

PRESS RELEASE

COPAA RELEASES REPORT DETAILING 143 INCIDENTS OF AVERSIVE INTERVENTIONS IN SCHOOL PROGRAMS:

In Majority of Cases, Parents Had Not Consented, Schools Did Not Provide Comprehensive Positive Behavioral Intervention Plans

May 5, 2009

The Council of Parent Attorneys and Advocates, Inc. (COPAA) today released a report asking Congress to stop the use of restraints, seclusion, and aversives upon children with disabilities in school. The report entitled, *Unsafe in the Schoolhouse: Abuse of Children with Disabilities*, details 143 incidents of the use of abusive interventions against children with disabilities in school. The report also includes suggested legislative remedies.

The Council of Parent Attorneys and Advocates (COPAA) is a national nonprofit organization of parents, advocates, and attorneys who work to protect the civil rights of children with disabilities and ensure that they receive appropriate educational services. We have over 1200 members in 47 states and the District of Columbia. Our members see the successes and failures of special education through thousands of eyes, every day of every year.

No child should be subject to abuse in the guise of education. Every child's dignity and human rights must be respected. Abusive interventions are neither educational nor effective. They are dangerous and unjust. Congress should act swiftly to adopt national legislation to protect children with disabilities. Thirty miles and a state border should not determine whether a child receives comprehensive protection or little protection.

In March-April 2009, we conducted a survey that identified 143 cases in which children were subjected to aversive interventions. We received reports of children subject to prone restraints; injured by larger adults who restrained them; tied, taped and trapped in chairs and equipment; forced into locked seclusion rooms; made to endure pain, humiliation and deprived of basic necessities, and subjected to a variety of other abusive techniques. The most recent report involved events revealed only in the last month: a father learned that his 8 year old son was restrained 60 times over a 9-10 month period.

Of the survey respondents, 71% had not consented to the use of aversive interventions; 16% had, but many believed the interventions would only be used in limited circumstances where there was an imminent threat of injury. Moreover, 71% reported that the children in involved did not have a research-based positive behavioral intervention plans; 10% did (but the parents often said that the plan was not followed). 84% of children restrained were under 14 years of age, with 53% aged 6-10.

The use of abusive interventions primarily occurred in segregated disability-only classrooms or in private seclusion rooms, away from the eyes of witnesses, with only 26% of the respondents reporting incidents in the regular classroom. Almost every disability category was represented: Autism/Asperger's Syndrome (cited by 68% of the survey respondents), ADD/ADHD (27%); Developmental Delay, Emotional Disturbance, Intellectual Disability and Speech/Language Impairment (14%-20% of respondents); Specific Learning Disabilities (11%), and others.

Many parents also indicated that their children had Down Syndrome, epilepsy, Tourette Syndrome and other specific conditions.

Among the incidents of abuse reported to COPAA are these:

- A 9 year old boy with autism in Tennessee was restrained face-down in his school's isolation room for four hours. One adult was across his torso and another across his legs, even though he weighed only 52 pounds. His mother was denied access to him, as she heard him scream and cry. He received bruises and marks all over his body from the restraints. He was released to his mother only after she presented a due process hearing notice under the IDEA.
- The teacher of a 15 year old Californian with Down Syndrome reported to his parents that he had been confined inside a closet with an aide as in-school suspension. The teacher was concerned about the confinement and believed it to be wrong. Although the child had a behavioral intervention plan, the school district did not follow it. He was in the closet all day. He was only allowed out to go to the bathroom, causing extreme humiliation as he walked in front of his classmates.
- An 11 year old South Carolinian girl was being restrained with beanbags on the floor, and the school attempted to use a straightjacket restraint on her. As a result of advocacy by her attorneys, the restraints were terminated. Her curriculum was changed to be more age appropriate because her behaviors appeared to result from being bored with curriculum. A new crisis plan was put into place to avoid restraint: if the student became aggressive toward staff, the staff would break away from the student and briefly leave the classroom. Using this plan, the child quickly calmed down and went to her desk area. Previously, the school district had requested that the parent take the child home early on regular basis; parents report this has not happened for the last 2 months. With the new behavioral plan, the child has made substantial progress in school.

The report includes a summary of all 143 incidents.

COPAA applauds the school teachers, personnel, administrators, and education leaders who join us in rejecting the use of restraints, seclusion, and aversives and in providing Positive Behavioral Supports (PBS). At the same time, we stress the importance of adopting effective laws to keep children safe. These include mandatory PBS, statutory prohibitions on the use of restraints, seclusion, and aversives, and strong enforcement mechanisms to hold school district accountable for violations.

Congress should act immediately to ban prone and mechanical restraints, all restraints that interfere with breathing, locked seclusion rooms, and the application of painful aversives.

In addition, physical restraint may only be permitted when there is an imminent threat of serious injury to self or others. School districts and their personnel must be held accountable for any violations of the law, and parents must have all legal remedies to pursue justice. All children must receive comprehensive positive behavioral intervention plans, and schools must provide training on PBS, the harms of aversive interventions, and the applicable legal requirements.

Schools must also monitor and report the number of aversive interventions. The public policy recommendations are discussed in greater detail in the full report.

The full report, including the 143 incidents of abusive interventions in school and COPAA's legislative recommendations, is available on COPAA's website, <http://www.copaa.org/news/unsafe.html>.

We salute all organizations, parents, advocates, and professionals who have long worked to combat the use of aversive interventions.

In particular, we wish to recognize the members of The Alliance to Prevent Restraint, Aversive Interventions and Seclusion (APRAIS), to which COPAA belongs. We thank every person who reported an incident of abuse to COPAA and we thank everyone who publicized the survey; it is your work that made this possible. Special thanks to COPAA members Doug Loeffler, Diane Willcutts, Becca Devine, and Kathleen Loyer for helping summarize the 143 incident reports, Marcie Lipsitt for proofreading, and to Bob Berlow, Leslie Seid Margolis, Judith Gran, and Denise Marshall for their analytical assistance in reviewing drafts of the report.

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