

SAFE OR SECLUDED?

Opposition grows to restraining disruptive students and putting them in a 'quiet room'

MEAGHAN M. MCDERMOTT STAFF WRITER

Deb Bellare isn't sure when her son Sam's nightmares began, but remembers it as sometime in 2006.

That was the year Bellare's breast cancer developed, the year of her mastectomy and chemotherapy treatments. It was also the year Sam, who has autism, turned 6.

And it was the year Bellare first learned Greece Central School District employees, coping with Sam's destructive physical and emotional outbursts, would sometimes pin her first-grader to the floor before whisking him off to a tiny "quiet room" to scream himself into exhaustion.

"I was sick, I wasn't paying attention and I didn't know any better. I thought they were doing the right thing," said Bellare.

In the years since, Sam Maloney, now 14, has, with his mom's help, made a name for himself with his talents and his burgeoning online photography business. He camps with Boy Scouts and takes photos for the Athena High School yearbook.

Yet he's bounced through a series of different schools where he's continued to be physically restrained during his outbursts and taken to quiet rooms, despite his mother's objections.

In the process of the battle — escalated so far now that Sam's been out of school since September and Bellare's facing charges of educational neglect —

See **RESTRAINT**, Page **16A**

ENTERTAIN THIS!

POWERED BY **USA TODAY LIFE**

**YOUR DAILY DOSE
OF OMG.**

GET IT



Sam Maloney climbs a giant snow mound on a recent photo excursion to Lake Ontario. His mother, Deb Bellare, has encouraged Sam's photography as a way to help Sam cope with his disability.

MAX SCHULTE/@MAXROCPHOTO/ STAFF PHOTOGRAPHER



Sam Maloney works with Mayukwa Kashiwa, a community habilitation coordinator at Trinity Assistance, at Sam's home in Greece.

MAX SCHULTE/@MAXROCPHOTO/ STAFF PHOTOGRAPHER

At 14, Sam Maloney has made a name for himself with his online photography business. Yet he's bounced through a series of different schools where he's continued to be physically restrained during his outbursts and taken to quiet rooms, despite his mother's objections.

Article Continued Below

[See RESTRAINT on Page A16](#)

Restraint

Continued from Page 1A

she's become an unexpected activist, taking up the fight against the practice of physically holding students or isolating them when they become uncooperative, non-compliant, agitated or physically violent in public schools. She's even drafted a proposed law she'd like the state Legislature to take up.

"We need to fight this," said Bellare, administrator of a Facebook page Working Together to Stop Restraints and Seclusion in NY State. "And we need to make sure we don't leave any of the others behind."

Opposition to seclusion and restraint in schools — used in most instances with students who have autism or are diagnosed with emotional disturbances — has been ramping up nationally in recent years. A tipping point came with a U.S. Department of Education report in 2009 that detailed numerous instances of children being abused, killed or seriously injured in schools over the previous two decades.

In response to that report, New York revamped its seclusion and restraint laws, and is one of 19 states considered to have meaningful regulations over the practices. Still, activists say that's not nearly enough and that federal intervention is necessary to put all states on the same plane.

"There is no justification for seclusion, it is akin to solitary confinement and has a similar effect on students," said Barbara M. Trader, executive director of TASH, a Washington, D.C.-based international advocacy group for people with disabilities.

The group spearheads an anti-seclusion and restraint campaign called Stop Hurting Kids. She said what's needed is positive engagement of students, effective and interesting instruction that rewards good behaviors.

"Developing a 'trauma-informed' culture is also important, where school personnel understand the impact of trauma on students and realize that re-traumatizing students through the use of harsh disciplinary techniques is not productive," Trader said.

Emergency measures

The matter gained significant local attention here last fall when Webster mom Dresden Engle spoke out about her special-needs daughter being punished for misbehaving during a fire drill with solitary in-school suspension, a practice Engle called “seclusion.”

In September, Engle’s daughter Aurora Olcott, who has cerebral palsy, was given solitary in-school suspension in a small conference room off the principal’s office at Plank Road South Elementary School. Engle said that was not the first time her daughter was disciplined there with seclusion.

But it may be the last, as Engle’s speaking out sparked a meeting of school staff that resulted in Aurora getting an iPad to use during class when she’s having trouble focusing on lessons. For example, if Aurora can’t keep up with her classmates during story time, she can use her iPad to work on reading a story at her own pace.

“Now, with her adaptive technology, we’re able to nip things in the bud before a situation happens,” said Engle. “But I don’t think I would have gotten anywhere with that, if not for speaking out about it.”

The school district, citing student privacy, declined to discuss the matter. Other area districts, likewise citing privacy, declined to speak about any particular instance of seclusion or restraint in their buildings.

New York’s education law bans corporal punishment and aversive interventions such as electric shock, bad odors or withholding food. The state does not allow for locked seclusion rooms, but does allow the use of “timeout rooms” as an area for a student to safely de-escalate, regain control and return to the classroom. Restraints are also allowed as an emergency measure to prevent a student from injuring herself or others, to protect school property or to prevent disruption of school functions.

Timeout rooms, sometimes small office- sized rooms or the size of a large closet, must have adequate light, ventilation and space, and staff must monitor students inside continuously. Typically, the rooms are stripped of any items that could cause injury, and they may be padded with gym mats on the floors and walls, to prevent kids who head-bang from hurting themselves.

The use of timeout must be written into the child’s individualized education plan, and the child must be continuously supervised while in the room. But disability advocates say the line between timeout and seclusion is often too fine for a child to distinguish. And, they say, abuse of the techniques is rampant.

Engle said parents are often afraid to speak out for fear of retaliation or of alienating the school staff they need to work with.

“But the only way you’re going to get anything done is if you speak out,” she said. “And if your district doesn’t have a special education PTA, make one.”

Disability Rights NY notes that these measures are prohibited as ongoing or standard interventions, but that unclear definitions and reporting requirements make it hard to determine just how often these techniques are being used. The advocacy group is conducting an online survey to collect more information on what it calls “one of the serious issues facing students with disabilities in New York schools.”

Federal data

The most recent available federal data show restraint or seclusion used in the nation’s public schools nearly 270,000 times in the 2011-12 school year, but that information is likely woefully incomplete. Only a third of the nation’s school districts reported using the techniques even once.

And public schools in Monroe County reported just 105 instances of either that year, findings seemingly at odds with a sampling of state-mandated reporting forms collected by the *Democrat and Chronicle* from a handful of local school districts. Indeed, those forms collected just from schools in Greece, Monroe-2 Orleans Board of Cooperative Educational Services, and the Penfield Central School District reflect thousands of instances of students either being placed in timeout, having physical contact with staff or both.

Greece schools spokeswoman Laurel Heiden cautioned that the federal definition of seclusion used to trigger the reporting mandate covers a very specific sort of involuntary confinement that differs from what they track through the internal reports. And she said the district reports as “restraints” even times when a staffer may have held a child’s hand or placed a hand on a student’s shoulder as the student was escorted to a timeout room.

“There are times too, when a student self-selects using the timeout room as a place to become composed where they aren’t in view of their peers, it’s not a punitive thing, it’s a safe space,” she said. “And I’m not going to say that we never restrain students, but everyone who does goes through extensive training and are trained in the forms of restraint we can legally use.”

According to the U.S. Department of Education’s national numbers:

Â» Students with disabilities represent 12 percent of all students, but 58 percent of those placed in seclusion or involuntary confinement.

Â» Students with disabilities also account

for three-quarters of children who were physically restrained.

Â» Students served under the federal Individuals with Disabilities Education Act comprise about 25 percent of all students arrested and referred to law enforcement by schools.

Positive intervention

The issue can be complicated by the spectrum of disabilities and behaviors special needs students in public schools have: Some may engage in kicking, biting, hair-pulling, scratching and other forms of self-injury. Some with sensory issues may begin to take off their uncomfortable clothing. Others may have fullfledged meltdowns if startled by a loud noise, or if they're being redirected to participate in a new activity or anytime he or she becomes overwhelmed by too much information, too much stimulation, frustration or an overload of strong emotions.

Barbara Martorana is director of the Department for Exceptional Children at Monroe-2 Orleans BOCES. She said whether or not to use restraints on students is a constant topic of conversation among staff.

"We don't want to put our hands on kids," she said. But when positive interventions fail and a child — who in BOCES programs can range in age from 5 to 21 years old — lashes out, destroying property, hurting staff or hurting his or herself, a restraint can be the best and only option.

The stakes are clear from a review of some of the internal reporting forms, which often include a synopsis of the behavior that triggered the restraint or seclusion. In one instance, a student upset about losing a game started slapping a staffer and threatened to kill them; in another, a student who was told to stop flicking light switches on and off kicked classroom workers then bit another student; in another, the student kicked and pushed staffers, tried to jump out of the emergency exit window and then exposed himself and threatened to urinate on the floor.

"In school, we teach behavior as well as content," she said. "And part of the instruction is to learn how to master the skills of behaving in socially appropriate ways. In practice, that doesn't always look beautiful."

Indeed, the American Association of School Administrators says that seclusion and restraint "has enabled many students with serious emotional and behavioral conditions to be educated not only within our public schools, but also in the least restrictive and safest environments possible."

Timeout rooms can be beneficial for kids who just need that cooling-off time so they can return to their classroom with their dignity intact, said Kathy Graupman, assistant superintendent in the Greece Central School District.

"It's about supporting the child," she said. "People have an impression that this is a room where we shove kids in and lock the door, but there are a lot of regulations and oversight." Karen Larkin's son Brady, now 8, was a first-grader in Penfield schools when he started being suspended from school due to his meltdowns. Brady is autistic and non-verbal and was having a tough time with his transitions.

He'd knock things over, throw himself on the ground, sometimes throw items in the classroom. He was put in timeout, repeatedly. Larkin struggled with how to best meet his educational needs: she wanted to keep him in the least restrictive classroom environment, but also recognized that keeping him where he was wasn't in his best interest.

With the district, she decided to move him to a more specialized program through Monroe No. 1 Board of Cooperative Educational Services. There, timeout rooms aren't part of the equation. Instead, he has a one-on-one teacher who's compiled significant data to figure out what Brady's triggers are, and head them off before he melts down.

That's the aim of Positive Behavioral Intervention Services, or PBIS, a technique that Graupman said Greece schools are in the midst of implementing on a wide scale.

"For example, a student might escalate or get agitated or upset and the teacher will notice it happens in math class when you're putting problems in front of the child," she said. "So, they pay attention to when the child is struggling and maybe decrease the work they do that day or make it a little easier so there's more success and the child can look at the work more positively."

It's about preventing students from having a crisis before things escalate, she said.

"Teachers are being keenly aware of student behavior, of what triggers students and what reinforces them in a positive way, so they can get through the day without explosions and reinforce the positives," she said. "And the positive reinforcements are individualized for the students, it might be stickers or a treat, all kinds of different things, maybe a child likes to bring in a stuffed animal and gets to hug it a few times a day."

For Brady, Larkin said, PBIS has helped him make remarkable strides.

"He's doing awesome now," she said, crediting Penfield schools too for providing her son with a communication device that has cut down some of his frustrations immensely.

Proposed changes

Last year, U.S. Sen. Tom Harkin, Iowa, introduced the Keeping All Students Safe Act, a bill that would ensure the use of positive behavioral interventions in schools. His bill would ban almost all uses of restraint and outlaw locked, unattended seclusion rooms. Similar legislation was introduced in the House of Representatives, as it has been since annually since 2011.

It has yet to pass.

If Bellare had her way, New York's Legislature would pass a law she drafted herself that would outlaw chemical, mechanical, supine — face-up — and prone — face-down — restraints for all students in public and private schools. The bill also would outlaw seclusion and timeout rooms.

The only allowed restraints would be ones where one person stood to each side of the student and never put pressure on the student's chest. Bellare's proposed bill would also allow for criminal prosecutions if students become injured during restraint, and tighten up reporting requirements.

She said she knows it's a long shot to get it passed as is.

"It is our dream of what a restraint law would look like," she said.

State Sen. Joe Robach, R-Greece, said he appreciates her efforts and dedication to bringing attention to the issues. He noted the 2012 creation of the state's Justice Center for the Protection of People with Special Needs to investigate allegations of abuse and neglect.

"It goes without saying that safety is of the utmost importance for the kids, but also for the staff, in these situations," he said.

As for Sam — whom Bellare pulled from the Easter Seals New York's Kessler Center special education school earlier this school year in a clash over restraints and her son being denied his iPad — he continues taking pictures and getting involved with the community.

While his mom negotiates an educational settlement with the Greece schools, he's working three days a week with Mayukwa Kashiwa, community habilitation coordinator with Trinity Assistance Inc., to learn social and daily living skills like keeping track of his own medications, folding his own clothes, neatening his room and exercising at the YMCA.

He's still not going to school.

MCDERMOT@DemocratandChronicle.com [Twitter.com/meagmc](https://twitter.com/meagmc)



MAX SCHULTE/@MAXROCPHOTO/ STAFF PHOTOGRAPHER

Sam Maloney stands at the Charlotte Pier looking to line up his next shot with his camera. Sam has been bounced through a series of different schools where he's continued to be physically restrained during his outbursts and put into quiet rooms.

MAX SCHULTE/@MAXROCPHOTO/ STAFF PHOTOGRAPHER

Powered by [TECNAVIA](#)

Copyright © 2015 Democrat and Chronicle 02/15/2015