

Parents' Guide

Preventing Restraint, Seclusion,
and Suspension in Schools for
Students with Disabilities

*A practical handbook for parents and caregivers of
students with disabilities in the state of New Jersey.*

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This booklet is available in print format from IncludeNJ's office, and on-line from the Resources section of IncludeNJ's website below. It will be updated on-line on a regular basis.

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This parent guide was created as part of the “EPIC: Building Inclusive Futures” program for Black and Hispanic students with disabilities, supported by a grant from the New Jersey Council on Developmental Disabilities. The goal of this project is to eliminate the inappropriate use of seclusion, restraint, suspension, and expulsion for Black and Hispanic students with disabilities.

In this guide, parents can find valuable information about the policies and procedures related to restraint, seclusion, and suspension in New Jersey’s special education settings. We aim to provide a comprehensive handbook to help you understand your and your child’s rights, and the resources available to support you in advocating for the best possible educational experience for your child.

This handbook also includes tips that other parents have found helpful in ensuring that students with disabilities are placed in inclusive classrooms. It explains the basics of special education, helping parents better understand how the system works and how they can advocate for their child’s needs.

Additionally, the guide covers research-based practices that benefit all students, including those with disabilities. Experts now agree that inclusion benefits everyone in the classroom, not just students with disabilities. Parents can remind schools, “What helps my child helps all students.” Inclusive practices also help reduce the need for harmful interventions like seclusion, restraint, or suspension.

While it doesn’t cover everything about special education law or parental rights, the guide does include resources where parents can find more information.

To make things easier, key terms are highlighted throughout the guide, a frequently asked questions section is included, and there’s a glossary of important terms and acronyms at the end.

This work is being supported by EPIC, IncludeNJ, and the New Jersey Coalition for Inclusive Education with funding from the New Jersey Council on Developmental Disabilities.

EPIC

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New Jersey Coalition
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**New Jersey Council
on
Developmental Disabilities**

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When School Isn't Safe

Kids should feel safe and supported at school, but some discipline practices—like seclusion, restraint, and suspensions—can put them at risk, especially students with disabilities.

These methods can be dangerous and make it harder for kids to succeed in school. New Jersey has rules about when schools can use seclusion and restraint, but it's important for parents to know their rights and make sure that schools follow these rules. This guide explains what these practices are, how they connect to suspensions, and what families can do to keep their children safe and protected at school.

THE HIDDEN DANGER IN SCHOOLS: SECLUSION AND RESTRAINT

Imagine sending your child to school, only to find out later they were locked in a room alone or physically held in place. This isn't just a scary thought—it's happening to students across the country, including in New Jersey. Seclusion and restraint can cause lasting emotional, psychological, and even physical harm. In some tragic cases, it has even led to death.

For example, a 16-year-old in Michigan was held face down by multiple adults. By the time staff contacted emergency services, it was too



late—he later died at the hospital of cardiac arrest.¹ In Georgia, a 13-year-old was left alone in a seclusion room and took his own life using a cord given to him by a teacher to hold up his pants.²

These are, unfortunately, just two of many examples of the tragedy that can come from these harmful discipline practices.

What Is Seclusion?

Seclusion happens when a student is placed alone in a room and not allowed to leave. Seclusion is different from a student choosing to step away to calm down or being sent to the principal's office. New Jersey's education department discourages seclusion and says it should only be used as an absolute last resort—never as punishment.

What Is Restraint?

Restraint means physically holding a student in a way that limits their movement. While schools can use restraint in emergencies, it should never be a go-to response. Certain restraint methods—like holding a student face down—are outright dangerous and banned.

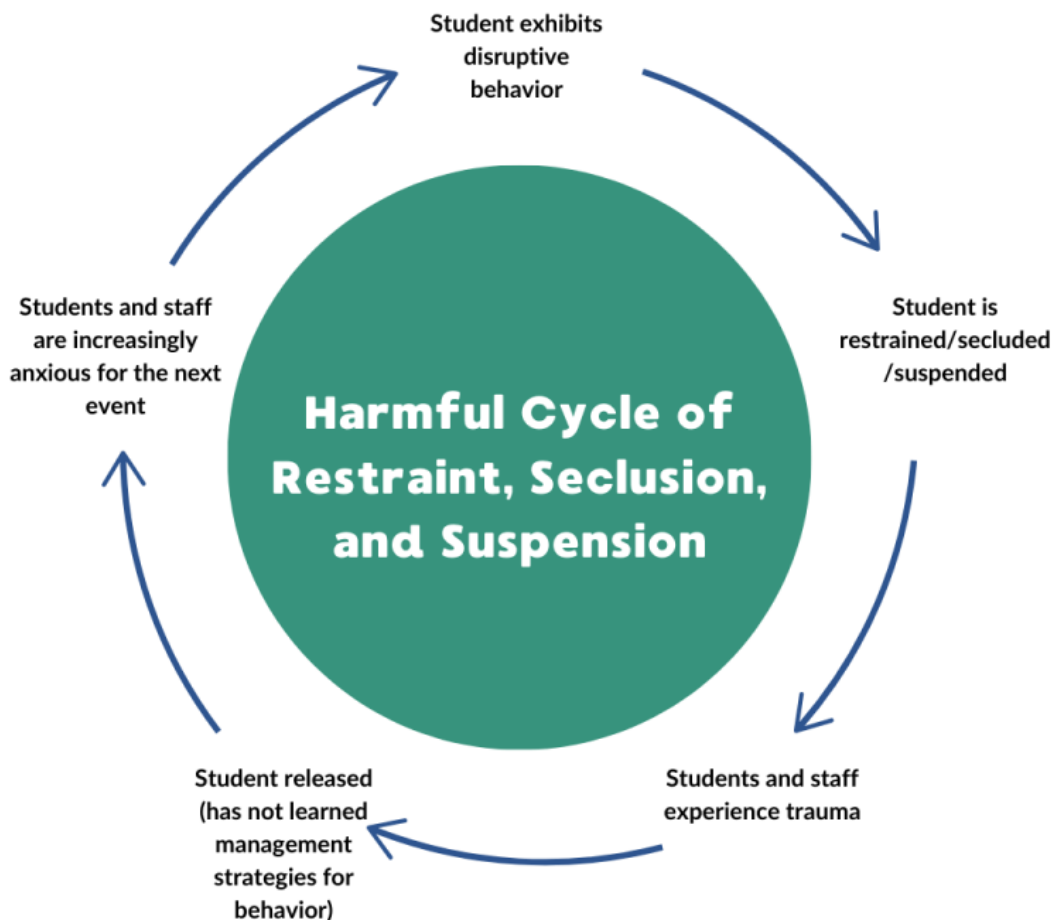
THE LINK BETWEEN SECLUSION, RESTRAINT, AND SUSPENSIONS

Seclusion and restraint usually go hand in hand with suspensions, and these practices often affect students with disabilities and students of color more than others.³ When a school uses these practices often, it can signal that the school is relying on punishment instead of offering effective behavioral support. Students who are put in seclusion or restrained are more likely also to be suspended, which creates a cycle of being pushed out of

school and falling further and further behind academically.

Instead of removing students from the classroom, many schools are working with parents and using proven methods to deal with behavior problems without using harmful punishments.

In order for this to work, parents should keep track of how often their child is suspended and ask if seclusion or restraint was used. It's important for schools to be open and accountable about their discipline policies to help keep students safe and successful.



Federal and State Statutes and Policies on Restraint, Seclusion, and Suspension

DEFINITIONS OF RESTRAINT AND SECLUSION

The United States Department of Education Office of Civil Rights (OCR) defines physical restraint as:

A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

The OCR defines mechanical restraint as:

The use of any device or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- ▶ Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 - ▶ Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
 - ▶ Restraints for medical immobilization; or
 - ▶ Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- The OCR defines seclusion as:
- The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.
- A copy of the 2017-2018 CRDC and the OCR definitions of restraint and seclusion can be found at: <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/restraint-and-seclusion.pdf>. Restraint and seclusion data are available at <http://ocrdata.ed.gov>.
- New Jersey statute further defines “physical restraint” as a “restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body,” and “seclusion technique” as “the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving,” but not including a “timeout.” ⁴

Seclusion vs. Timeout

Understanding the difference between seclusion and timeout is important, as these terms are often confused. Seclusion is when a student is forced into a space where they can't leave and is monitored. They are isolated from their classmates and the learning environment. It is meant to be used only as a last resort and to prevent harm to themselves or others, but it can have consequences, including making them feel abandoned, increasing anxiety, and causing more behavior problems.

A timeout, on the other hand, is when a student is asked to willingly step away from a situation to calm down. They are typically placed in a designated area where they can still be watched. Unlike seclusion, timeout is meant to be a break to help the student relax, not to punish them. When used the right way, time-out can help with behavior and teach self-regulation.

SECLUSION

- ✓ The student is forced to be alone in a room or area.
- ✓ Not allowed to leave, even if they want to.
- ✓ Used in serious situations, like when a student is a danger to themselves or others.
- ✓ Happens in a closed or locked space.
- ✓ Seen as a last resort and may have strict rules.
- ✓ Can be harmful to a student's well-being.

TIMEOUT

- ✓ The student is moved away from an activity or group.
- ✓ They can leave when they are ready or when time is up.
- ✓ Used to help students calm down and regain control.
- ✓ Happens in an open space, like a quiet corner.
- ✓ A gentler way to handle behavior issues.
- ✓ Focuses on teaching self-control, not punishment.

FEDERAL STATUTE ON RESTRAINT AND SECLUSION



The use of restraint and seclusion techniques in schools is not explicitly limited or enforced by federal law.

However, The US

Department of Education (USED) requires school districts to report the number of students subjected to restraint and seclusion, categorized by race, ethnicity, gender, disability status, and English learner status. Reports from the Civil Rights Data Collection (CRDC) indicate that students with disabilities are disproportionately subjected to these techniques. In the 2020-2021 school year, students with disabilities under the Individuals with Disabilities Education Act (IDEA) made up 14% of K-12 students but accounted for 81% of physically restrained students, 32% of mechanically restrained students, and 75% of secluded students.⁵ This raises disability discrimination issues under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. For example, if two 8th-grade students are running around a classroom with sharp scissors, and only the student with a disability is restrained due to the teacher's assumptions about their disability (a panic disorder), this would constitute "unnecessary different treatment on the basis of disability."

Despite the attention given to restraint and seclusion in recent years at both the state and federal levels, a 2019 report issued by the

Government Accountability Office indicates that there continues to exist widespread underreporting of restraint and seclusion practices by school districts.⁶ The USED has announced an Initiative to Address the Inappropriate Use of Restraint and Seclusion in Schools; the initiative aims to improve data collection and address the issue.

NEW JERSEY STATUTE ON RESTRAINT AND SECLUSION



In January 2018, [Public Law 2017, Chapter 291](#) was signed into law. This law establishes specific requirements for the use of restraint and seclusion with students who have disabilities in school districts, educational services commissions (ESCs), and approved private schools for students with disabilities (APSSDs). The law outlines criteria that schools must follow when using physical restraints and seclusion techniques on students with disabilities. Additionally, the law mandates the New Jersey Department of Education (NJDOE) to create guidelines for school districts, ESCs, and APSSDs to ensure that a review process is in place to evaluate the use of physical restraints or seclusion techniques in certain circumstances.

Across nearly 600 school districts in New Jersey, many have implemented policies on the use of restraint and seclusion, as required by [N.J.S.A. 18A:46-13.4 through 13.7](#). These policies include the following key points:

- ▶ **Emergencies Only:** Restraint or seclusion can only be used in emergencies when a student's behavior poses an immediate threat to themselves or others.
- ▶ **No Face-Down Restraints:** A student should never be restrained in a face-down or "prone" position unless their doctor has provided written authorization.
- ▶ **Trained Staff:** Only staff members who have received training in safe restraint techniques—and who undergo yearly training updates—are allowed to restrain students.
- ▶ **Immediate Parental Notification:** If restraint is used on a student, parents must be notified immediately by phone or electronically, followed by a written report within 48 hours.
- ▶ **Continuous Monitoring:** Every instance of restraint or seclusion must be closely monitored to ensure it's conducted safely and in line with established procedures.
- ▶ **Detailed Documentation:** Each incident involving restraint or seclusion must be thoroughly documented to help improve the student's

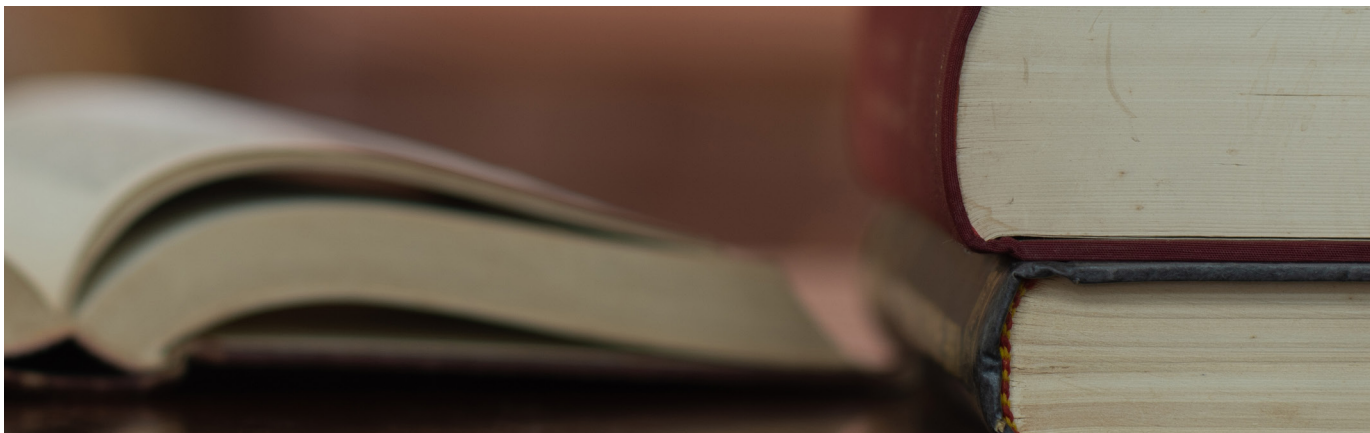
behavior plan in future meetings.

Schools are to minimize the use of restraint and seclusion by incorporating positive behavior supports into students' behavior plans.

The New Jersey Department of Education will establish guidelines to review the use of these methods, especially if they are repeatedly applied to the same student or by the same individual. This review process will include input from educational, clinical, and administrative staff and may lead to adjustments in the student's behavior plan or staff training.

The school superintendent will collect feedback from staff and parents on these policies and inform parents of students with disabilities about the rules on restraint and seclusion each year. Students with disabilities and their parents are protected by the legal safeguards provided by the Individuals with Disabilities Education Act (IDEA).





NEW JERSEY STATUTE ON SUSPENSION

Children with disabilities are entitled to special protections at school. Even if a child's disability leads to behavioral issues, they are still entitled to a free and appropriate public education. This right applies even if they are suspended or expelled. They also have the right to challenge certain decisions and be given due process.

Students receiving short-term suspensions (under ten days in a row) will meet with a school administrator, and their case manager must provide a written explanation of the suspension. After five days of consecutive suspension, the school must provide services to all students, including those with disabilities, by New Jersey's general education code.

A long-term suspension is when a student gets suspended from school for more than ten days in a row or if they get suspended multiple times, adding up to more than ten days. This kind of suspension is considered a more serious punishment and a change in placement.

If a student faces long-term suspension, the IEP team must meet within ten days to check if their disability caused the behavior. If it did, the student can't be punished and must return to their placement. The IEP team will also review the student's IEP and behavior intervention plan. If the disability didn't cause the behavior, the school can punish the student like any other student, but the school still has to offer services to help the student achieve the goals in their IEP.

If a student brings a weapon to school, knowingly uses illegal drugs, or inflicts serious bodily harm, the school can place them in a temporary alternative setting for up to 45 days. Parents can challenge this placement, and at the end of the 45 days, the school must propose a new educational placement. Parents can dispute this through a due process hearing.

A student not in special education can also be entitled to these protections if the school knew about the disability before the behavior problems. If a parent expressed written concerns or submitted a request for an evaluation, the school is considered to have known about the disability.

WHAT IS DUE PROCESS?

Due process is about making sure that students are treated fairly when their school is disciplining them. It means that the school has to follow legal rules and give the student a chance to explain what happened before they are punished. If a student might get into serious consequences like a long-term suspension or expulsion, there are special rules that the school has to follow called due process, which include:

- ▶ **A meeting with a school official:** The student and their parents can discuss the situation with a school administrator.
- ▶ **A fair and impartial hearing:** The student has the right to a hearing where both sides (the school and the student) present their case.
- ▶ **Cross-examination of witnesses:** The student can question the school's witnesses to challenge any claims made against them.
- ▶ **A decision within a set time:** For long-term suspensions, all of this has to happen within 21 days.

WHAT IS MEDIATION?

Special education mediation is a way for parents and schools to solve problems together. It happens when they don't agree on a child's education plan and need a neutral party to help everyone come to a compromise. Mediation is a way to avoid going to court.

Here's how it works:

- ▶ **Neutral Mediator:** A person trained in special education who helps parents and schools discuss the issue and come to a solution together. The mediator doesn't take sides. Instead, they help each party understand each other's position.
- ▶ **Confidential:** What is said in mediation is private and can't be used later in court.
- ▶ **Voluntary:** Both the parents and school must agree to try mediation for a mediation to happen. Either side can stop the process at any time.
- ▶ **Written Agreement:** If parents and schools reach a solution, it gets written down, and both parties must follow the agreement.

Who is Affected Most?



In the 2020-2021 school year, students with disabilities under the Individuals with Disabilities Education Act (IDEA) made up **just 14%** of K-12 students.⁷

However, those students with disabilities made up

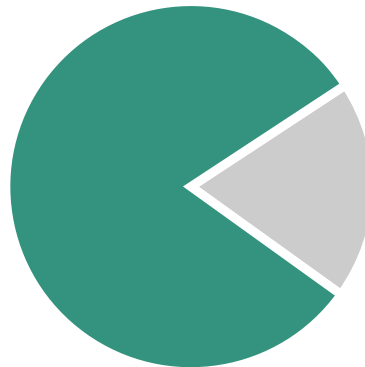


75%

of the students who were **secluded**.

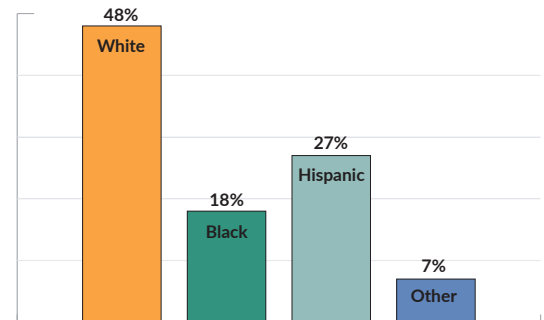
81%

of the students who were **restrained**.



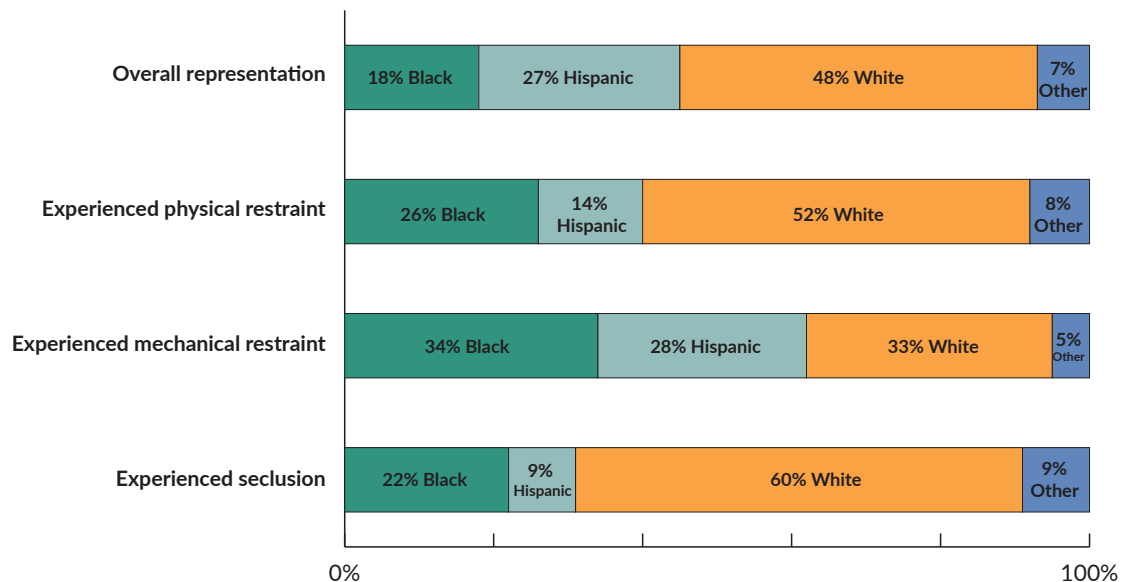
Who is Affected Most?

When race is considered, the disparities are even more striking. Black students with disabilities represent just 18% of the special education population but make up 36% of students restrained and 44% of students placed in seclusion. Hispanic students with disabilities are also overrepresented in seclusion and restraint cases, though to a slightly lesser degree.



Black students are disproportionately more likely to be restrained. Black and Hispanic students are disproportionately likely to experience the most intensive restraint.

Students with disabilities by race who experienced physical restraint, mechanical restraint and seclusion.



Black students are 1.3 times more likely to experience physical restraints and 2.8 times more likely to experience mechanical restraints than white students. While it appears that Hispanic students experience these procedures at lower rates than White and Black students, this survey suggests somewhat widespread use of these procedures and possible inequity in their application. Much more analysis needs to be completed to answer these critical questions fully.⁸

The Basics of an Individualized Education Program (IEP)

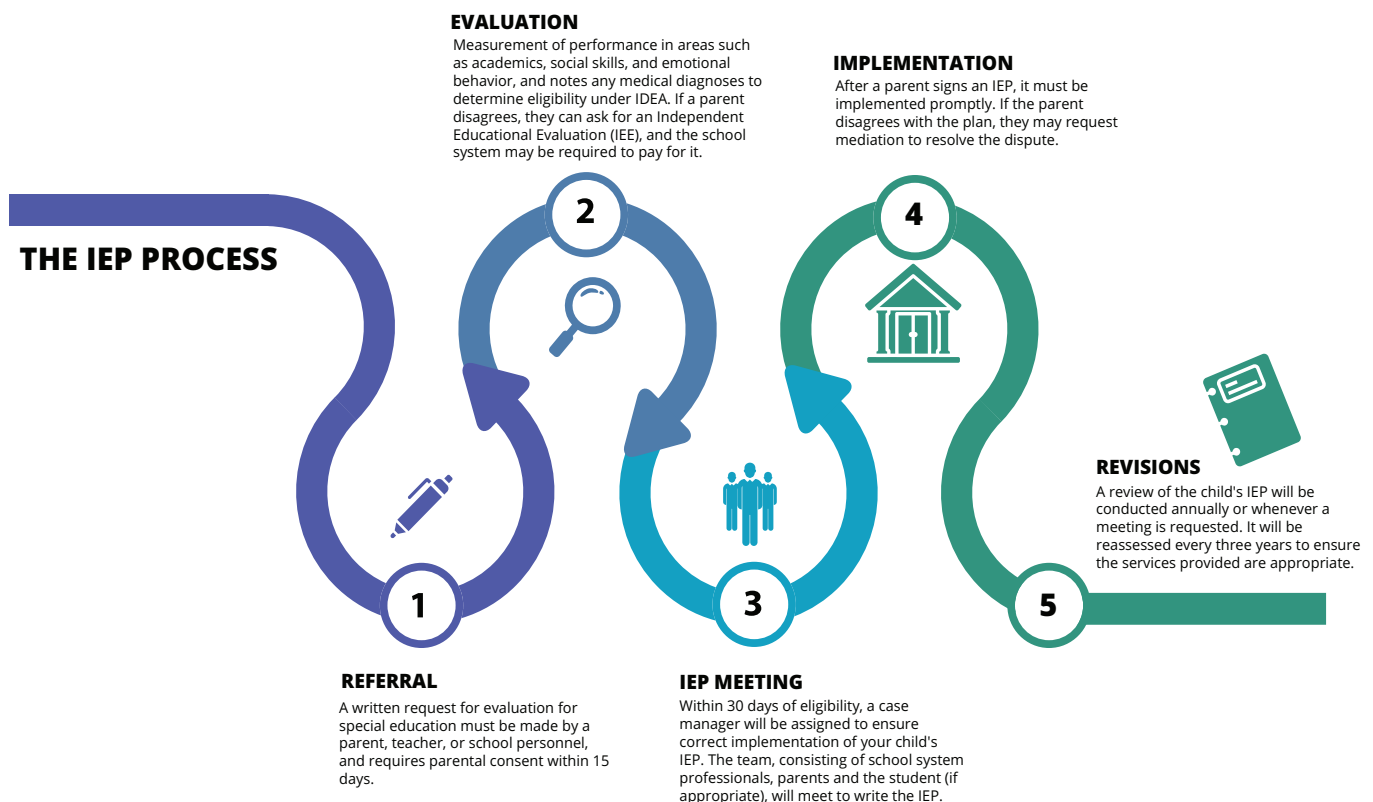
WHAT IS AN IEP?

Creating an IEP starts when a child is referred for special education services. First, the child is tested to see if they need these services. If they do, a team—including the child’s parents, school staff, and others—come together to make the IEP. This plan includes the child’s learning goals, what support they need, where they will learn, and any special behavior plans to avoid using restraint or seclusion.

Before creating these behavior plans, a Functional Behavioral Assessment (FBA)

is done by a trained professional. An FBA involves watching the child’s behavior in different ways and talking to people who know the child well to come up with the best strategies for positive behavior.

A good IEP brings together parents, teachers, school leaders, and other staff to work as a team. Sometimes, students also talk about their needs and how to help them succeed. The IEP helps make sure the child gets the right services and is making progress, meeting the requirements for a Free and Appropriate Public Education (FAPE).



9 COMPONENTS OF AN IEP

Present Performance

Describes the student's current abilities in academics and daily functions to set a foundation for goal planning.

1

Annual Goals

Sets specific and measurable academic and functional objectives for the student to achieve over the year.

2

Progress Monitoring

Outlines how and when progress toward these goals will be assessed and reported to parents.

3

Special Education Services

Lists all specialized instruction and therapies (like speech or occupational therapy) the student will receive.

4

Classroom Supports

Details the extra aids, like modified materials or assistive devices, that help the student succeed in general education.

5

Inclusion with Peers

Specifies the amount of time the student will spend with peers without disabilities to promote inclusion.

6

Assessment Accommodations

Identifies any modifications needed for state and district assessments to ensure fair testing.

7

Service Delivery Schedule

Explains when, where, and how long services will be provided.

8

Transition Planning

From age 14, sets goals and services to help the student prepare for life beyond high school.

9

How Restraint, Seclusion, and Suspension are Reflected in the IEP

SELF-ADVOCACY: PREVENTION IS KEY

One of the best ways to prevent restraint, seclusion, and suspension is to make sure that these disciplinary methods are not written into the child's IEP and that instead they have a strong Behavior Intervention Plan (BIP). A good BIP gives school staff clear steps to follow, helping them support your child without using harmful practices.

Documentation in the IEP

Carefully read your child's entire IEP. Schools sometimes include restraint, seclusion, or other disciplinary measures in the "notes" section or other areas, so reviewing everything is important. While schools can use restraint or seclusion in emergencies, you can take steps to reduce the need for these measures.

- ▶ Use the IEP to document when and how you can observe your child in the classroom.
- ▶ In the "Parental Concerns" section, clearly state that you do not consent to the use of restraint or seclusion.
- ▶ Work with the IEP team to create a strong, positive Behavior Intervention Plan (BIP). Share strategies that help your child at home and bring recommendations from professionals like therapists or psychiatrists.

- ▶ Make sure the BIP includes detailed tracking of behaviors, interventions used, and their outcomes. Also, request immediate notification if restraint or seclusion is ever used.
- ▶ Advocate to keep restraint and seclusion out of the BIP—these are emergency measures, not behavioral strategies. If the IEP team insists on including them, ask for your objection to be noted in the meeting minutes and, if possible, in the IEP or BIP itself.
- ▶ You also have the right to refuse to sign the IEP and put in writing that you do not agree with the use of restraint or seclusion.

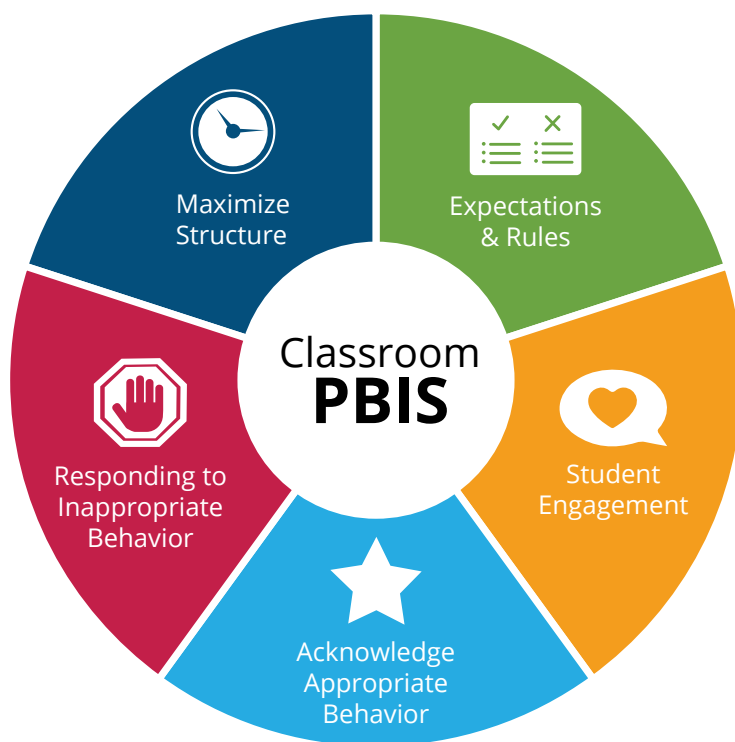
BIPs

In New Jersey, a BIP is a written plan that a child's IEP team creates to help reduce challenging behaviors and improve a student's behavior. The plan is based on the results of a Functional Behavior Assessment (FBA), which is an evaluation that helps identify the reasons behind the behaviors. The goal of a BIP is to prevent or stop misbehavior and teach and reward good behavior. A BIP can include:

- ▶ Positive behavior interventions
- ▶ Strategies for developing appropriate behaviors
- ▶ Classroom environment changes
- ▶ Additional supports in school settings

Positive Behavioral Interventions and Supports (PBIS):

Every child learns best in a safe, supportive environment. That's where **Positive Behavioral Interventions and Supports (PBIS)**—also known as **Positive Behavior Support (PBS)**—comes in. PBIS is a school-wide approach that helps students develop positive behaviors so they can focus on learning and feel more confident in the classroom. For students with disabilities, PBIS is the method recommended by federal law under the Individuals with Disabilities Education Act (IDEA) whenever behavior interferes with learning. IDEA supports PBIS because it is based on research and proven strategies.



When students struggle with behavior, it can make school frustrating—not just for them, but for their classmates and teachers too. Disruptions take time away from learning, and repeated discipline, like suspensions, can push students further behind. PBIS helps by teaching and reinforcing good behavior instead of relying on punishment. Unlike traditional discipline, PBIS is designed to be respectful and supportive. It never involves pain, humiliation, or shame. Instead, it helps students build confidence, make friends, and improve communication.

By setting clear expectations, offering encouragement, and customizing strategies to fit each student's needs, PBIS creates a positive school culture where all students can thrive. When kids feel supported, they're more engaged, have stronger relationships with teachers and peers, and are better prepared for success—both in school and beyond.

Put these 5 essentials of PBIS into practice for your family:



Maximize Structure

Create a daily schedule
Establish routines for work



Expectations and Rules

Develop a 'way to be together'
as a family
Identify behaviors you want to see



Child Engagement

Use child's interests, preferences,
and choices
Plan for active and inactive times



Provide Positive Feedback

Praise behaviors you want to see
Use frequently during problem times



Respond Calmly to Inappropriate Behaviors

Use a neutral tone of voice
to correct behavior
Identify ways to respond
to common problems

[Click here](#) or go to page 57
for a PBIS activity to try at home.



INFORMED CONSENT & “NO CONSENT” LETTERS

In special education, informed consent means the school district must give parents all the information they need to make a decision about a proposed activity. The school must clearly explain the evaluation or services, provide written notice, and include details such as:

- ▶ What the school plans to do
- ▶ Why they are doing it
- ▶ Any other options they considered and why they didn't choose them
- ▶ What tests, records, or reports will be used
- ▶ Any other relevant information

You, as the parent, must understand the information and agree in writing before the school can proceed. The school must also provide a written explanation of the parent's legal rights, called procedural safeguards. This process ensures transparency and a clear record of consent. ***Parents have the right to refuse or withdraw consent at any time.***

If a school or program threatens to stop serving your child unless you sign a consent form for restraints or seclusion, seek advice from a reliable source. Your child may have legal protections to remain in school under their IEP or applicable laws and regulations.

Writing a “no consent” letter to your child's school outlines that you don't want restraint, seclusion, or corporal punishment used on your child. These letters also demonstrate your willingness to work with the school to create appropriate supports and accommodations for your child, promoting a safe school environment. However, these documents may not legally stop the school from using these practices in an emergency that threatens your student or others.

If the school says it cannot follow your “no consent” letter due to policies, make sure they provide you with those policies in writing. Also request that your letter be included in your child's educational records, and if your child has an IEP, ask to have your position noted in the parent input section. Keep a record of all communications and consistently restate your “no consent” stance.

SAMPLE NO CONSENT LETTER

(Your name and address)
(Your telephone number))

(Date)

(School District Name and Address)

Re: (child's name and birth date)

Dear (Principal, Program Director, or IEP Team Leader):

My child, (child's full name), is a _____ grade student at _____ school. (Child's name) has a disability (or insert diagnostic label) and is receiving special education services.

I am writing to formally notify you of the following if, at any time, the school feels that my child's behavior is so challenging that seclusion, involuntary time out, physical management, restraint or similar restrictive or aversive practices are being considered or used:

- I direct that none of these techniques be used with my child.
- I have not authorized and will not consent to any activity that involves the use of any of these procedures at school or while my child is transported to or from school.
- If any of these techniques are currently being used, or have in the past been used, I wish to exercise my right to require you to notify me of this and to require you to terminate any use of such procedures immediately.
- I request that a behavior support team meeting be convened to:
 - discuss these challenges;
 - plan for a Functional Behavioral Assessment (FBA) across environments;
 - create a Positive Behavior Intervention Support (PBIS) plan to address my child's specific needs and behavior challenges.
- I also wish to exercise my right to participate in all such meetings. This includes, but is not limited to, the FBA and the development of a PBIS plan for my child.
- If an incident should arise in which school staff members feel unable to respond in a safe and non-restrictive way to my child, I ask that the school immediately contact the family members listed below. Please do not escalate the situation through the use of restraint, seclusion, or by calling the police:

NAME / RELATIONSHIP TO CHILD PHONE NUMBER

I am ready to work with school administrators, teachers, staff and professionals to be sure that my child learns to develop positive behavioral skills in an environment that is safe for my child, for my child's peers, and for school personnel. I share your desire to ensure that my child's school is a safe and secure environment where all students can be at ease and learn. I want to work with you to help create that environment. Thank you.

Sincerely,

(Your name)

What to Expect from Your District in the Event of Restraint or Seclusion

NOTIFICATION

New Jersey statute states that a parent or guardian must be notified “immediately” when a student is physically restrained, including by telephone or electronic communication, and should receive a full written report of the incident **within 48 hours**. In the case of seclusion, the parent or guardian should be notified **as soon as possible**, as specified by the district’s school board.

Notifications should include:

- ▶ A report from the school nurse
- ▶ What behavior caused the restraint/seclusion
- ▶ Who was involved
- ▶ Recommendations for follow-up

WHAT TO DO NEXT

- ▶ **Ask your child what happened:** Ask them to explain in their own words what happened before, during, and after they were restrained or secluded. Take written notes of what your child shares.
- ▶ **Take pictures of physical evidence:** Take photos of any bruises or cuts on your child. If possible, take photos of any restraints used at the school.
- ▶ **Speak with the school administrator:** Request a meeting to get details about

the incident. Ask what happened, what procedures they followed, and who was involved. Get a copy of the incident report.

- ▶ **Visit your pediatrician:** If your child has physical injuries from the incident, have them examined by their pediatrician to document them.
- ▶ **Request an IEP Meeting Immediately:** If a student is restrained or secluded, it means their IEP needs to be changed or that a behavioral assessment is needed. Parents can ask for an IEP (or Section 504 team) meeting to: (1) talk about the behavior that caused the restraint or seclusion; (2) check if the current plan is being followed correctly; (3) see if the student needs more support; and (4) update the student’s IEP or 504 plan if necessary. You can also request new evaluations.
- ▶ **Notify your school district’s Director of Special Services:** Don’t assume your school will inform them about the incident.

If you cannot resolve concerns with your child’s school after these steps, you have the right to ask for mediation or due process and file various complaints. Your student may be entitled to additional educational services.

If you think your child was inappropriately restrained or secluded, see <https://cadreworks.org/dispute-resolution-under-various-federal-laws> for information on filing various complaints.

QUESTIONS TO ASK

General questions for seclusion and restraint:

What behavior did my child have that made you believe seclusion or restraint was necessary?

For seclusion or restraint to be legal, this must be something that poses an immediate risk to the safety of your child or others. It is not legal for seclusion or restraint to be used as a punishment after somebody is hurt or for the destruction of property, for causing a disturbance, for non-compliance, for making a threat, for wandering off or running away, or any other behavior that is not an immediate, ongoing threat to the safety of your child or others.

What strategy did you try first? Why did you try that first? What was my child's response? Why do you think it didn't work? What strategy did you try next? Why did you try that next? What was my child's response? Why do you think it didn't work?

Fill in the blank with every calming strategy that you know works with your child, including eliminating a demand, task, or requirement, reading to him/her, watching a video on a screen, calling in a favorite staff member, offering a drink or snack, clearing other students out of the space to allow the meltdown to play out without needing seclusion or restraint. To be legal, seclusion or restraint may not be used in place of appropriate less restrictive interventions.

Did you try _____?

Why didn't de-escalation techniques work? Were these de-escalation techniques specific to my child (had they worked with my child before) or were they just generic techniques? What can be changed based on knowing that they didn't work this time?

In order to be legal, staff members who use seclusion or restraint must be specially trained in proactive practices, de-escalation techniques, and emergency situation prevention.

An FBA is a process for trying to figure out the reason behind (function of) a behavior by observing a child over time and documenting what happened right before (antecedent) and right after (consequence) a behavior.

When will you be conducting a Functional Behavioral Assessment (FBA)?

Specific questions for restraint:

Who were the staff members who were involved in restraining my child?

What system were they trained in?

Many schools use Crisis Prevention Institute (CPI) techniques. You can Google "Crisis Prevention Institute holds" to see image examples of various holds.

What hold did they use? Can you show me how it was done so that I can understand? What was my child's response? What did s/he say and do?

Restraint should end as soon as there is no longer a threat to safety.

How long was my child in the hold? Why was it that long? How did you decide to let go?

Questions specific to seclusion:

Who were the staff members who were involved in secluding my child?

Where was my child secluded?
May I see the space?

You have a right to see it. Do not take “no” for an answer. This is important to understanding your child’s experience in case similar locations trigger responses later.

Seclusion should end as soon as there is no longer a threat to safety.

For how long was my child in the seclusion space? Why was it that long? How did you decide to let him/her out?

What to Expect from Your District in the Event of Suspension

CAN A SCHOOL DISCIPLINE MY CHILD?

Yes. Schools have the authority to discipline students who receive special education, but they must follow specific rules [as noted on page 14](#). These rules apply to public, charter, and private school children with special education needs, and children who are undergoing evaluation for special education, even if their eligibility has not yet been determined.

Additionally, these rules may apply even if your child is not currently receiving special education services or being evaluated. This is the case if you have informed the school in writing that your child might need special education or if you have requested a special education evaluation. Furthermore, the rules apply if school staff have expressed concerns about your child's behavior to other school staff members.

- *Note that students must receive 10 hours a week of home instruction after the first five days of suspension.²*

WHEN DOES THE SCHOOL NEED TO DOCUMENT A SUSPENSION?

- When your child with an IEP is sent home early, it should be considered a day or partial day of suspension
- An in-school suspension should be considered a suspension if your child does not receive the special education services detailed in their IEP
- If your child receives transportation as part of their IEP and is suspended from using the bus, this is considered a day of suspension unless the school finds alternative transportation
- If you transport your child to school while suspended from the bus and the IEP includes transportation as a related service, the school should reimburse you



INFORMAL DISCIPLINE

Informal school discipline happens when a school limits or removes a student from school activities without officially suspending or expelling them or giving them formal due process.

When informal discipline is used, students don't have the same protections they would if it were an official punishment. Some examples of informal discipline are:

- ▶ Sending a student home early without officially suspending them
- ▶ Cutting a student's school day short
- ▶ Placing a student in home-based instruction without proper steps
- ▶ Pressuring parents to withdraw their child from school to avoid expulsion
- ▶ Encouraging students to drop out or take a diploma too soon

Next, we'll look at what these types of discipline are and how you can stand up for your child.

Sent Home Early

Sometimes, schools call parents to pick up a student early because of behavior issues. This is often used as a way to avoid giving an official suspension, but your child still has the right to stay at school unless they are officially suspended or expelled.

If you get a call to pick up your child, here are some steps to follow:

- ▶ Ask if your child is being suspended, expelled, or if they're too sick to stay at school. If they are, then you should arrange to pick them up and ask for paperwork.
- ▶ If the answer is no, you don't have to pick them up early. Keep in mind some schools may threaten to call authorities if you refuse. If you feel that the school is retaliating against you in this way, you can file a complaint with the US Department of Education's Office for Civil Rights (OCR).
- ▶ Keep track of the time your child misses from school and the reasons for the early pickup. If they miss more than 10 days of school in a year due to early dismissals, this could lead to a Manifestation Determination Review (MDR).
- ▶ Request an evaluation, like a Functional Behavioral Assessment (FBA), to find out what support your child needs.
- ▶ Write to the school's Special Education Director if you feel these informal removals

are denying your child their right to a Free Appropriate Public Education (FAPE).

- ▶ Make sure you follow up with an email to document that your child was sent home.

Shortened Days

Some schools may suggest shortening a student's school day if they're struggling with behavior issues. For example, a student might be sent home before the day ends if they have more trouble in the afternoon. However, this isn't always the right solution, especially if the school should be using other special education supports and accommodations to help the student.

Shortened days should only be used when necessary for medical or disability reasons. If the school suggests this, here's what you can do:

- ▶ Ask if the shortened day is really needed for your child's situation and request evidence showing why.
- ▶ If you don't agree with their reasons, ask for an Independent Educational Evaluation (IEE) and make sure your disagreement is noted in the meeting.
- ▶ Request a Prior Written Notice (PWN) explaining the decision, and make it clear that you believe it could be limiting your child's education.
- ▶ If needed, file a complaint or take other steps to challenge the decision.

Home-Based Instruction

Home-based instruction is when a student is completely removed from the school environment and learns at home. This is the most restrictive form of education. Under the IDEA, students should be placed in a general education classroom with their peers as much as possible.

If your child's school recommends home-based instruction, here are some actions you can take:

- ▶ Ask if this is truly necessary for your child's needs and request data and documentation to support their decision.
- ▶ If you disagree, ask for an IEE.
- ▶ State your disagreement during meetings and suggest other options that are less restrictive.

- ▶ If the school decides to go forward with home-based instruction, make sure they are providing enough instruction for your child to still get an appropriate education (FAPE).

Withdraw or Face Discipline

Sometimes, schools may offer parents the choice to withdraw their child to avoid a suspension or expulsion. While this might seem like a good option, once a child is withdrawn, the school is no longer responsible for providing them with an education.

If this happens, consider these steps:

- ▶ Ask what formal disciplinary action your child is facing and make sure the school is following the proper rules.
- ▶ If your child has an IEP, they are entitled to a Manifestation Determination Review before being disciplined.

- ▶ Ask about what will happen next if your child is expelled and make sure they still get the special education services they need.

By knowing your rights and how informal discipline works, you can help make sure your child gets the education they deserve.



Building School-Parent Partnerships

Building a good relationship between parents of special education students and their child's teachers in New Jersey involves some important steps. Here are some tips for parents:



Understand the IEP Process

Learn About the IEP: Know what the IEP is and what it includes. It has goals, special supports, and changes needed for your child. Review it regularly and ask questions if you don't understand something.

Attend IEP Meetings: Be active in the annual IEP meetings to help set goals that fit your child's needs.



Maintain Open Communication

Stay in Touch: Keep regular contact with your child's teachers and special education staff through email, phone calls, or a communication log.

[Click here or go to page 40 for a sample email.](#)

[Click here or go to page 46 for a sample communications log.](#)

Be Responsive: Answer any messages from the school quickly and let teachers know you're available for updates or concerns.

Request Meetings: If you have worries or need more information, don't wait for the annual review—ask for a meeting sooner.



Be Involved and Visible

Attend School Events: Attend parent-teacher conferences, open houses, and school performances. Your presence shows you care about your child's education.

Volunteer: If you can, help with classroom activities or school events. This will help you build good relationships with teachers and staff.



Collaborate with Teachers

Ask for Feedback: Get the teacher's thoughts on how your child is doing, their strengths, and any challenges. Work together on ways to help your child and support what's being done at school with activities at home.

Share Information: Tell teachers about your child's learning style, preferences, and any things that help or challenge them. This allows teachers to understand your child better.

[Click here or go to page 42 for a sample "All About Me" template.](#)



Be Positive and Solution-Oriented

Focus on Solutions: When problems come up, look for ways to fix them rather than blaming. Everyone wants the same thing—your child's success.

Celebrate Progress: Notice and celebrate small achievements and thank the teachers for their hard work.

[Click here or go to page 47 for the Four Part Problem Solving model.](#)



Be an Advocate, but Stay Collaborative

Advocate Respectfully: Make sure your child's rights are respected while working together with the school. If issues get serious, seek mediation before taking more formal steps.

Know Your Rights: Learn about New Jersey's special education laws and what protections are available for you as a parent.

[Click here for Parental Rights in Special Education \(PRISE\).](#)



Use Resources and Support Networks

Work with Specialists: If your child sees therapists or other specialists, coordinate with them to make sure everyone is working together.

Join Parent Support Groups: Consider joining groups where you can share experiences, learn from others, and get support.

[Click here or go to page 30 for information on creating a community of support.](#)



Creating a Community of Support

SPECIAL EDUCATION ADVISORY GROUPS (SEPAGS)

Parents often find that other parents are one of the best sources of information and support when dealing with special education challenges. SEPAGs, which are required by state law (N.J.A.C. 6A:14-1.2(h)), provide a supportive network for parents to share information and experiences. Working collaboratively with school administrators, these groups can influence policies, raise awareness, and drive change for students with disabilities. By participating in a SEPAG, parents can advocate for safer and more supportive practices in managing challenging behaviors.

Starting a SEPAG to Address Restraint and Seclusion

If your district doesn't have an active SEPAG, forming one can be a strategic way to address concerns about restraint and seclusion. Here's how you can begin:

- ▶ **Seek Support:** SPAN Parent Advocacy Network's START—Engaging Parents of Students with Disabilities offers various resources, assistance, and training to create an effective SEPAG.
- ▶ **Gather Information:** Make sure you know the rules about restraint and seclusion in New Jersey and learn about the SEPAG guidelines from the New Jersey Department of Education.

- ▶ **Connect with Other Parents:** Talk to other parents to see if they are interested in discussing concerns about restraint and seclusion.
- ▶ **Collaborate with Your District:** Speak to district leaders and suggest forming a SEPAG, emphasizing how it can help improve special education services and address harmful practices like restraint and seclusion.
- ▶ **Formalize the SEPAG:** Create a mission statement for your SEPAG group and invite different people to join to make sure everyone's opinions are heard.

Advocating as an Existing SEPAG

For SEPAGs that are already in place, here's how to take action to combat restraint and seclusion:

- ▶ **Review Policies and Data:** Check the district's current policies on restraint and seclusion to make sure it is in line with state law. Ask for data on how often these practices are used to identify potential trends or overuse.
- ▶ **Push for Policy Changes:** Advocate for updated policies that state restraint and seclusion can only be used as a last resort. Recommend the adoption of alternatives such as Positive Behavioral Interventions and Supports (PBIS) and trauma-informed practices.
- ▶ **Promote Staff Training:** Advocate for comprehensive, ongoing staff training

in de-escalation techniques, behavior management, and social-emotional learning. Staff should have the tools to manage challenging behaviors without relying on restraint or seclusion.

- ▶ **Create Transparency:** Ensure there are clear reporting procedures for restraint and seclusion incidents, with prompt notifications to parents. Push for regular reviews of district-wide data to track progress in reducing the use of these practices.
- ▶ **Educate and Engage the Community:** Host workshops or forums with experts on alternatives to restraint and seclusion, and provide parents with resources to understand their rights and advocate for their children effectively.
- ▶ **Collaborate and Monitor Progress:** Regularly check how well the district is using alternatives and track reductions in the use of restraint and seclusion.
- ▶ **Support Families:** Provide a support network for parents whose children have been subjected to restraint and seclusion. Offer guidance on how to file complaints or request changes to their child's Individualized Education Program (IEP).

Combining Efforts for Change

Whether you're starting a SEPAG or working within an existing group, the goal is the same: to reduce or eliminate restraint and seclusion in favor of safer, more effective interventions.

OTHER PLACES TO GET SUPPORT



IncludeNJ is dedicated to supporting and empowering families of students with disabilities by advocating, networking, and educating them about inclusion. We aim to ensure that every student has access to inclusive education and receives the support they need to thrive. includenj.org



The Aging & Disability Resource Connection (ADRC) website provides information on federal, state and local programs and services to help seniors and persons with disabilities age 18 and older, regardless of income. adrcnj.org/disability-resources



All In for Inclusive Education works with school districts across the United States to provide professional development training as well as consultation and coaching services to educators and administrators. Their programs are fully customized to support your school district's needs. allinforinclusiveed.org



The Center for Parent Information & Resources (CPIR) is the central hub of valuable information and products specifically designed for the network of Parent Centers serving families of children with disabilities. parentcenterhub.org



The COPAA Find Attorney/Advocate Directory serves as a resource for the public to find attorneys, advocates, and related professionals who belong to COPAA and advocate on behalf of children with disabilities. copaa.org



Disability Rights NJ provides a wide array of advocacy services for people with disabilities, their families, and other stakeholders. disabilityrightsnj.org



Education Law Center pursues justice and equity for public school students by enforcing their right to a high-quality education in safe, equitable, non-discriminatory, integrated, and well-funded learning environments. edlawcenter.org



ENDSAR-NJ is a NJ affiliate parent support group of the Alliance Against Seclusion and Restraint. endsar-nj.org



The New Jersey Department of Children and Families-Family Support Organizations (FSO's) are family-run, county-based organizations that provide direct family-to-family peer support, education, advocacy and other services to family members of children with emotional and behavioral problems. To access services, you may call these organizations directly or call 1-877-652-7624. nj.gov/dcf/families/support/support/



The New Jersey Council on Developmental Disabilities is a lead change agent in New Jersey responsible for a vision of what the lives of people with developmental disabilities should be. Through its membership and its activities and projects, the Council provides a forum and resources for making its vision a reality. njcdd.org



PerformCare New Jersey is the single point of access to a wide array of behavioral health, intellectual and developmental disability services, as well as substance use treatment for youth and families throughout New Jersey. performcarenj.org



SPAN is a Parent Advocacy Network committed to empowering families as advocates and partners in improving education, health, and mental health outcomes for infants, toddlers, children and youth. spanadvocacy.org

Frequently Asked Questions

On Restraint & Seclusion

► Is the school allowed to restrain my child on the bus?

A child may only be restrained on the school bus with a device that is used for the specific and approved purposes for which such device is designed. Vehicle safety restraints are only permitted when used as intended during the transport of a student in a moving vehicle.

► Can the school restrain my child with adaptive equipment such as a Rifton chair or positioning aides?

These devices can not be used for behavioral interventions as they are permitted to only be used as prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed.

► Does the school have to have a policy on restraint and seclusion?

Yes. According to the [NJDOE Restraint and Seclusion Guidance for Students with Disabilities](#) “Each district board of education should develop and adopt a written policy which addresses the requirements of P.L. 2017, C. 291. Parents should be informed annually about the district’s policies for restraint and seclusion, including if the district has chosen not to allow the use of restraint and seclusion for its students with disabilities.”

► Can I find out what crisis prevention method my school uses?

Yes. Many schools use Crisis Prevention Institute (CPI) or Handle With Care techniques. You have a right to know which techniques your school is using, and they should be outlined in your district’s policy on restraint and seclusion.

► Can the school remove my child’s Augmentative and alternative communication (AAC) device for behavior?

No. The removal/restricted access to an Augmentative and Alternative Communication device eliminates a student’s ability to communicate their needs, therefore taking away a basic human right, and constitutes a serious civil rights violation.

► **Does the school have to notify me if my child is removed from class by an escort?**

It depends. According to NJ Statutes, escorting a student doesn't always constitute restraint. However, you should request that the school notify you any time your child is removed from the classroom, and that request should be documented in their Behavior Intervention Plan.

► **My child was placed in the "cool-down room." Is that seclusion? Should I have been notified?**

It depends. A seclusion room, timeout room, cool-down space, quiet room, or turn-around room can all be names for a room where a student is prevented from leaving. If the child is free to leave the area when they are calm it is not seclusion. Seclusion is the involuntary confinement of a student in a room or area where they are not free to leave. Any time your child experiences seclusion you must be notified by the school.

► **Is there any specific language I should use to get information on my child's restraint/seclusion?**

Specifically, ask the school administrator, "What were the antecedents to the behavior causing the need for restraint/seclusion?" and "What interventions were used?"

On Suspension

► **What choices do I have when I am called to pick up my child or keep my child home due to behavior?**

Parents need to understand their child's rights when the school requests parents to pick up their child due to behavior. Section 504 of the Rehabilitation Act protects students with disabilities, including those with IEPs, from discrimination. Guidance from the federal Office of Special Education Programs (OSEP) defines disability discrimination as excluding or denying benefits (which includes access to education) based on disability.

Students with disabilities are entitled to educational services and supports that are designed to meet their individualized needs as adequately as the needs of students without disabilities. If the school requests that a parent pick up their child and he or she has not been officially suspended and is not ill, parents should be sure that it is NOT documented as "parent choice". An appropriate question to ask when the school is calling for a parent to pick up their child is whether or not the child is being suspended or is ill. If the answer to those questions is "no," then the child has the right to be in school.

► **I was told over the phone by the principal that my child was being suspended and to keep him home. I did not receive a written notice. What should I do?**

1. **Request Written Notice:** Contact the school and ask them to send you a written notice about the suspension. This notice should explain why your child was suspended, how long it will last, and whether you have the right to appeal or ask questions. Schools are usually required to provide this, especially if the suspension is longer than a few days.
2. **Understand Your Rights:** Federal and New Jersey laws give students and parents certain rights when it comes to suspensions. For example, your child has the right to know why they were suspended and should have a chance to ask questions or respond.
3. **Check the Suspension Length:** New Jersey laws often separate short-term (up to 10 days) and long-term suspensions, with additional rules for longer suspensions, like offering a formal review. If the suspension is for more than 10 days, ask about any extra procedures or options you may have.
4. **Document Everything:** Write down the date, time, and details of the phone call with the principal, as well as any other communications with the school. Keeping a clear record will be helpful if you need to follow up.
5. **Reach Out for Support if Needed:** If the school still doesn't provide the written notice, you can contact the New Jersey Department of Education or an education advocate to discuss your options for appealing or addressing the issue.

► **Where can I get the school's formal policy on suspension?**

You may request the relevant policy from your case manager or consult the board policies located in the "Student Support Services" section. Each school is mandated to have an established suspension policy.

► **If my child has been suspended for 10 cumulative or consecutive days or more, what happens next?**

This is considered a change in placement. Before a school can make a change in placement, the school must first look at how your child's disability relates to the conduct or behavior that is causing concerns. This is called a manifestation determination. An Individualized Education Program (IEP) meeting must be held within 10 days of the school's decision to make a change in placement. You have the right to be at this meeting. At the meeting, the IEP team must review

relevant information in your child's file, such as your child's IEP, evaluations, and observations. You also have the right to give the IEP team any additional information that may be helpful. The IEP team must review this information. The IEP team (which includes you) must determine whether your child's alleged conduct or behavior was:

- Caused by, or has a direct and substantial relationship to, your child's disability; or
- A direct result of the school's failure to implement your child's IEP.

If the IEP team determines that your child's conduct or behavior was a manifestation of his or her disability, the school must return your child to his or her placement. A special evaluation called a Functional Behavioral Assessment (FBA) must be done. An FBA is an evaluation that will look at the relationship between your child's behavior and his or her disability. After it is completed, the IEP team must meet and create a Behavioral Intervention Plan. This plan should determine what behavioral interventions and modifications are needed to prevent the behavior from happening again. If an FBA was already done and your child has a Behavioral Intervention Plan, the IEP team must meet to review the plan. If needed, any necessary changes and modifications must be made.

If it is determined that your child's conduct or behavior was not a manifestation of his or her disability, then the school can discipline your child the same way they would a child not receiving special education.

You have the right to request a manifestation determination meeting. This meeting is important as it helps to determine whether a student's behavior is a result of their disability or if it is a separate issue.

- **My child has a Behavior Intervention Plan (BIP) that the school is not adhering to, and as a result, my child has been suspended for a behavior addressed in the BIP. What options do I have to address this situation?**

Write an official notice to the school that the district is out of compliance with the IEP. If the behavior results from the child's disability, the IEP must be amended, and a suspension cannot occur.

- **My child does not have an FBA or BIP and has been suspended for a behavior. What steps should I take?**

Request an IEP amendment meeting to request a Functional Behavior Assessment (FBA) and

resulting Behavior Intervention (BIP) plan be conducted and implemented. For example:

I am requesting an IEP amendment meeting to address the pressing need for a Functional Behavior Assessment (FBA) for my child. My child has been suspended from school for a behavior that I believe is the result of his or her disability. The FBA will provide valuable insights into the specific behaviors that are impacting their educational experience and will help identify the underlying causes. Based on the results of this assessment, I expect the development and implementation of a comprehensive Behavior Intervention Plan (BIP) tailored to meet my child's unique needs. This plan should outline targeted strategies and interventions that can effectively support my child's behavioral and academic success in the school environment.

► What is a Manifestation Determination Meeting, and when must it be held?

A manifestation determination is a meeting where parents of a student with an IEP and school staff review relevant information about the child and answer two questions:

1. Was the behavior caused by, or has a direct and substantial relationship to, the child's disability?
2. Was the behavior the direct result of the school's failure to implement the child's IEP or 504 plan?

If the answer is "yes" to either of the above questions, then the behavior is determined to be a manifestation of the child's disability. Parents and school staff only have to answer "yes" to one of the above questions for the behavior to be considered a manifestation of your child's disability.

A manifestation determination meeting must be held within 10 school days if a child with a disability:

- Has been suspended for 10 days in a row
- Has been suspended for more than 10 total days in the same school year for similar behaviors
- The school district is considering expulsion

A period of ten consecutive days, or a pattern of removals occurring over the span of ten days during the school year, results in an automatic change in placement. A school must provide the parent with a copy of the Procedural Safeguards Notice (PSN) on the date a decision is made to

initiate the removal of a student, which constitutes a change in placement due to a violation of a code of student conduct (§300.530(h)). The school must convene a meeting with the relevant IEP team members, including the parent, and conduct a Manifestation Determination (MD) within ten school days of the decision to remove the student. For any additional suspensions exceeding ten consecutive days within the same school year, the MD must be conducted before the removal.

If the behavior is determined to be a manifestation of the disability, the student may NOT be suspended (removed). The IEP team may consider changing the student's program and/or placement. The IEP team is also required to review the Behavior Intervention Plan (BIP). If there is no BIP in place, a Functional Behavioral Assessment (FBA) must be conducted, and a BIP developed.

If the behavior is NOT determined to be a manifestation of the disability, the student may be suspended (removed) from school. The school must continue to provide educational services as appropriate and required by state law, on a case-by-case basis. The IEP team will review the Behavior Intervention Plan (BIP). If no BIP exists, a Functional Behavioral Assessment (FBA) should be conducted, and a BIP developed as needed.

Click here for the Overview of Discipline Procedures for Students Receiving Special Education or visit <https://nj.gov/education/specialed/policy/docts/DisciplineFlowchart.pdf>.

Samples and Templates

EMAIL COMMUNICATIONS

To Teacher(s)

Dear M(r/s) _____

I would like to take a moment to introduce myself. My name is _____, and I am the parent of _____. As you are aware, _____ has an IEP and is classified under the category of _____. I am hopeful that you have reviewed the IEP and are well-versed in providing the accommodations and other services noted in the IEP.

I know what a busy time of the year this is for you, so I have sent you an “All About Me” form to help you get to know my child better. Please let me know if you have not received it, and I will happily resend it to you.

I would like to set up a meeting with you and other teachers/therapists to ensure that we are all on the same page and that we start the school year off on a positive note. Please let me know what day and times the team has available for a meeting in the next two weeks, and I will do my best to make myself available.

The best way to communicate with me is via _____. The best phone number to reach me at is _____.

I look forward to working collaboratively with you this year.

To Case Manager

Dear _____,

I understand that you have been assigned to case manage my son/daughter _____ this school year. I would like to set up a phone conference at your earliest convenience so that I can better understand the role you will play in their education program and you will ensure that all educational and support staff (including 1-1 where applicable) have reviewed the IEP.

Please let me know a couple of days and times you are available this week, and I will do my best to make myself available.

The best way to communicate with me is via _____. The best phone number to reach me at is _____.

I look forward to working collaboratively with you this year.

TEMPLATE LETTERS

Request an FBA

Date

(Name of Special Education Director)

(Name of School District)

(Address of School)

Dear (Name of Special Education Director):

My child, (child's name) (date of birth), attends (school name). I believe that (child's name)'s behavior is beginning to interfere with his/her ability to learn and to reach his/her IEP goals and objectives. The following difficulties support my concern:

(List your observations – here are some examples:

- *S/he does not know how to respond constructively to name-calling or teasing;*
- *S/he is not cooperative in groups;*
- *S/he needs assistance to distinguish between socially acceptable and unacceptable behavioral responses to various situations and environments;*
- *S/he does not recognize situations in his/her self-control is needed;*
- *S/he does not know how to cope with stress-provoking situations he/she cannot avoid; and*
- *S/he does not understand the consequences of appropriate and inappropriate expressions of his/her feelings.)*

Please provide (child's name) with a Functional Behavior Assessment (FBA) as is required by the Individuals with Disabilities Education Act [IDEA]. Please consider this letter my formal request for, and consent for the school district to provide the FBA. I understand that a positive behavior support team will be assembled to review the FBA and develop an appropriate behavior intervention plan. I expect to be included in the FBA and as an active participant on the team developing the behavior intervention plan. Please provide me with copies of all FBA data and results as soon as they become available to you. I hope that this request can be expedited as (child's name) already has been suspended in/from school on (number of times) for a total of (number of days) days.

Thank you for giving this request for an FBA your immediate attention. I will work with you to address and achieve (child's name) educational goals using positive behavior support and an effective behavior intervention plan.

Sincerely,
(Your name)

Request an Independent Evaluation

(Special Education Director's Name)
(School District Name)
(School District Address)

Dear (Special Education Director),

I am the parent of (child's name), whose date of birth is (date of birth) and is in grade (grade). I am hereby submitting a formal request for independent evaluation of my child's needs and abilities across all areas of suspected disability. I desire that the evaluation be conducted independently by specialized professionals who are experts in their respective fields. I want to request the following evaluations:

(List the evaluations you are asking for here.)

I am confident their expertise will provide valuable insights into my child's unique situation and enable us to develop the best possible strategies to address educational and social-emotional needs. I understand that the school district must provide the independent evaluation requested without undue delay unless it initiates a due process hearing within 20 calendar days to show that its evaluation is appropriate.

Upon receipt of this request, please inform me where I can obtain my independent evaluation and the district policy and criteria for independent evaluations. Thank you.

Sincerely,

(Your name)

cc: (School Principal)

(Student's Teacher)

Request an IEP Amendment Meeting

(Student's Case Manager)
(School)
(School Address)

Dear (Case Manager),

I am the parent of (child's name), whose date of birth is (date of birth) and is in grade (grade). I am requesting a team meeting to consider amending my child's IEP.

(Fill in the blanks below or write in your reason for requesting an IEP amendment meeting.)

I am writing because I want the IEP team to consider my child's IEP changes. The following services, supports, and accommodations, which are contained in my child's IEP, are not being provided: _____

or

I am writing because my child is having difficulty in school and is not making adequate progress under his or her current IEP. I am particularly concerned about the following: _____

Therefore, I request the following:_____

or

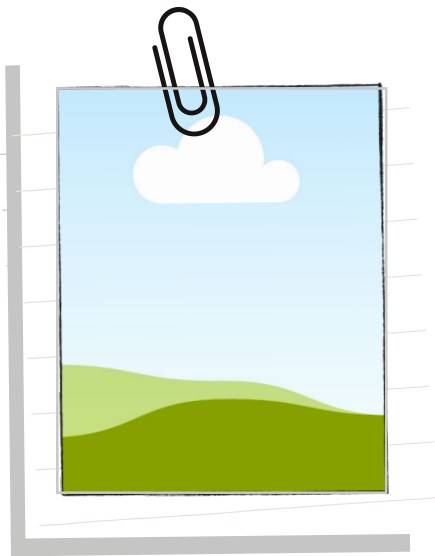
(Write in your reasons for this request.)

I acknowledge that, per state regulations, I am a member of the IEP team. As such, I expect a response to my request within 20 calendar days from the date of this letter. Furthermore, I understand that if a meeting is required to decide and respond to my request, the meeting must be held within the same 20 calendar days, and a decision must be made within that same time frame. Please let me know if you need any further information from me. Please contact me to set a date and time for this meeting. If you have any questions about this request, don't hesitate to contact me.

Thank you,

(Your name)
(Your contact information)

cc: DIRECTOR OF SPECIAL SERVICES FOR THE SCHOOL DISTRICT



My Name is

AGE | GRADE

I prefer to be called:

This is how you pronounce my name:

What you should know about me

My grown-ups include:

My siblings include:

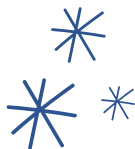
My pets include:



My favorite Food is:

My least favorite food is:

I am allergic to:



When I am nervous I...

When I am scared I...

When I need the bathroom I...

My learning style

- ☐ I need visual cues to help me remember my schedule
- ☐ I need to hear the directions more than once
- ☐ Please don't expect me to make eye contact
- ☐ I like to have choices in my work day
- ☐ I have a hard time staying on task
- ☐ I can draw or play with a fidget and still pay attention
- ☐ I am not comfortable speaking in front of a group
- ☐ (OTHER – ENTER HERE)



I am super good at

I need help with

In my free time I would like to



Fun facts

My favorite
subject is

My favorite game
is



From my guardian(s)

Three things I would like you to know about my child

1.

2.

3.

My hope for my child this year is...

The best way to reach me is:



Email Address

All About Me

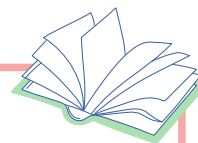
Personal Information

Name

Class

Birthday

Favorite Things



Movie

Book

Game

Subject

How Do You Learn Best?

Rate your learning styles from one to five stars.

Visual



Auditory



Kinesthetic



Your Strengths

What are some of your biggest academic strengths?

Your Teacher



What can I do to help you learn?

What would you like me to know?

Your Weaknesses

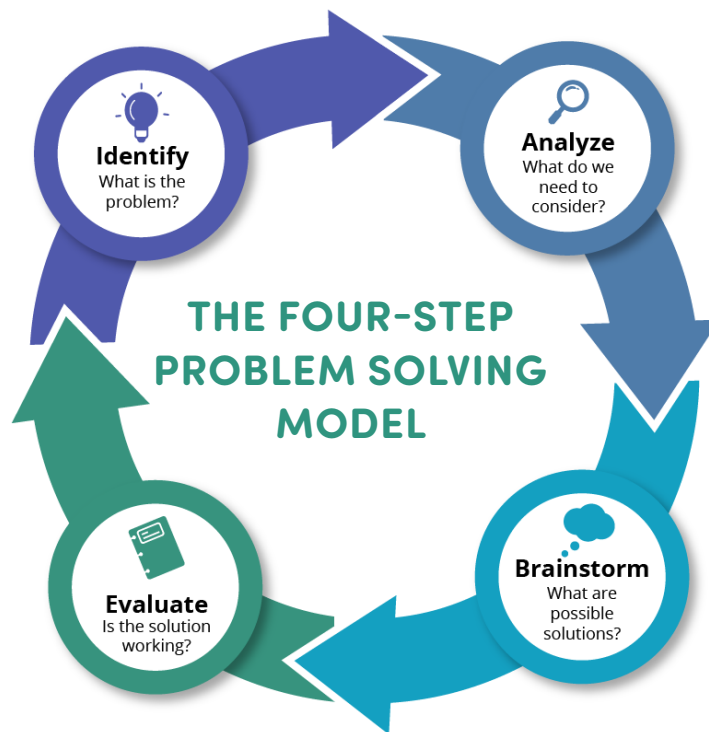
What are some of your biggest academic weaknesses?

COMMUNICATIONS LOG

Date:	Time:	Method:
		☐ Phone ☐ Email ☐ Letter ☐ In Person
Reason contacted:		
Outcome:		
Related Documents (attach copies):		

.....

Date:	Time:	Method:
		☐ Phone ☐ Email ☐ Letter ☐ In Person
Reason contacted:		
Outcome:		
Related Documents (attach copies):		



Step 1: Identify

Throughout the school year, a student might face various challenges related to their education. The first step in addressing a problem is to identify it when it is first noticed by parents, school staff, or the student themselves. It is important to determine not only what the problem is but also what the end goal should be during this step.

Step 2: Analyze

When gathering information about an issue, it is important to consider all relevant factors, including the child's profile, such as their disability, needs/challenges, strengths/interests, as well as the activities and routines happening in the general education setting at the time in question, such as arrival time, passing in the hallway, large and small group activities during reading, math, music, gym, fire drill, etc. This comprehensive understanding

will provide clarity and guide potential solutions.

Step 3: Brainstorm

Brainstorm various interventions and supports that can help address the problem and ensure that the student remains included. It's important to start with the least intrusive and most natural support, so as to reduce the stigma of separation. This approach will also encourage other students to model the same behavior and work towards the goal of achieving independence.

Step 4: Evaluate

No problem-solving approach is complete without evaluating the effectiveness of the solutions. Observing and reviewing the effects of the selected plan of support can help determine whether additional solutions are necessary.

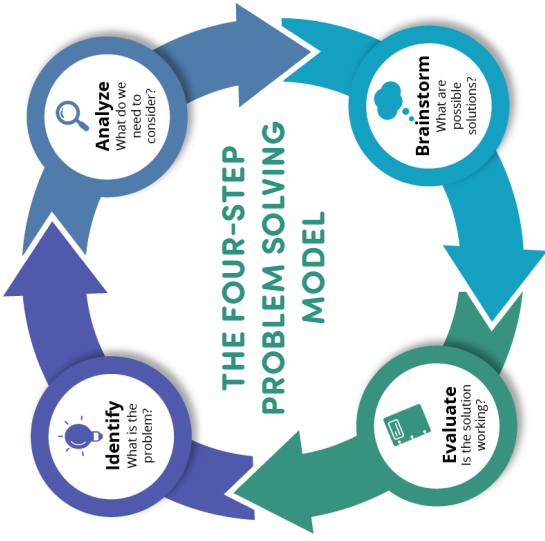
THE FOUR-STEP PROBLEM SOLVING MODEL FILLABLE WORKSHEET

Identify

Analyze

Evaluate

Brainstorm



Getting Your Child's Behavior in Shape at Home Using PBIS

PBIS focuses on creating a new environment that supports positive behavior rather than changing the child. It involves creating a plan to determine what you can do differently and who or what you can rely on for support.

Identify the Behavior:

Determine which behavior you want to change.

Understand the Cause:

Develop a theory about why the behavior is happening.

Set Clear Goals:

Decide how you want the behavior to change and define what success will look like.

Choose Proven Supports:

Use this information to select strategies that have been shown to work.

Be Consistent:

Consistently apply the supports you've chosen.

On the next few pages, we'll share some tips and examples for using the PBIS methods at home.

Tip 1: Make Expectations Clear

We often assume that a child knows exactly what we want them to do and understands it in the same way we do. We might think they're choosing not to behave when they don't meet our expectations. For example, imagine you politely ask your child to “straighten up their room” and give them plenty of time to do it. When you check later, you find that they've stuffed all their clothes—both dirty and clean—into the drawers, left toys on the floor, and haven't made the bed. This is far from your idea of a clean room. But is it your child's idea of a clean room?

Suppose there's a chance that your expectations aren't completely clear to the child. In that case, the first step to getting the room cleaned to your satisfaction isn't offering rewards or threatening punishment—it's clarifying exactly what you want the child to do and communicating it clearly. A visual checklist can be helpful, especially for children with processing issues or difficulties with attention and focus.

Visual checklists can be created to keep track of independent tasks that need to be completed, such as a chore list, or to break down a larger job into smaller, manageable steps, such as cleaning a bedroom. You can use visual supports to clearly communicate your expectations about various chores that you want your child to take responsibility for and to help them remember their responsibilities. You can also make the checklists more visually appealing by using items from a local craft store.



Tip 2: All Behavior is Communication

Children often misbehave because they are trying to communicate a need or tell us something. Often with younger children, they want our attention and may misbehave as the only way they know how to get it. Have you ever been in a grocery store and heard a mother asking her child: “Do you want a spanking?” “Do you want me to take you out to the car?” “Do you want me to tell your father when we get home?” Children cry, grab, scream, and beg because they want to communicate something to you. To change this habit, we need to teach them new, socially acceptable behaviors - what we call “replacement behaviors.” The best way to do this is to model and practice these behaviors.

Tip 3: Practice Makes Perfect

For younger children, practice sessions can be a great way to clarify your expectations and teach them better, more appropriate ways to communicate. One effective method is a “reverse” practice session where you and your child switch roles to practice expressing wants and needs using socially acceptable behaviors.

Here’s how you can try it:

Role Reversal: Let your child know in advance that you’ll be practicing how to ask for things and understanding the difference between “yes” and “no.” Make it fun by telling them they get to play the parent for a little while. Before starting, instruct your child to tell you “No” to your request.



At the Store:

While in the cereal aisle, pick up a box that has a toy inside that you want. Approach your child and say, “I’d really like to have this cereal because it has a CD game of Monopoly in the box.”

Add, “I promise I’ll eat this cereal even if it doesn’t taste good, because I really want the game.”

Practice Saying No: When your child says “No” ask them for a reason. Model appropriate behavior by calmly accepting their reason and putting the cereal back on the shelf.

Switch Roles: Now, have your child pick a box of cereal they want because of the toy inside. Let them explain why they want it and promise to eat it. Then, tell them “No” and ask for a reason. When they accept your reason, praise them for following directions.

Repetition and Variation: Practice this several times, both during this trip and on future visits to different stores with various items. On the same days you practice saying “no,” also

practice saying “yes.” Have your child model saying “thank you” and praise their good manners. Be sure to model the behavior for both “no” and “yes” scenarios.

This isn’t a quick fix, and it won’t happen overnight. But over time, you’ll notice a difference in how your child reacts when you say “no.” It’s important that they understand why you’ve said “no,” so be honest with your reasons. Responses like “It’s too expensive,” “It’s not good for you,” or “I don’t have the money this week” are all reasonable explanations. Your child will appreciate your honesty and respect you more for not using “Because I’m the parent, that’s why.” In turn, you’ll respect them for using good manners by accepting your reason.

Tip 4: Recognize Success—Often!

Children generally follow the rules most of the time, but how often do we acknowledge their good behavior or let them know they’ve met our expectations? It’s important to recognize their successes frequently. One effective way to do this is by giving specific, positive feedback, such as, “Great job cleaning up—you got all the clothes either in the drawers or in your hamper.”

Another key aspect of providing feedback is to “catch them being good” as often as possible. Aim for a ratio of at least 4 positive interactions for every 1 corrective comment. For example, if you need to correct them by saying, “That’s not what I meant by picking up

your clothes; they need to go into the hamper if they’re dirty,” try to balance it with four positive comments like, “Thanks for clearing your breakfast dishes.”

It’s also important to recognize effort and progress by praising small successes along the way.

Tip 5: Set Limits Effectively

It’s important to practice setting firm, but fair, limits with your child. This doesn’t mean you need to be angry, rude, or intimidating. Firmness can be conveyed without hostility. In other words, say what you mean, mean what you say, but be kind when you say it.

For example, before entering a store, remind your child that you have a certain amount of money to spend. Explain that anything extra they want could push you over that limit, possibly taking away from something else they enjoy, like going to the movies. You could give your child a small amount, like \$5, and let them



know they can ask for something, but it must fit within that budget. If they want a specific cereal, they'll need to use their money for it.



When setting limits, consider these questions:

- ▶ Did I clearly communicate my expectations in advance?
- ▶ Did I make any deadlines clear?
- ▶ Was the rule or expectation clear? For instance, does “clean your room” mean the same thing to both you and your child?
- ▶ Did I phrase my instruction as a question instead of a statement? For example, asking “Will you clean up now?” might give the impression that it’s okay to say “no.”
- ▶ If I’m not getting the desired behavior, have I tried breaking it down into smaller steps and rewarding progress?
- ▶ Have I used reminders, signals, or cues to help the child remember?
- ▶ Have I demonstrated the desired behavior through someone else?
- ▶ Did I explain the consequences of their actions in advance, both the positive and the negative? A behavior contract can help clarify these expectations.
- ▶ Did I make sure the good behavior has a reward that the child values?
- ▶ Did I ensure the cost of the bad behavior is something the child genuinely wants to avoid?
- ▶ Did I deliver the reward or consequence immediately after the behavior occurred?
- ▶ Could the undesired behavior be happening because I’ve unintentionally rewarded it in the past?
- ▶ Am I giving up too soon?

By reflecting on these questions, you can set limits that are clear, consistent, and effective, helping your child understand and meet your expectations.

Glossary and Terms

SPECIFIC TO RESTRAINT, SECLUSION, AND SUSPENSION

There is currently no federal law that defines restraint and seclusion, so definitions of the terms will vary by state and local school district. The following definitions are taken from the 2021 version of the Keeping All Students Safe Act (KASSA) bill unless otherwise noted.

- ▶ **Physical restraint:** a personal restriction that immobilizes or reduces the ability of an individual to move the individual's arms, legs, torso, or head freely. Does not include physical escort, mechanical or chemical restraint.
- ▶ **Physical escort:** the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.
- ▶ **Mechanical restraint:** the use of devices as a means of restricting a student's freedom of movement.
- ▶ **Chemical restraint:** a drug or medication used on a student to control behavior or restrict freedom of movement that is not prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.
- ▶ **Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Does not include timeout. The U.S. Department of Justice has another definition of seclusion: the involuntary confinement of a student alone in any room or area. It includes the use of any room or area in which the student is alone and not free to leave (or believes they are not free to leave).
- ▶ **Timeout:** a behavior management technique that may involve the separation of the student from the group or classroom in a non-locked setting. Does not include situations where a student is prevented from leaving.
- ▶ **School resource officers (SROs):** are law enforcement officers that work within schools.

SPECIAL EDUCATION TERMS

- ▶ **Accommodations:** Techniques and materials that don't change the basic curriculum but do make learning a little easier or help kids communicate what they know.
- ▶ **Achievement Tests:** Measures of acquired knowledge in academic skills, such as reading, math, writing, and science.
- ▶ **Assistive Technology (AT):** Any item, piece of equipment, or system that helps children with disabilities bypass, work around, or compensate for specific learning deficits.
- ▶ **Attention-Deficit/Hyperactivity Disorder (ADHD):** A neurobehavioral disorder that causes an individual to be inattentive or hyperactive/impulsive, or to display a combination of those symptoms.
- ▶ **Auditory Discrimination:** Ability to identify differences between words and sounds that are similar.
- ▶ **Auditory Processing:** Among children with normal hearing, the ability to understand spoken language.
- ▶ **Due Process:** Procedural safeguards to protect the rights of the parent/guardian and the child under federal and state laws and regulations for special education.
- ▶ **Free Appropriate Public Education (FAPE):** Entitles a public school child with a disability to an educational program and related services, outlined in an Individualized Education Program (IEP) to meet his/her unique educational needs and enable him/her to make meaningful progress at no cost to the parents.
- ▶ **Individuals with Disabilities Education Act (IDEA):** Federal law that provides for special education and related services to eligible children with disabilities.
- ▶ **Individualized Education Program (IEP):** Written plan to meet the unique educational needs of a child with a disability who requires special education services to benefit from the general education program.
- ▶ **Informed Consent:** Agreement in writing from parents that they have been informed and understand implications of special education evaluation and program decisions; permission is voluntary and may be withdrawn.

- ▶ **Least Restrictive Environment (LRE):** “When determining the restrictiveness of a particular program option, such determinations are based solely on the amount of time a student with disabilities is educated outside the general education setting.” N.J.A.C. 6A:14-4.2(a)(11)
- ▶ **Modification:** Modifications are changes in the delivery, content, or instructional level of a subject or test. They result in changed expectations and create a different standard for kids with disabilities than for those without disabilities.
- ▶ **Primary Language:** Language that the child first learned, or the language that’s spoken in the home.
- ▶ **Procedural Safeguards:** Legal requirements that ensure parents and kids will be treated fairly and equally in the decision-making process about special education.
- ▶ **Section 504 of the Rehabilitation Act:** Federal civil rights law requiring school programs and buildings to be accessible to children with disabilities; protects from discrimination.
- ▶ **Self-Advocacy:** Child’s ability to explain specific learning needs and seek necessary assistance or accommodations.
- ▶ **Specific Learning Disability (SLD):** A neurobiological disorder which affects the way a person of average to above average intelligence receives, processes, or expresses information. SLD impacts one’s ability to learn the basic skills of reading, writing, and/or math.
- ▶ **Transition:** (1) IDEA required process to prepare children 14 and above to function in post high school environments; (2) process of moving students from one educational program or placement to another, such as from elementary school to middle school, or from out-of-district to in-district school, etc.
- ▶ **Visual Processing:** Among children with normal sight, the ability to interpret visual information.

ACRONYM GLOSSARY

Acronym	Definition
504	Provides accommodations to students with disabilities under Section 504 of the Americans with Disabilities Act.
ABA	Applied Behavioral Analysis
ADA	Americans with Disabilities Act
ADD	Attention Deficit Disorder (now called ADHD)
ADHD	Attention Deficit Hyperactivity Disorder
ADL	Acts of Daily Living
ADR	Alternative Dispute Resolution
AIM	Accessible Instructional Materials
APA	Alternate Proficiency Assessment
APE	Adaptive Physical Education
APD	Auditory Processing Disorder (formerly Central Auditory Processing Disorder)
ASD	Autism Spectrum Disorder
AT	Assistive Technology
AYP	Adequate Yearly Progress
BD	Behavioral Disorder
BIP	Behavioral Intervention Plan
BOE	Board of Education
CBA	Curriculum Based Assessment
CCSS	Common Core State Standards

Acronym	Definition
CEC	Council for Exceptional Children
CP	Cerebral Palsy
CST	Child Study Team
DD	Developmental Delay
DOE	U.S. Department of Education
DS	Down Syndrome
DSM	Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association
ECE	Early Childhood Education
ED	Emotional Disturbance
EIP	Early Intervention Program
ELL	English Language Learner
ESSA	Every Student Succeeds Act
ESD	Extended School Day
ESY	Extended School Year
FAPE	Free and Appropriate Education
FAS	Fetal Alcohol Syndrome
FASD	Fetal Alcohol Spectrum Disorder
FBA	Functional Behavioral Assessment
FERPA	Family Educational Rights and Privacy Act
GE	General Education
HI	Hearing Impaired
HO	Hearing Officer

Acronym	Definition
ID	Intellectual Disabilities
IDEA	Individuals with Disabilities Education Act
IEE	Independent Educational Evaluation
IEP	Individualized Education Program
IFSP	Individualized Family Service Plan
ITP	Individualized Transition Plan
LEA	Local Education Agency (e.g. school district)
LEP	Limited English Proficiency
LRE	Least Restrictive Environment
OAH	Office of Administrative Hearings
OCD	Obsessive Compulsive Disorder
ODD	Oppositional Defiant Disorder
OCR	U.S. Office of Civil Rights
OHI	Other Health Impaired
OSEP	U.S. Office of Special Education Programs
OSERS	U.S. Office of Special Education and Rehabilitation Programs
OT	Occupational Therapy
PBS	Positive Behavioral Supports
PCL	Parent Concerns Letter
PLA	Parent Letter of Attachment
PLOP	Present Levels of Performance
PT	Physical Therapy

Acronym	Definition
PTI	Parent Training and Information Center
PWN	Prior Written Notice
RTI	Response to Intervention
SDC	Special Day Class
SEA	State Education Agency
SED	Severe Emotional Disturbance
SID	Sensory Integration Disorder
SLD	Specific Learning Disability
SLI	Speech/Language Impairment
SLP	Speech Language Pathologist
SPED	Special Education
TBI	Traumatic Brain Injury
TS	Tourette Syndrome
VI	Visual Impairment
VocEd	Vocational Education
VR	Vocational Rehabilitation



ENDNOTES

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