



Highlights of [GAO-09-719T](#), a testimony before the Committee on Education and Labor, House of Representatives

### Why GAO Did This Study

GAO recently testified before the Committee regarding allegations of death and abuse at residential programs for troubled teens. Recent reports indicate that vulnerable children are being abused in other settings. For example, one report on the use of restraints and seclusions in schools documented cases where students were pinned to the floor for hours at a time, handcuffed, locked in closets, and subjected to other acts of violence. In some of these cases, this type of abuse resulted in death.

Given these reports, the Committee asked GAO to (1) provide an overview of seclusions and restraint laws applicable to children in public and private schools, (2) verify whether allegations of student death and abuse from the use of these methods are widespread, and (3) examine the facts and circumstances surrounding cases where a student died or suffered abuse as a result of being secluded or restrained.

GAO reviewed federal and state laws and abuse allegations from advocacy groups, parents, and the media from the past two decades. GAO did not evaluate whether using restraints and seclusions can be beneficial. GAO examined documents related to closed cases, including police and autopsy reports and school policies. GAO also interviewed parents, attorneys, and school officials and conducted searches to determine the current employment status of staff involved in the cases.

[View GAO-09-719T](#) or [key components](#). For more information, contact Gregory Kutz at (202) 512-6722 or [kutzg@gao.gov](mailto:kutzg@gao.gov).

## SECLUSIONS AND RESTRAINTS

### Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers

#### What GAO Found

GAO found no federal laws restricting the use of seclusion and restraints in public and private schools and widely divergent laws at the state level. Although GAO could not determine whether allegations were widespread, GAO did find hundreds of cases of alleged abuse and death related to the use of these methods on school children during the past two decades. Examples of these cases include a 7 year old purportedly dying after being held face down for hours by school staff, 5 year olds allegedly being tied to chairs with bungee cords and duct tape by their teacher and suffering broken arms and bloody noses, and a 13 year old reportedly hanging himself in a seclusion room after prolonged confinement. Although GAO continues to receive new allegations from parents and advocacy groups, GAO could not find a single Web site, federal agency, or other entity that collects information on the use of these methods or the extent of their alleged abuse.

GAO also examined the details of 10 restraint and seclusion cases in which there was a criminal conviction, a finding of civil or administrative liability, or a large financial settlement. The cases share the following common themes: they involved children with disabilities who were restrained and secluded, often in cases where they were not physically aggressive and their parents did not give consent; restraints that block air to the lungs can be deadly; teachers and staff in the cases were often not trained on the use of seclusions and restraints; and teachers and staff from at least 5 of the 10 cases continue to be employed as educators. The table contains information on four of these cases.

**Examples of Case Studies GAO Examined**

Victim information	School	Case details
Male, 14, diagnosed with post traumatic stress	Texas public school	<ul style="list-style-type: none"> <li>230 lb. teacher placed 129 lb. child facedown on floor and lay on top of him because he did not stay seated in class, causing his death.</li> <li>Death ruled a homicide but grand jury did not indict teacher. Teacher currently teaches in Virginia.</li> </ul>
Female, 4, born with cerebral palsy and diagnosed as autistic	West Virginia public school	<ul style="list-style-type: none"> <li>Child suffered bruising and post traumatic stress disorder after teachers restrained her in a wooden chair with leather straps—described as resembling a miniature electric chair—for being “uncooperative.”</li> <li>School board found liable for negligent training and supervision; teachers were found not liable, and one still works at the school.</li> </ul>
Five victims, gender not disclosed, aged 6 and 7	Florida public school	<ul style="list-style-type: none"> <li>Volunteer teacher’s aide, on probation for burglary and cocaine possession, gagged and duct-taped children for misbehaving.</li> <li>No records that school did background check or trained aide.</li> <li>Aide pled guilty to false imprisonment and battery.</li> </ul>
Male, 9, diagnosed with a learning disability	New York public school	<ul style="list-style-type: none"> <li>Parents allowed school to use time out room only as a “last resort,” but school put child in room repeatedly for hours at a time for offenses such as whistling, slouching, and hand waving.</li> <li>Mother reported that the room smelled of urine and child’s hands became blistered while trying to escape.</li> <li>Jury awarded family \$1,000 for each time child was put in the room.</li> </ul>

Sources: Records including police reports, court documents, and interviews.