



**December 8, 2022** - The Bazelon Center for Mental Health Law commends the U.S. Department of Education's investigation and [findings of disability discrimination](#) by, and its [Resolution Agreement](#) with, the Davis (CA) Joint Unified School District.

The Department found that three Davis students with disabilities placed in non-public (private) schools by the school district were subjected to inappropriate and harmful use of physical restraint and seclusion as a means of behavior control, and as a result were denied a free appropriate public education, in violation of Section 504 of the Rehabilitation Act. Sadly, one of the students died after being subjected to a 90-minute prone restraint.

The Department's Civil Rights Data Collection (CRDC) has long shown that students with disabilities are far more likely than other students to be subjected to these harmful practices. In the 2017-2018 school year, Black students with disabilities were disproportionately represented among students subjected to physical restraint and seclusion. We continue to call for the CRDC to require the collection of restraint and seclusion data in non-public schools that serve only students with disabilities; as in this case, we are concerned that these schools undercount the number of times they use these harmful and traumatizing methods.

**It is a failure of policy and training for any school to resort to these harmful practices.** As the Department's findings letter indicated, school-based teams working with students with disabilities should review whether the student is being subjected to the use of restraint or seclusion and if so determine whether the student's educational plan should be changed to provide different or additional services and supports. Schools across the country are using methods such as positive behavior supports and interventions, functional behavior assessments, and behavior intervention plans to support the behavior and learning of students with even the most significant behavioral support needs.

The Bazelon Center is a member of the Alliance to Prevent Restraint, Aversive Interventions, and Seclusion (APRAIS), a coalition of groups that oppose the use of restraint and seclusion in our nation's schools. Bazelon joins APRAIS in supporting the Keeping All Students Safe Act (KASSA), which would ban the use of seclusion and mechanical restraint in our schools, and severely limit the circumstances in which physical restraint can be used to control student behavior.