, with Massachusetts issuing sweeping changes that limit restraints and prohibits seclusion in January, 2015.

Too Many Children with Developmental Disabilities are Subject to Restraint and Seclusion—a practice that national experts warn represents educational and treatment “failure”

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.**

It is critical that state laws regarding restraint and seclusion ensure the following:

- 1) **Reflect current research** and best practices for children regarding the potential harms of restraint and seclusion;
- 2) **Elimination of planned seclusion** as a behavioral intervention as there is no evidence to support the efficacy of this practice;
- 3) Clarification that **any use of force with a child constitutes a restraint** within the meaning of state law;
- 4) Clarify the **distinction between “seclusion” and an exclusionary “time-out”** or removal from positive reinforcement;
- 5) Ensure that any child in crisis is continually monitored, and when children continue to struggle, that new assessments are considered and new interventions employed.

OCA is Concerned About a Soft Definition of Time-Out, Which May Still Result in Over-reliance on Isolation for Children with Disabilities. The OCA supports 183 with additional suggested amendments, respectfully offered, that will accomplish the following:

- Add clarification to the distinction between time-out and seclusion.
- Ensure continuous monitoring of a child in seclusion.
- Ensure consistency in the proposed language regarding the elimination of planned seclusion from a child’s IEP (notice the reporting and data collection provisions).

Full text of proposed amendments is submitted electronically to the committee.

II. Bill 183 Strengthens the Ability of the State Board of Education to Ensure

Proposed Bill 183 recommends additional actions that the State Board of Education may take in situations pertaining to teacher misconduct. At this time, the Board may only revoke or deny a teaching certification, but there is no graduated sanction that can be applied. The Proposed Bill brings the Board's available continuum of respond more in line with the regulations applicable to the Department of Public Health's licensure framework. The bill will allow the State to be more flexible and appropriately responsive to evidence of teacher misconduct.