New Rule Makes Classrooms Safer for All Students and Staff

“My child is being placed in a booth at school for hours at a time.”
“My child was pinned down when his behavior was out of control at school.”
“I found my first grader sitting in a booth with feces all over him.”

Since 2009, the DLC has worked with Neomi Dyal, a grandmother who acted as guardian for her first-grade grandson. On three separate occasions, her grandson was placed in a seclusion booth for 45-minutes or longer. Prior to seclusion, this child was strapped into a Rifton chair, designed to support the young child’s posture and position for certain activities, and held there as a punishment.

The Disability Law Center (DLC) has heard concerns like these from parents for years, yet been frustrated by the lack of legal requirements governing such practices. In response, we have collaborated closely with the Utah State Office of Education (USOE) and other groups over the last nine months to limit the use of what is commonly referred to as “restraint and seclusion” by schools.

At its meeting last Friday, May 8th, the USOE amended Utah Administrative Rule R277-609: Standards for Local Education Agency Discipline Plans. The revised rule prohibits restraint or seclusion of a student for disciplinary purposes. Under the rule, seclusion or restraint is only permissible if the student poses an immediate danger to him/herself or others. Even then, staff must be appropriately trained, follow certain procedures, and collect and report data regularly.

“Despite the process taking longer than any of us would have liked, we appreciate the willingness of the USOE staff to recognize this critical issue, work toward a solution, and improve the learning environment for Utah children,” says DLC Attorney, Lauralee Gillespie.

“Although this has taken a very long time, I am grateful to see the positive impact my grandson’s story will have for all Utah students,” said Ms. Dyal.

During the next few months, the Board’s Law and Policy Committee will also review its Least Restrictive Behavior Intervention guidelines, with an eye toward reducing the use of restraint or seclusion further by focusing on training teachers and other staff in the use of positive behavior interventions and supports.

In the meantime, the DLC looks forward to working with our education and community partners to get the word out about the coming changes, what they mean, and how to make sure they are implemented correctly, so all students and staff have the opportunity to enjoy a safe, healthy, and productive school day.

The USOE initiated the rulemaking effort in response to the National Disability Rights Network’s 2009 report, “School Is Not Supposed to Hurt;” the federal “Keeping All Students Safe Act of 2015;” Fox 13’s May 2013 story, “Discipline for the Disabled;” advocacy by families of students with disabilities and a variety of community groups, and recent research around the use of positive behavior interventions and supports as an effective alternative to restraint or seclusion.

The Disability Law Center (DLC) is the federally mandated system of protection and advocacy for people with disabilities in Utah. The DLC’s mission is to enforce and strengthen laws that protect the
opportunities, choices and legal rights of Utahns with disabilities. Our services are available statewide and free of charge, regardless of income, legal status, language, or place of residence.

For more information, interviews, or photos please contact Lauralee Gillespie at (801) 363-1347, or email at lgillespie@disabilitylawcenter.org