

Executive Summary & Recommendations-

A Study of Nebraska School District Policies on Physical Restraint and Seclusion, July, 2019

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This study examined a sample of 85 local school district policies on physical restraint and seclusion in Nebraska, a state which does not have state legislation on this topic. It determined whether local districts have policies on this topic, whether their content included the recommended principles from the U.S. Department of Education, whether descriptions were comprehensive, and whether district enrollment size was a factor in policy content. The full report link is included at the end of this summary.

Introduction

The use of physical restraint procedures in schools continues to be a controversial issue as it continues to cause injuries and deaths. The U.S. Department of Education has provided guidance on, and a request for, local policies on this topic.

Nebraska District Policy Study Results

Results indicate that while 97.8% of sample school districts had policies, many did not address all of the federally recommended principles, and they varied in thoroughness in defining or explaining these policy principles. The size of district enrollment did not affect whether policy principles were addressed.

Four Important Principles Were Inadequately Addressed:

Imminent danger of serious physical harm. Arguably the most important policy principle expressed in federal policy was the least likely to be included in the district policies analyzed: “Physical restraint or seclusion should not be used except in situations where the child’s behavior poses imminent danger of serious physical harm to self or others...” (U.S. DOE, 2012, p.14). Unfortunately, 77 or 91% of the 85 district policies did not include this principle, or they included contradictory statements permitting use in other situations which should be removed.

Documentation of Incidents. 28% of district’s policies did not include this principle.

Debriefing on incidents. 87% of policies did not include this principle.

Reporting incidents of use to guardians. 23% of policies did not include this principle.

Effective Way to Influence Local Policies- Better Advice from Advisors

Working with attorneys and other agencies which provide guidance to districts regarding legal policies may be the most direct way to affect changes and improvements in district policies. Since districts update all of their policies on a wide variety of topics on a regular basis, these advisers should make their policy recommendations more complete. This could be a relatively quick and effective method to improve district policy on restraint and seclusion.

However, educators and leaders also have a role in improving policies...

Specific Recommendations

For individual Educators

- Determine if your district has a policy, and if so, become familiar with it.
- If your district does not have a policy on this topic, or if it is incomplete or deficient, submit a written request for your district to establish or improve its policy.
- Regardless of district policy, recognize that restraint & seclusion procedures should only be employed in a situation where there is an imminent risk of someone being seriously injured.
- Insist that each use of these procedures is documented, & reported to guardians.

For District or ESU Administrators Who Purchase Crisis Training

- Do not purchase vendor training unless it limits use of these procedures to situations of imminent risk, and provides strategies for documentation, debriefing and informing guardians.
- Ask your vendor of training whether they are aware of districts' policies, and whether the federal principles are included (or can be included) in the delivery of training.

For District Administrators

- Ensure that a policy on this topic is in place in your district and request revisions to make policy complete employing federal recommendations for principles to be included.
- Ensure that all appropriate staff are trained regarding appropriate circumstances for use of these procedures, documentation & debriefing of incidents, and reporting to guardians.

For the Nebraska Department of Education (NDE)

- Identify district law firms and policy advisors, meet with them, and work with them to improve district policies on restraint and seclusion in their next update cycle employing all of the federal principles in the DOE Guidance Document.
- In particular require that these crucial principles be included in policies:
 - Permit use only if student behavior poses imminent danger of serious injury and attempts to de-escalate have failed.
 - Removal of contradicting circumstances for use such as destruction of property, etc.
 - Documentation of incidents when these procedures are employed.
 - Debriefing of incidents to determine how to prevent them in the future.
 - Reporting to guardians for each incident.

Availability of Complete Detailed Report

Van Acker, E.Y., Kane, E. J., Bricko, N. & Peterson, R. L. (2019, July). *A study of Nebraska school district policies on physical restraint and seclusion, Topic Brief*. Lincoln, NE: Student Engagement Project, University of Nebraska-Lincoln and the Nebraska Department of Education. <http://k12engagement.unl.edu/school-district-policies>.

Additional Resources on Physical Restraint and Seclusion

Available at: <https://k12engagement.unl.edu/physical-restraint-seclusion-resources>.