

Vermont House Committee on Education

STUDENT DISCIPLINE POLICIES

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Your Question:

You asked about policies in other states regarding seclusion and restraint.

ECS Response:

In recent years, many states have enacted policies regarding the practice of restraint and seclusion in school, as discussed at greater length in Education Commission of the States' 2018 [policy snapshot](#) on the topic. Seclusion refers to procedures that isolate a student from others, while restraint refers to the physical holding or mechanical restriction of a student's movement.

In some states, the use of restraint and seclusion is completely prohibited while in other states it may be used by authorized school personnel or in certain emergency situations. According to the National Association of State Boards of Education's (NASBE) [database on Restraint and Seclusion](#), 49 states have a policy in statute or regulation that addresses the use of restraint and seclusion in schools with the exception of specific conditions such as safety threats.

Since 2019, at least 20 bills across 16 states have been enacted regarding seclusion and restraint. In this resource, we present the most common themes we have identified across these enacted bills, highlighting specific state examples of their application. Many of these bills cover multiple themes described here. Please note that the state examples are not exhaustive summaries of their contents, but the summaries we provide are limited to their use of a particular theme. Of the 20 enacted bills we have identified, 11 include some sort of restriction on the use of restraint, and nine include a restriction on the use of seclusion. Thirteen bills include a reporting requirement, eleven have special provisions for students with disabilities, nine include a parental notification requirement related to instances of seclusion and/or restraint, and eight limit the use of seclusion and/or restraint to only special personnel.

We have also sent a separate document with a chart that portrays the presence of these themes across the 20 bills enacted since 2019, as well as hyperlinks to each bill text. This chart also includes three additional themes which we have not discussed here but would be happy to provide more information on if desired: plans or requirements for future reduction or elimination of seclusion and/or restraint, exceptions made for actual or threatened injury, and bills that direct another entity to create guidance on restrictions.

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Bills restricting seclusion

At least nine bills have been enacted since 2019 that restrict seclusion. These bills range in impact, from **Maryland's** outright prohibition on the use of seclusion as a behavioral health intervention by certain public agencies as well as a limitation on its use in nonpublic schools to certain circumstances, to **Wisconsin's** restriction that doors used in seclusion may not have locks or **Colorado's** requirement that seclusion rooms must be continually monitored whether through a window, door, or video camera. **Maine, Maryland, Missouri** and **Oregon** all prohibit the use of seclusion except in certain circumstances such as the imminent threat of injury.

State Examples

Maryland [S.B. 705 \(2022\)](#): This bill prohibits the use of seclusion as a behavioral health intervention by the department of education, local school systems, and schools for the deaf and blind. This prohibition does not apply to the state's Juvenile Services Education Program. Nonpublic schools are also prohibited from using seclusion unless it is necessary to protect from harm, other interventions have failed or would be inappropriate, a qualified practitioner is observing and does not object, and locking and duration requirements are met.

Missouri [H.B. 432 \(2021\)](#): This bill defines seclusion and requires that school discipline policy must reserve confining students in seclusion solely for situations or conditions in which there is imminent danger of physical harm to the student or to others.

Bills restricting restraint

We identified at least 11 states that enacted bills that restrict the use of restraint. Bills restricting the practice of restraint took varied approaches: while some bills, like in **Illinois**, looked to scale back the practice with the goal of reducing its use in schools, others such as **Oregon, Wisconsin, and Maine**, took the approach of setting specific limits or restrictions on its implementation. Some of the state approaches we found include implementing restrictions on specific kinds of restraints including supine, prone, mechanical, or chemical restraints. We found that at least six states ban or significantly restrict the use of prone restraints, and 3 restricted the use of supine restraints.

We also saw states setting limits around when the practice can be used, often only in the case of an emergency or imminent danger, when other interventions have failed or would not be sufficient to address a situation, and setting protections for specific populations such as students with disabilities.

State Examples

Arkansas [H.B. 1610 \(2021\)](#): This bill prohibits the use of prone restraints and other methods that restrict breathing, and prohibits using supine restraint except by those who have received training and determined it is required to provide safety.

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Florida [H.B. 149 \(2021\)](#): This bill restricts school personnel from utilizing restraint on a student unless other interventions and supports have been exhausted, and when an imminent threat exists. The bill creates other related limitations.

Maryland [H.B. 1255 \(2022\)](#): This legislation requires schools and public agencies to make the appropriate policy changes to increase positive behavioral intervention and reduce physical restraint or seclusion of students. The bill establishes positive behavioral intervention training requirements for teachers, administrators, and other school employees. The new law requires the state department of education to develop an accountability system to measure compliance with regulations adopted on the use of physical restraint and seclusion.

Oregon [S.B. 963 \(2019\)](#): This bill prohibited the use of several specific types of restraint on students, including prone, supine, chemical and mechanical restraint. It also prohibits more specific variations of restraint including the use of objects or targeting certain body areas. The bill specified that restraint and/or seclusion may only be used when a student's behavior imposes a reasonable risk of injury, and less restrictive means would not be effective.

Bills that include reporting requirements

At least 13 enacted bills since 2019 have created reporting requirements regarding the use of seclusion and/or restraint. Depending on the state, these have had a wide range of impacts. For instance, **New Hampshire requires** nonpublic schools to annually report their school restraint and seclusion data to the department of education. **Nebraska's** bill required both the state board of education to ensure districts report uses of restraint and/or seclusion *and* that a statewide system must be able to aggregate such disciplinary action by demographic characteristics.

State Examples

Virginia [S.B. 170 \(2020\)](#): This bill created a reporting requirement regarding the use of seclusion and restraint specifically by school resource officers. The Department of Criminal Justice Services, in conjunction with the Department of Education and the Department of Juvenile Justice must include such data in an annual report that is posted online.

Colorado [HB 22-1376 \(2022\)](#): This bill requires the department of education to develop profile reports for each school district and the Charter School Institute. These reports must be updated annually, made available online, and allow disaggregation by demographic characteristics, and include the district's number of students physically restrained and placed in seclusion.

Bills with special provisions for students receiving special education services

We identified 11 states that enacted legislation since 2019 that specifically restrict the use of seclusion or restraint for students with disabilities. The legislation addressed prohibiting the practice for this population or, in

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Tennessee, ensuring the practice was in compliance with students' Individualized Education Plans, 504 plans. In **Texas**, the bill prescribed practices for compliance with students' Behavioral Intervention Plans, and **Maryland** prohibited using seclusion or restraint as a behavioral modification tool. Some bills also often address requirements to notify parents or guardians of students with disabilities when seclusion or restraint occurs.

State Examples

New York A. 8540 (2022): This legislation requires school districts to develop a procedure to notify, or attempt to notify, document and report, parents or guardians if a student with a disability is placed in a physical restraint or seclusion on the same day as the incident.

Tennessee S.B. 738 (2021): The legislation specified that restraint may only be used for students receiving special education services in emergency situations. It specified that restraint may only be performed by school personnel who are trained and certified and encourages annual certification renewal. It also clarifies reporting procedures, and circumstances which must lead to the convening of an Individualized Education Plan meeting. Finally, the bill modifies instances in which certain types of physical holding are not prohibited.

Texas H.B. 785 (2021): The Texas legislature enacted a policy that creates additional requirements if a student with a Behavioral Improvement Plan (BIP) included in their IEP is held in a restraint. It specifies a review may be conducted to see if the BIP should be modified due to the behavior that led to the restraint. If the student does not have a BIP, a meeting may be held to see if conducting a functional behavioral assessment to develop a BIP is appropriate.

Bills that include parental notification requirements

At least nine bills have been enacted since 2019 that create parental notification requirements regarding seclusion and/or restraint. These bills were enacted in **Colorado, Illinois, New York, Texas, and Wisconsin**. They vary in specifications of time limits for notification (from same day requirements to an absence of limitation), who must be notified (in every state it is the parent or guardian, and in Wisconsin the notification must also be made to the district) and in which instances the notification requirement is in effect (for students receiving special education, in specific private school scenarios, or the general student population).

State Examples

Colorado H.B. 22-1376 (2022): This bill creates different notification requirements for instances of restraint based on the length of time physical restraint was used. If a physical restraint lasted between one and five minutes, a written notice must be sent to the parent on the same day. If a physical restraint is five minutes or more, the school administration must notify the parents within five calendar days and additional requirements for the notification are triggered.

Texas H.B. 785 (2021): This bill requires a school district to provide written notification to a student's parent/guardian for each use of restraint. This requirement only applies to students with disabilities who are

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receiving special education services. Notification must include details such as the name of the person who administered the restraint, the behavior that prompted the restraint, whether any efforts were made to de-escalate the situation, and implications for a student's behavioral improvement or intervention plan if applicable.

Wisconsin [S.B. 527 \(2020\)](#): This bill created a requirement for instances when school employees or law enforcement officers use seclusion or restraint on a student in a private school who has been placed there by a public school district. No later than two business days after the incident, the parent and school district must be notified and be given access to a written report.

Bills that limit use of seclusion and/or restraint to special personnel

We identified at least eight states that restrict who can implement the use of seclusion or restraint either to those who have received training in implementing the practice, or to a specific group of staff such as security personnel. We also saw bills requiring particular staff to implement these policies specify that there may be exceptions for emergency situations, and bills that outlined the topics staff would have to be trained on in order to implement seclusion or restraint.

State Examples

Arkansas [H.B. 1610 \(2021\)](#): The bill modifies physical restraint restrictions in several ways, including a specification that physical restraint of a student may only be done by a member of school personnel who has received appropriate training, with exceptions for emergency circumstances. It also outlines training for personnel who may engage in physical restraint. The bill also directs districts to implement various positive behavioral supports and procedures.

Florida [H.B. 235 \(2022\)](#): The Florida state legislature passed a law that prohibits school personnel from using mechanical restraint with students with disabilities. However, school resource officers, school safety officers, school guardians, and school security guards may use mechanical restraint with students in grades 6 through 12 as part of their duties. Authorized school personnel may use physical restraint when all positive behavior interventions and supports have been exhausted.

Wisconsin [S.B. 527 \(2020\)](#) This bill created a requirement that physical restraint may not be used unless an individual has received training in elements such as de-escalation, positive behavioral supports and interventions, and conflict prevention. The trainee must also be able to identify prohibited techniques.

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Related ECS Resources

- [State Education Policy Tracking](#)
 - ECS summarizes all enacted and vetoed education bills. Select All years and the “Seclusion and Restraint” issue in this interactive tool to read those summaries and find additional information.
- [50-State Comparison: School Discipline Policies](#), 2021
 - This resource summarizes school discipline policies across 9 data points for all 50 states and the District of Columbia. Data points that may be of interest include restrictions on the use of suspension and expulsion, nonpunitive disciplinary approaches, alternative schooling options, the use of corporal punishment, and reporting requirements including demographic disaggregation.
- [Restraint and Seclusion Policy Snapshot](#), 2018
 - This resource provides an overview of research regarding the use of restraint and seclusion, and provides a snapshot of related policies on the topic.
- [Suspension and Expulsion Policy Snapshot](#), 2018
 - This resource provides an overview of research regarding the use of suspension and expulsion, and provides a snapshot of related policies on the topic.
- [Alternative School Discipline Strategies](#), 2018
 - This resource provides an overview of research regarding punitive discipline usage and alternatives to practices such as suspension and expulsion, and provides a snapshot of related policies on the topic.