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U.S. Department of Education Announces Initiative to Address the Inappropriate Use of Restraint and Seclusion to Protect Children with Disabilities, Ensure Compliance with Federal Laws

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WASHINGTON – U.S. Secretary of Education Betsy DeVos announced today that the U.S. Department of Education will launch an initiative to address the possible inappropriate use of restraint and seclusion in our nation’s schools. The Office for Civil Rights (OCR), in partnership with the Office of Special Education and Rehabilitative Services (OSERS), will oversee this proactive approach which will protect students with disabilities by providing technical assistance and support to schools, districts, and state education agencies, and strengthen enforcement activities.

“This initiative will not only allow us to support children with disabilities, but will also provide technical assistance to help meet the professional learning needs of those within the system serving students,” Secretary DeVos said. “The only way to ensure the success of *all* children with disabilities is to meet the needs of *each* child with a disability. This initiative furthers that important mission.”

The Department’s Initiative to Address the Inappropriate Use of Restraint and Seclusion will not only include components that help schools and districts understand how federal law applies to the use of restraint and seclusion, but the Department will also support schools seeking resources and information on the appropriate use of interventions and supports to address the behavioral needs of students with disabilities.

The Department’s initiative will include the following three components:

Compliance Reviews

- OCR’s 12 regional offices will conduct compliance reviews on recipients’ use of restraint and seclusion on children with disabilities.

- Compliance reviews will focus on the possible inappropriate use of restraint and seclusion, and the effect of such practices on the school's obligation to provide a free appropriate public education (FAPE) for all children with disabilities.
- OCR will conduct compliance reviews and work with public schools to correct noncompliance.

CRDC Data Collection

- OCR will conduct data quality reviews and work directly with school districts to review and improve restraint and seclusion data submitted as a part of the Civil Rights Data Collection (CRDC).
- OCR will provide technical assistance to schools on data quality, to ensure that they are collecting and reporting accurate data relating to the use of restraint and seclusion.

Support for Recipients

- OCR will provide technical assistance to public schools on the legal requirements of Section 504 of the Rehabilitation Act relating to the use of restraint and seclusion on children with disabilities.
- OCR will partner with OSERS to provide joint technical assistance to support recipients in understanding how Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA) informs the development and implementation of policies governing the use of restraint and seclusion.
- OSERS will support recipients identified by OCR through compliance reviews or through the complaint resolution process to ensure they have access to appropriate technical assistance and support.
- OSERS will support schools to ensure they have access to technical assistance and available resources as they establish or enhance environments where the implementation of interventions and supports reduces the need for reliance on less effective and potentially dangerous practices.
- OSERS will consider how current investments may be utilized to provide support and training to schools, districts, and states.
- OSERS and OCR will jointly plan and conduct webinars for interested parties related to the use of appropriate interventions and supports for all students.

"In collaboration with OSERS, we will work to ensure that recipients are aware of their legal obligation under Section 504 and Title II, and that we have accurate information and data on the use of restraint and seclusion," said Assistant Secretary for Civil Rights Kenneth L. Marcus. "Working directly with schools and districts provides an excellent opportunity to help recipients and support their efforts toward compliance to ensure that all children have an opportunity to succeed in the classroom."

"OSERS has long focused on improving results and outcomes for children with disabilities," said Assistant Secretary for Special Education and Rehabilitative Services Johnny W. Collett. "Rethinking special education and challenging the status quo includes examining systems that keep us from making the kind of improvement we know is necessary. This initiative furthers our ongoing efforts to examine any practice that limits opportunities for children with disabilities."

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