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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/03/05/most-house-republicans-vote-to-let-schoolchildren-be-held-down-tied-up-and-put-in-solitary-confinement/>

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by [Jean Casella and James Ridgeway](#) | March 5, 2010

CHILDREN IN LOCKDOWN

On Wednesday afternoon, the United States House of Representatives passed H.R. 4247, the [Preventing Harmful Restraint and Seclusion in Schools Act](#) (now being called the [Keeping All Students Safe Act](#)), by a vote of 262-153. In the final vote count, 238 Democrats and just 24 Republicans voted for the bill, while 8 Democrats and 145 Republicans voted against it. (Check out the full [roll call here](#).)

H.R. 4247 was introduced in December by Education and Labor Committee chair George Miller (D-CA) and Committee member Cathy McMorris Rodgers (R-WA) and bill passed out of committee with bipartisan support. Their goal, Miller and Rodgers wrote in a [joint op-ed for CNN](#), was simply to outlaw child abuse in schools. The bill stated purposes include the following:

- (1) prevent and reduce the use of physical restraint and seclusion in schools;
- (2) ensure the safety of all students and school personnel in schools and promote a positive school culture and climate;
- (3) protect students from
 - (A) physical or mental abuse;
 - (B) aversive behavioral interventions that compromise health and safety; and
 - (C) any physical restraint or seclusion imposed solely for purposes of discipline or convenience;
- (4) ensure that physical restraint and seclusion are imposed in school only when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others.

It's hard to decide which is more shocking: the fact that 153 members of the United States Congress would see fit to vote against such a bill, or the fact that it was needed in the first place.

In fact, the bill's findings state that physical restraint and seclusion have resulted in physical injury, psychological trauma, and death to children in public and private schools. The House Education and Labor Committee [conducted hearings](#) on the subject last spring, after the [Government Accountability Office published a report](#) that began with the following statement:

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.

Special education students were especially vulnerable to this kind of treatment, the report found:

For example, teachers restrained a 4 year old with cerebral palsy in a device that resembled a miniature electric chair because she was reportedly being uncooperative. Teachers confined [a 9 year old with learning disabilities] to a small, dirty room 75 times over the course of 6 months for offenses such as whistling, slouching, and hand waving. In another case, a residential day school implemented a behavior plan, without parental consent, that included confining an 11-year-old autistic child to his room for extended periods of time, restricting his food, and using physical restraints. The child was diagnosed with post traumatic stress disorder as a result of this treatment.

A report published earlier last year by the [National Disability Rights Network](#) (NDRN) provided additional examples, including one in

which a 7-year-old Wisconsin girl, who was diagnosed with an emotional disturbance and ADHD, died of suffocation after several adult staff pinned her to the floor in a prone restraint because she was blowing bubbles in her milk.

A handful of earlier accounts also exposed the widespread use in schools of [seclusion rooms or time-out rooms](#) basically, solitary confinement cells for difficult-to-control children. Mary Hollowell wrote about one such case in her 2009 book *Forgotten Rooms*. According to an article the [Atlanta Journal-Constitution](#):

Education researcher Mary Hollowell spent months chronicling an alternative high school in rural Georgia before she discovered the awful secret that continues to haunt her today. Walking with the principal down a hall, Hollowell heard a loud pounding. She followed the principal into a room and then through a connecting doorway that led to a solitary confinement cell double bolted from the outside.

The cell was dark inside and had a small, square window, she said. It was the kind of set-up you saw in a mental institution, not a school. Inside the cell was a boy Hollowell recognized; she had tutored him in reading and even had artwork from him. I felt like I had been punched in the stomach when I realized what I was seeing, she says. The principal's comment to me was that most people didn't know this room was there.

As the *Atlanta Journal-Constitution* reported: Seclusion rooms are allowed in Georgia public schools provided they are big enough for children to lie down, have good visibility and have locks that spring open in case of an emergency such as a fire. In 2004, Jonathan King, 13, hanged himself in one such room, a stark, 8-foot-by-8-foot time-out room in a Gainesville public school. Jonathan was also a special ed student, who had ADHD and depression. He had talked about suicide to the school psychologist, but she concluded it was an escape or attention-getting technique, according to the [Gainesville Times](#). A civil rights lawsuit brought by his parents was thrown out of federal court.

These are the sorts of abuses that H.R. 4247 seeks to address. And the pressing need for federal legislation is clear from the GAO report: 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, it said. In addition, 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.

Yet 153 members of Congress chose to vote against a law that would expose and limit what can in some cases only be described as the torture of school children.

Perhaps not so shocking after all: In a country that condones torture not only in its military detention centers, but in its state and federal prisons, immigration jails, and juvenile detention centers, it was only a matter of time before it trickled down, even into our schools.



James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

OMG that is crazy crazy crazy. But you also can't get hysterical over never being able to restrain a disabled person. Take for example the severely autistic boy featured on YouTube videos under severe autism. If people didn't physically restrain or re-direct or stop or whatever you want to call it, the boy would punch his eyeball or tooth out. The real question is WHO the hell is retraining these kids? Anybody who dares to restrain a disabled defenseless person better be TRAINED in the proper techniques and how to re-direct and use the least force possible. Don't get so hyperdramatic or throw out the case that DO require restraint over a few kids that were abused. That's not fair for those who require protection from self-abuse. I mean let's think about your logic here. If someone were punching the kid, would YOU not

physically restrain the attacker? Well of course you would. But, since some of you insist that it is NEVER ok to restrain, then i assume you people would just let someone punch or attack the disabled person? You would NOT restrain their hands from punching the person? Now you see how silly this gets. Be balanced in your thinking. YES it sucks that some moron abusive freak suffocated the girl and others have hurt disabled with their stupid idiotic holds and restraints. But that does NOT negate the fact there are certain cases and situations when YOU MUST restrain the person to protect the person from self harm or harming others. The rule of thumb again is who is restraining? It better not be some untrained fool who thinks wrapping a kid in a blanket where their nose is covered is ok.

Thank you David of Hawaii. It is so refreshing to know that there is a reasonable, intelligent, moderate voice out there. I love your suggestions and I will share them with my friends.

As far as the story goes, I wish it were surprising.

What happens to those teachers who work with severely emotionally disturbed students? I can tell you my story. I work with students who, in most districts, would be hospitalized. They have multiple serious psychiatric disorders and some will never be allowed to return to their local school due to their dangerous behavior. However, I am cheaper than the district admitting that they cannot service them due to their behavior and having to pay for hospitalization. We are not allowed to use prone restraints, chair restraints, or any restraint that restricts breathing. We do not use seclusion rooms as described here. We do have an extra classroom where we take students when they need to be removed from the learning environment. It is the same size as our learning classroom and we never leave a child alone in there we are with them. We never restrain a child for more than 10 minutes without letting them go to allow them to demonstrate safe behavior. We never restrain a child who is not exhibiting behavior that could seriously harm himself/herself or others. We do not use straps, belts, tapes, or anything besides our own bodies to restrict the movement of a child. All that being said, although they are young, we have students who are very strong. It is impossible to maintain a standing restraint for some students and they are literally beating us to death. I was forced to call the police every day for a week before one child's insurance finally decided to pay for hospitalization. My staff and I have sustained multiple injuries and I fear that some day soon someone will be seriously injured without the use of prone restraint or a time out place for these children to rage without fear of hurting themselves or others. I only hope that they hurt me or another of the adults in the room and not one of the other children. I can see first hand the reluctance to completely ban the use of prone restraints. Before responding, be aware that we most certainly are using positive behavior supports, small class sizes, etc.

Americas Forgotten Children

<http://www.youtube.com/watch?v=QyTfOnPLnSM>

If this bothers you (and it should) read the final report on Dozer Boys School in Florida at:

http://www.pdfdownload.org/pdf2html/view_online.php?url=http%3A%2F%2Fi.cdn.turner.com%2Fcnn%2F2010%2Fimages%2F03%2F11%2Fdozier.pdf

The adults who suffocated that defenseless 7-year old girl need to be put on trial for First Degree Murder. Immediately.

In fairness, it should reasons should have been given as to why Republicans voted against it. Was it other than just trying to stop everything Democrats try to do?

Who gives a shit? This is an inexcusable vote. Any reasons given by those who voted against the bill would be about as illuminating as a cloud of ink vomited by an escaping cephalopod.

Why would the good people of America allow the degenerate ideology of Republicans to control everything in their lives? Are they so disconnected that they have no understanding of the influence on the way they live that such perverse doctrine can have? Ask those abused children for instance. Its too late of course for the poor seven year old who made the deadly error of making bubbles in her milk. The Republicans made sure she never lived to do that again (OK so that may be hyperbole but the underlying Republican beliefs gave rise to the circumstances that led to that child's death, no question about it). Republicans, after putting the country through 8 years of hell and now trying to blame all the problems created during that time on the Democrats and president Obama, have a discredited ideology. It is just as disgraceful and unbelievable as communism and has the same end waiting for it on the trash dump of history.

The Hitting Stops Here! request that Americans interested in supporting safe American schools for our school children visit our website. See Hot Topics in the left column where you will see Mississippi Takeoff. Learn how to help our American school children have safe nurturing schools by clicking there.

Thank you,
Paula Flowe
The Hitting Stops Here!

Dear Jim Babb,

Very often our abused American school children come from families that are uneducated and poor. School boards and officials bully the parents by informing them that they will take their children away from them due to negligence if they do not send them to school. Or they will say we will arrest you (the parent) for negligence. Parents are placed in a state of fear concluding that at least we all get to stay in one piece as a family if I go on and submit to the beatings So, you see, it is not that simple when you are dealing with bullies and uneducated parents.

Thank you,

Paula Flowe, Exec. Director
The Hitting Stops Here!

A campaign for teaching kindness and respect in schools everywhere.

Legalized and lawless American school abuse is still a dark secret to most of America. We are proud of those who voted to protect our precious American school children, as all children are precious and in need of mentoring and good examples. As Executive Director of The Hitting Stops Here, I implore fellow Americans to learn more. The first FIVE pages of recent reports on American school abuse, GAO, ACLU and UC Davis Law Review, shed a great deal of light on this issue. The number of school beatings is staggering and has recently increased by 10,000 in just ONE year in the state of Mississippi. High officials, talked about leading the way for safe schools but never talked about the wooden board thats being applied to more than 2,000 buttocks a day in American schools, mostly black and brown, and to those having autism and mental disabilities reporting is not mandatory!!! Help The Hitting Stops Here! and other Childrens Rights Advocates close this dark chapter of American history once and for all. The approaching Mississippi Takeoff event in Jackson, MS will be an opportunity for supporting safe nurturing American schools for our children leading to a healthier America.

Instead of begging congress, parents can achieve those results much more effectively by simply removing their children from government schools.

They are not lieing it happens. Hell it may not be a prison but it is still like solitary. Dose the same thing to you to lol not that this is funny but i whent thow a school like this. Was called OakHill more like oh hell! You know how they say if you do something over time as in not all at ones but brake it up over time that you never get use to it. Well tell me if you thingk five days a week six hours every day of the five days over a 7mouth time span.

I will let you do the math! Bout 35 days if add it all up point is you can call it what ever you like seg addseg the hole aversive behavioral interventions or seclusion but all theys thing are the same dam thing just a nuthing way to say solitary! and yes i lerned you can find what are nashions leading expert on solitary Dr. Stuart Grassian

calls SHU syndrome can be founed not just in supermax prisons but in are schools even thow i did go pully out of it the effts are everlasting not as bad as they where then andthare but they never fully go away i still jumpy and even more sensitve and was allways a high risk for being effected by it i was born in to it lol to. It is not PTSD no flashbacks but it is a lot like the rest of the disorder it is real and still going on after my time i had i have one goal in life to end solitary forever. Yes i have met Grassian my self and he is all i can hope to be like a saint of god who speaks for those who cant.

Our 3 children attend schools in an UNRESPONSIVE Paddling School District in Tennessee and we are unable to protect them from witnessing/overhearing students being threatened/hit with wooden paddles just outside class for minor infractions, then the battered student is further humiliated when they immediately face classmates when they return to their seat. Tennessee State Law does NOT require Parental Consent of Notification for Children to be Physically punished in school!

We made a written/verbal presentation to our school board during April 2008 during National Child Abuse Prevention and Awareness Month to Demand they Prohibit Physical/Corporal Punishment of Children in our Schools and we received no response, they IGNORED US!

U.S. Congress just passed the Safe Students Act and it is expected to pass the Senate, but it doesnt keep kids as safe paddling is still allowed in schools. Allowing students to be paddled/corporally punished in schools is in direct conflict with the childrens bureau of the U.S. Department of Health, Education and Welfare that states in its guidelines for juvenile lockups: Corporal punishment should not be tolerated in any form.

This bill sets minimum federal standards against the use of seclusion and restraints in public and private schools, a reaction to a U.S. government investigation that last year found hundreds of cases of alleged abuse and death of children who were subjected to these tactics over the previous two decades.

Republican opponents argued that states rights were being trampled, and 153 legislators voted against it.

But the bill does not outlaw corporal punishment. States still have the right to make the decision.

Until Congress forces states to stop this practice, kids will still be subjected to beatings in many schools in this country.

Are there sensible and humane reasons given for voting against this bill, or must we believe that those many law-makers are morally numbed-out? The horrors shown describe obedience-training schools that no kennel would tolerate. If we as a nation have lost the will and courage to protect our children from torture, it may be time to shut down the government that permits it.

The only reason weve seen stated for opposing the bill is that it gives the federal government too much power over schools, and infringes on states rights. It is positioned as part of a larger anti-government agendawhich in this case, apparently trumps the safety and lives of children.

Unfortunately, more than half of the states in the union do not have laws to prevent any or all of the deadly abuses in question. See, for example, the comment from Julie Worley about her experiences in Tennessee.

What sickens me even more is WHY is corporal punishment, which is the intentional infliction of pain on children with a 2 pound wooden board, was left out! Sickens me that these republicans care NOTHING about children. I truely believe we need a nation wide bill the bans ALL forms of restraint, physical punishment, or anything else that potentially damages children physically, mentally, and, most overlooked, emotionally.

Take a look at my website above for even more sad stories, pictures, video clips, studies, the stats CLEARLY showing that restraining and hitting children is nothing more than bullying and abusive. There is NO excuse for EVER striking or restraining a child. I have, over the last 25+ years, worked with damaged children, at risk teens, and young adults who have suffered at the hands of the abusive and all too often brutal so called educators who think that punishment is the way to educate children. If you as a teacher or principal think it is necessary, then GET THE HELL OUT OF EDUCATION! The top 100 schools, folks, NOT ONE uses restraints or corporal punishment. It is an archaic and abusive form of treatment.

Come on, folks, join us in banning all forms of physical, mental, and emotional abuse that all too often occurs in these schools, STOP IT NOW!

<http://www.thehittingstopshere.com>

<http://www.nospank.net>

<http://www.nopaddle.com>

<http://www.nospankingzone.com>

Lets all work to stop the abuse that goes on in the name of education. Our children and students deserve better, dont they?

Thank you.

Greg Larson

Assistant Director, Board of Directors <http://www.thehittingstopshere.com>

Parent, counselor, big brother, substitute dad, and shoulder to cry on!

This is sick. How did we build this again?

Your numbers up top dont add up. The final vote (according to your link), was 262-153, which makes sense $238 + 24 = 262$. What you have is $238 + 24 = 242$.

We corrected our typo. Thanks for pointing this out.

I like the way David of Hawaii thinks

In fairness, it should reasons should have been given as to why Republicans voted against it. Was it other than just trying to stop everything Democrats try to do?

Please post the names and e-mail addresses of those dastardly and evil Democrat and Republican members of the House of Representatives who condone child abuse in the schools. (Do they whip, restrain and deprive their own children at home?) And let their names and personal details be published far and wide. Are they the same who condoned torture under the Bush/Cheney/Rove administration?

Lets initiate an e-mail, fax and phone attack against this blight on society.

You can find a list of those who voted against the bill by clicking on the roll call link in the first paragraph of our post.

At 77, I am a senior citizen and retired USN. These Good Ole Boys from my generation have out lived their usefulness. Put them out to pasture with the same retirement and health care that they give us. Take back the money and perks that they have stolen from the taxpayers.

We INDEPENDENTS and MODERATES are tired of POLITICAL fighting over Health Care and everything else.

CONGRESS IS BROKEN and WE THE PEOPLE must fix it. VOTE:

NO to Congress Persons with over 12 to 18 years.

NO to Congressional retirement & perks

NO to Congress having DIFFERENT Health Care & Retirement Plan than they give us

NO to lobbyists

NO to Congressional greed & corruption

NO to bailout of banks & corporations

NO to CEO bonuses on taxpayer money

NO to Derivatives & money laundering

NO to lending money not in hand

NO to brokers selling & repackaging mortgages

NO to credit card interest >10%

NO to tax breaks for overseas manufacturing & out sourcing

NO to foreign oil

NO to unequal Money Base. Compare cost top 100 items; bread, meat, milk, small car, small house of each country.

NO to FCC control of internet

YES TO VOTER POWER.

Pass this to all your friends before EVERY election till they VOTE: NO CAREER CONGRESS PERSONS Get rid of the Good Ole Boys.

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Solitary Watch

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