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SECLUSION AND RESTRAINT: SAFE LEARNING FROM A PARENT AND ADMINISTRATOR’S POINT OF VIEW

August 27, 2012 by Jo Lynne Lyon

The following is a guest post by Norman Ames, a former administrator of special education programs. He is the current associate director of Mountain Plains Regional Resource Center, located within the Center for Persons with Disabilities at Utah State University.

My son, Levi, is 6 feet tall, 175 pounds, and has autism. Although he is considered to be on the mild end of the so-called spectrum, he has his moments. My wife and I started to notice these “moments” as he was turning three years old; unpredictable temper tantrums, screaming, scratching, biting, throwing himself on the floor seemingly without any concern for hurting himself or others, suddenly bolting into the streets...as his parents, watching these moments was terrifying.

There would be times when we would have to literally wrap our arms and legs around his body in order to keep him safe from hurting himself or others. At age three and having qualified for special education services we enrolled Levi into a developmental preschool program at our local public school. Almost immediately we became introduced to something called, “The Basket.” The veteran preschool teacher clearly loved her work and was very experienced. We respected her experience and training and were agreeable to the use of physical restraint while he was in the classroom – after all, we had to restrain him at home and we certainly did not want Levi to hurt himself or others while at school!

The Basket hold is a restraint technique that involves having the child sit on the floor with legs stretched out while the adult sits or kneels on the floor behind the child. The adult uses the weight of his or her upper body to lean forward against the back of the child while holding the child’s arms at the side, applying forward pressure and positive control over the child, essentially immobilizing him or her. Levi’s teacher used this technique as part of a larger, strategic plan for behavior modification.

Not only did the Basket provide a way for the teacher to prevent Levi from any further aggression, it also served as a “punisher” for inappropriate behavior. The plan called for positive reinforcement of appropriate behavior and punishment for inappropriate behavior. We learned that the punishment portion of the plan involved the use of the Basket (physical restraint) and also the use of Time-Out (seclusion). After one year of this preschool program, Levi’s incidents of biting, scratching, and head-butting were reduced significantly. For Levi, it worked.

For other students, results have been different, if not tragic.

In July 2009, U.S. Education Secretary Arne Duncan sent a letter to Chief State School Officers addressing his concern over testimony heard by the Education and Labor Committee of the House of Representatives. The committee held a hearing to “examine the abusive and potentially deadly misapplication of seclusion and restraint techniques in schools.” Secretary Duncan stated that he was “deeply troubled” by the testimony and affirmed that the first responsibility should be to “...make sure that schools foster learning in a safe environment for all
of our children and teachers.” He then encouraged each state to “...review its current policies and guidelines regarding the use of restraints and seclusion in schools to ensure every student is safe and protected...”

Leading up to the Education and Labor Committee hearing, the Government Accountability Office (GAO) conducted a month-long research and information gathering project in February of 2009. Results provided to the Committee as part of the hearing including several case studies that are quite disturbing. Ironically to my wife and me, one such case involved the use of the Basket hold, which our son Levi experienced. In this case, the teacher took the student to a time-out room, engaged him in the Basket hold, and the boy died. The cause was not specified in the findings, but the teacher who initiated the Basket hold testified that she thought he was just “playing dead” after she released him from the hold. Another case involved a child suffering bruising and post-traumatic stress disorder after teachers restrained her in a wooden chair with leather straps – described as resembling a miniature electric chair – for being “uncooperative.” The GAO summary gave examples of other cases resulting in injury and even death to children as a result of the use of seclusion and restraint. While severe cases such as these can be considered statistically rare, I am sure that no one would agree that even one instance of harm or death is OK.

So this begs the question, can the absolute safety of children in schools be guaranteed without the use of some kinds of seclusion or restraint? As a school administrator myself, I know that there are no guarantees except for homework and school lunches; absolute safety cannot be guaranteed. There are too many variables in the business of education and the supervision of children. Any business that relies on humans must realistically plan on some mistakes. The challenge is reducing those mistakes to as close to zero as possible.

As I stated earlier, Levi is now much larger than he was when we agreed to the use of physical restraint and seclusion by his preschool teacher. In no way would either my wife or I, or his current teaching staff, be able to put him into a Basket hold now. Thankfully we don’t need to do anything like that at this point for him. We are lucky. But there are parents and school staff who are responsible for the safety (first priority, according to Secretary Duncan) and teaching of students who put themselves and others at risk on a regular basis. So we have to ask, is seclusion and restraint a necessary component to the process of educating students in our schools? If so, how should it be implemented? Who decides what kinds of practices are acceptable? Who should be allowed to implement such practices and what kind of training do they need, if any? Who provides the training? Do parents get a say? Where is the liability?

From the chair that I sit in, both as a parent of a special needs child and as a school administrator, I certainly have my own answers to these questions based on my own personal and professional experience. As evidenced by the findings of the GAO analysis, there is no federal guidance from which states are designing guidelines for local districts. Therefore, the burden of determining appropriate practices and ensuring that learning occurs in a safe environment rests squarely on the shoulders of the school staff, the parent, and the child – in other words, the Individual Education Plan Team.

Parents come to the IEP planning meeting knowing their child best. They need to feel safe in sharing their ideas, concerns, and hopes about their child. They need to be brave in disclosing to the educational staff what works at home and what doesn’t. Professional staff and other IEP team members need to listen to the parents as well as the child. Professional staff also need to be heard and trusted in this process. They will use their training and experience to draw from and give input. They need to use any and all information available to them, including school based evaluation data and parental input to help in the problem-solving of the issue. The two members of the team most concerned, typically the parent and the teacher, may have to be willing to adapt, compromise, and be open to other ideas in order to work out solutions. It’s a process.

So, in the absence of state and federal guidance around Seclusion and Restraint, take comfort in your own ability to determine what is appropriate practice alongside your IEP team members. As long as each member of the team has the best interest of the child at heart, it will work out. In my son’s case, this is what we did. As he enters his sophomore year in high school this year, we are scared, excited, anxious and hopeful – all the same feelings we know his school staff are feeling. We take comfort in that.

**Norman Ames is a 1996 Alumnus of USU’s School Psychology graduate program. Before coming to the Mountain Plains Regional Resource Center he worked in Utah and Washington state public schools as a school psychologist and Administrator of special education programs. He has been married for 24 years and has four boys.**