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Contact: Colleen Miller
disAbility law Center of Virginia
(804) 225-2042

Governor Signs Historic Law

Late last night, Governor Terry McAulliffe signed historic legislation that will protect Virginia's school children. The new law will greatly restrict the use of seclusion and restraint on children in public schools. It requires the state Department of Education to develop regulations prohibiting the use of seclusion and restraint except in situations where the child's behavior presents a serious risk of physical harm to self or others.

The legislature passed the bills by large bipartisan majority votes, after several hearings where children, parents and even legislators told of their experiences with harmful, frightening restraint practices in Virginia schools. The bills faced only minimal opposition in the legislature.

The proposal was recommended by the Commission on Youth, who based that recommendation in large part on a study conducted by the disAbility Law Center of Virginia. In 2014, after receiving numerous allegation of dangerous practices, the dLCV collected policies and procedures from almost all school districts in Virginia and reviewed them for the presence of protections for children with disabilities. 128 of Virginia's 133 school districts provided information for the report.

The results were alarming: 32 school districts reported no policies or procedures at all. 83 school districts had procedures that fell far below the suggested "guidelines" developed by the Virginia Department of Education. Very few schools even included the basic courtesy of notifying parents when their child had been subjected to seclusion or restraint.

In collaboration with the Coalition for the Improvement of School Safety, the disAbility Law Center was gratified to see widespread support for the legislation throughout the Commonwealth. "Children in Virginia's schools may now be able to get the education they deserve, without fear and without trauma," commented Colleen Miller, the Executive Director of the dLCV. "This is a question of basic human rights. It is a historic day for Virginia."

The 2014 dLCV report, *Unrestrained Danger: Seclusion and Restraint in Virginia's Public Schools*, urged the Commonwealth to create uniform and consistent policies, limiting the use of restraint and seclusion in public schools as a last resort. "The new regulations will do just that," said Miller, "Schools will be limited to using these harmful techniques only when there is an immediate, significant risk of physical injury and only when less restrictive tools have failed."

The disAbility law Center of Virginia is the state's designated protection and advocacy system. The dLCV's mission is to combat abuse and neglect, to promote the civil rights of people with disabilities, and to encourage that people with disabilities have choice, independence and inclusion in all aspects of their lives. The dLCV advocates for all Virginians with disabilities, including children, to be free from abuse, neglect and discrimination.

The *Unrestrained Danger* report and supporting detailed analysis, *Seclusion and Restraint in Virginia's Public Schools: Investigative Study of Policies and Procedures to Protect Students*, can be found at www.dlcv.org.

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