

Position Statement on Restraints and Seclusion

The New Jersey Council on Developmental Disabilities (NJCDD) endorses the following statement:

People with intellectual and/or developmental disabilities have the same basic legal, civil and human rights as all citizens.

Position

The use of physical restraints, seclusion and other aversive techniques have resulted in physical injury, psychological harm, trauma and even death to children and adults with I/DD. The NJCDD believes that the use of physical, mechanical and chemical restraints is inappropriate except in situations of imminent danger of serious physical harm to the individual or others. NJCDD strongly opposes the **inappropriate and/or unnecessary** use of restraints and other aversive interventions. Seclusion should not be used under any circumstances.

It is the further position of the Council that the State, through its applicable agencies, is required to define and prohibit those practices that pose an unacceptable risk of physical, psychological or emotional harm to people with developmental disabilities who reside in State-funded or regulated facilities or who receive State services or public education.

Background Information

The use of physical restraints, seclusion, and other interventions is marked by inequality in power between the person delivering action and the recipient. Such interventions do not address the cause of the problematic behavior, and may create social isolation and trauma through the application of pain or fear. The use of such interventions should be replaced by the application of positive behavioral support within a trauma informed environment. This should include a framework of moral and ethical values that focus on:

- Improving quality of life,
- Ensuring individuals with I/DD have the opportunity to be self-determined,
- Recognize behavior as a form of communication,
- Implementing interventions that emphasize the development and use of positive skills for greater independence, and,
- Making modifications to the context in which problem behavior occurs.

Depending upon an individual's age and state educational/service system, different factors apply:

Students

Students with I/DD are entitled to a free and appropriate public education within the least restrictive environment. These rights are guaranteed under the Individuals with Disabilities Education Act (IDEA). "Seclusion refers to involuntarily confining a student alone in a room or

area from which he or she cannot physically leave; it does not include a timeout - a behavior management technique that is part of an approved program, involves the monitored separation of (an individual) in a non-locked setting, and is implemented for the purpose of calming.”¹

The overall use of restraints and seclusion has been reported to disproportionately affect students with disabilities.²

Adults

“Restraint Use’ refers to the restriction of an individual’s freedom of movement either partially or totally by physical contact imposed by staff (Personal Control Technique), the application of a physical device (Mechanical Restraint) or through the use of medication (Chemical Restraint).” Refer to Division Circular #20. Restraints are further defined as:

1. Approved: Restraints implemented with prior approval and written order, in accordance with the administrative regulations and policies of the appropriate division, or as part of an approved behavior treatment plan.

2. Unapproved: Restraints implemented without the prior approval/order or not in accordance with the administrative regulations of the Division, or not as part of an approved behavior treatment plan.”³

The NJCDD supports Trauma Informed practices, as well as Positive Behavior Interventions and Support (PBIS), an applied science that uses educational methods to expand an individual’s behavior repertoire and systems change methods to redesign an individual’s living environment to first, enhance the individual’s quality of life and second, to minimize his or her problem behavior. The proactive nature of PBS stands in sharp contrast to traditional approaches, which have emphasized the use of aversive procedures that address problem behaviors with reactive, crisis-driven strategies such as restraints⁴.

NJCDD supports the proposed federal legislation “Keeping All Students Safe Act” (H.R. 7124, 115th Congress).

Approved May 23, 2019

¹ United States Government Accountability Office (GAO), GAO-19-418T Restraint and Seclusion, February 27, 2019

² GAO, K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities, GAO-18-258, (Washington, D.C.: March 22, 2018)

³ DIVISION CIRCULAR #14, NJ DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES 11-1-2007

⁴ Positive Behavioral Support: Evolution of an Applied Science, Journal of Positive Behavior Interventions, Volume 4, Number 1, Winter 2002, pages 4-16, 20