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Children's Law Center Releases Report Regarding School-Based Restraint and Seclusion in Kentucky

Covington – A report released today by the Children's Law Center (CLC), Inc., regarding the use of restraint and seclusion in Kentucky's schools was presented to the Kentucky Juvenile Justice Oversight Council (JJOC) in Frankfort.

Schools should be a safe, secure place for all children. The Kentucky Department of Education (KDE) data shows that Kentucky school children were restrained 5,985 times during the 2014-15 school year. Using restraint and seclusion on children in Kentucky schools is often unnecessary, and can be harmful, the report noted, recommending that the use of such techniques should be more limited and better documented. That includes more accountability for school resource officers as well.

"We were particularly shocked to see that 60% of school restraints in Kentucky are students in the third grade and below," notes Amanda Mullins Bear, Managing Attorney of the Lexington office of the Children's Law Center, who presented the findings to the JJOC. "The premise of any recommendation about the use of restraint and seclusion in schools or juvenile facilities should be focused on creating positive environments and providing supports so that restraint and seclusion are unnecessary."

Kentucky's regulation regarding restraint and seclusion became effective on February 1, 2013, but there are still strides that need to be made in the application, transparency, and accountability. The data also suggests student with disabilities and students of color are the most likely to be restrained and secluded. Youth with disabilities make up 58% of those restrained in Kentucky schools and were involved in 89.3% of the incidents of seclusion during the 2014-15 school year. Youth of color are significantly overrepresented for both restraint and seclusion incidents during the 2014-25 school year were involved in reported incidents of restraints at nearly five times the rate of their white peers.

The report which was joined-in by Kentucky Protection and Advocacy and Kentucky Youth Advocates, sets forth critical next steps for school districts and KDE to ensure protection of Kentucky's school children and staff when using restraint and seclusion. Among the recommendations for school districts is the implementation of positive behavior interventions and supports (PBIS) and requiring accountability from school resource officers (SROs). The report recommends that the KDE amend the regulation to allow itself to provide explicit oversight authority and to permit restraint and seclusion solely in instances where there is imminent danger of serious physical harm while defining "serious."

A full copy of the report can be found at www.childrenslawky.org.

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