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LAJC Applauds Virginia Board of Education Ban on Prone Restraints in Schools

Richmond, Virginia (July 26, 2019) – The Legal Aid Justice Center applauds the Virginia Board of Education’s vote to ban prone (face-down) restraint, a life-threatening practice that has no place in our schools. The ban is part of a broader set of regulations governing the use of seclusion and restraint in Virginia’s public schools, which will now head to the Governor for final approval.

“Too many children have been subjected to fear and trauma caused by prone restraints; some have been injured or killed,” said Rachael Deane, Legal Director of LAJC’s JustChildren Program. “We are pleased the Board has recognized the dangerousness of these restraints and urge the Governor to sign the regulations so that our schools will be on notice that these restraints are dangerous, unnecessary, and unlawful.”

The Board’s vote was a change to its previous position that an explicit ban was not necessary to comply with federal guidelines called the *Fifteen Principles*, which state, in part, that “prone (i.e., lying face down) restraints or other restraints that restrict breathing should never be used because they can cause serious injury or death.” Hundreds of parents and advocates wrote letters and public comments throughout the spring to urge the Board to include an explicit ban on prone restraint in the regulations. In February, the General Assembly passed legislation, subsequently signed into law by Gov. Northam, requiring the Board to identify and prohibit methods of seclusion and restraint that pose “a significant danger to students.” Testimony on the bill by parents, advocates, and a bipartisan group of legislators made clear that prone restraints posed exactly such a danger. In March, dozens of parents testified about the dangerousness of prone restraint at a public hearing on the proposed regulations, many of them sharing personal stories of the injury, pain, and trauma caused to their children by restraint and seclusion in schools. Advocates including these parents have sought this critical reform at each stage of the regulatory process, and now is the time for Governor Northam to validate the evidence and lived experiences of children and families driving these reforms by signing the regulations into law.

Schools have disproportionately used restraint and seclusion against students with disabilities and students of color, and recent news stories across Virginia have highlighted disturbing reporting discrepancies about the use of the practices. The regulations passed by the Board yesterday also include robust parental notification and data reporting requirements, though more work remains to be done to ensure that all forms of seclusion and restraint are completely banned in Virginia.

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The Legal Aid Justice Center (LAJC) fights injustice in the lives of individual Virginians while rooting out exploitative policies and practices that keep people in poverty. LAJC uses impact litigation, community organizing, and policy advocacy to solve urgent problems in areas such as housing, education, civil rights, workers’ rights, immigration, healthcare and consumer finance. LAJC’s primary service areas are Charlottesville, Northern Virginia, Richmond and Petersburg, but the effects of their work are felt statewide.