

NEWS RELEASE

U.S. Department of Education Finds Inappropriate Use of Restraint and Seclusion of Students with Disabilities at Virginia Schools

Charlottesville, Va., August 7, 2014 –Following a comprehensive investigation at two public special education schools, the U.S. Department of Education has found that the repeated use of physical restraint and seclusion to manage student behavior is ineffective and inappropriate. The Department’s Office of Civil Rights (OCR) determined that the PACE East and PACE West schools in Prince William County, Va., routinely denied students their right to an appropriate education when they were consistently removed from classrooms and placed in a separate room.

The findings were issued in response to a November 2012 complaint filed on behalf of the mother of a PACE East student with emotional disabilities who was placed in a seclusion room for hours at a time on multiple occasions and subjected to floor-facing extreme restraint on six occasions. This included four instances where police were involved, even though his behavior did not indicate any danger to himself or others. The systemic complaint centered on the schools’ pervasive overuse of seclusion and restraint as a default behavioral intervention that discriminated against students with emotional disabilities.

“This decision sends a strong message to school districts that discipline policies cannot just read well – they must be consistently applied in the classroom and incorporated into staff training,” said William B. Reichhardt, lead attorney on the complaint. “When parents put their children on a school bus, they shouldn’t have to worry whether today is the day their children might be taken down to the floor or locked in a padded room for acting out in class.”

The repeated use of restrictive interventions, such as restraint, seclusion and a separate “reorientation” room, “suggests these strategies are not effective at changing or minimizing the problematic behavior,” OCR stated. At PACE West, the investigation found that students collectively spent 713 hours and 44 minutes in the separate room over the course of just one month, averaging more than an entire school day – 10.6 hours – per student. During the 2011-12 school year, OCR found that 40 percent of PACE West students were restrained and/or secluded more than 200 times.

The school district’s formal policy calls for physically restraining or secluding students only in “emergency situations” when less intrusive interventions are not possible or have failed. However, the OCR investigators found that the schools often restrained students or placed them in a small, secured, padded room for minor infractions, such as destroying property or disturbing the educational environment through “screaming out or throwing paper at another student.” When students were separated from

classrooms for their behavior, they were “effectively denied access to the curriculum,” the investigation found.

“Physical restraint and seclusion should never be the default answer to misbehavior, but only used as a last resort in a true emergency,” said Angela A. Ciolfi, legal director of the JustChildren Program at Virginia’s Legal Aid Justice Center and another attorney on the complaint. “To allow a student to be repeatedly subjected to these traumatizing interventions is to ignore clear red flags that the student’s educational plan is not working and needs to be revised.” Stephanie Corrao and Alan W. H. Gourley, with the law firm of Crowell & Moring in Washington, D.C., assisted Reichhardt and Ciolfi in preparing the complaint.

Although both schools primarily serve students with emotional disabilities and special needs, almost none of the students have individualized behavioral plans, according to OCR. And the schools failed to provide parents with consistent and adequate notice when their children were restrained, secluded or placed in the separate room. Further, the investigation found that Prince William County Public Schools failed to accurately report data to federal authorities about use of restraint and seclusion within the school district.

As a result of the findings, the Department entered an agreement with Prince William County Public Schools to take steps toward resolving issues raised in the complaint.

To read OCR’s Letter of Findings, [click here](#).

To read the original complaint filed with OCR, [click here](#).

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The JustChildren Program of the Legal Aid Justice Center offers civil legal services to low-income families throughout Virginia in the areas of education, juvenile justice, mental health, and foster care. Through legal representation, statewide advocacy, community education and organizing, JustChildren works both to eliminate the immediate symptoms and to address the underlying causes of poverty in Virginia.

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