

Students are restrained across Texas on a daily basis, but many schools underreport or fail to report incidents altogether. A child may be restrained twelve times in a school day, but in official records, it may only say once or zero. Both state and federal reports have listed major Texas school districts as potentially underreporting due to anomalous data.

Restraint results in both short and long-term consequences, hampering a child's ability to develop socially, emotionally, and academically. Accurate data is necessary to ensure that comprehensive legislation regarding restraint can be introduced and existing policies can be evaluated.

### **Existing Regulation**

The U.S. Department of Education's (DOE) Office of Civil Rights began to require districts to report restraint data in 2009. Since 2009, districts must report restraint numbers annually to the Civil Rights Data Collection database and every other year's data is available for public review<sup>3</sup>.

Data is entered by a school official into an online submission tool. For schools that report more than 100 incidents and enter the number of students restrained greater than the number of incidents, districts are asked to resolve this error<sup>2</sup>.

If a school district with more than 100,000 enrolled students reports zero incidents of restraint, the system prompts the user to review its enrollment counts and reported incidents, or provide an explanation. While reporting zero incidents of restraint may seem to be an achievable goal, both the DOE and the Government Accountability Office's (GAO) reports argue that based on past data trends, at least one instance of restraint or seclusion occurs within a population greater than 100,000<sup>2</sup>.

### **Inefficacy of Existing Regulation**

Although data is now accessible, districts housing over 100,000 students who have reported anomalous data have been investigated by the GAO. The GAO has highlighted thirty districts nationwide, four are Texas school districts including Houston ISD, Dallas ISD<sup>2</sup>, and Northside ISD<sup>1</sup>.

In the 2015-16 school year, Northside ISD had over 104,000 students yet reported 0 incidents of restraint to the GAO<sup>1</sup>. While more accurate data was reported to the TEA for the 2018-19 school year, the data reveals that the school district's reporting is still lower than expected<sup>1</sup>.

After data was reported to the DOE, 50 school districts that reported anomalous data were asked to send corrected data or certify the original data. After these letters were sent, many districts sent updated data. The DOE is currently working with those school districts to identify why inaccurate data was initially reported<sup>2</sup>.

Further, After requesting data from the Texas Education Association (TEA), only 478 of the 1,200 (39.8%) local education agencies had provided restraint data for the 2018-2019 school year, leaving the majority of school districts (722 districts) without restraint data reports<sup>1</sup>.

## GAO Findings

The GAO flagged Houston, Dallas, and Cypress-Fairbanks as three major school districts suspected of underreporting. These three school districts were selected because of their total student enrollment to total reported restraint ratios. Houston, Cypress-Fairbanks, and Dallas are all home to over 100,000 students yet reported anomalously low incidents of restraint. After further investigation, restraint data was not fully collected or reported. Houston is home to over 280 schools, with only 6% reporting physical restraints. Similarly, Cypress-Fairbanks holds over 80 schools with only 37% reporting restraints, and Dallas is home to over 200 schools with only 9% reporting restraints<sup>2</sup>.

The issue of inaccurate restraint data has permeated both the state and federal levels, yet education officials do not know why. Interviews with school officials in districts investigated for underreporting highlighted that many districts may not report incidents because they were not collecting the data because their state did not require reporting or that their state only required data reporting for students with Individualized Education Plans (IEPs)<sup>2</sup>.

## Solution

Underreporting of restraint data inhibits comprehensive restraint policy and limits reviews of district restraint policies because efficacy cannot be adequately evaluated. The following measures, if adopted, will strengthen Texas' restraint reporting measures and transparency.

- Requirement of *all* school districts to report restraint data.
- The Texas Education Agency should flag districts that report low or high restraint rates.
- Data regarding restraint should be made available to the public for review.

## Questions?

Please contact our staff members below for more information.

### Noor Saleh

Government Relations Coordinator  
[noor@minaretfoundation.com](mailto:noor@minaretfoundation.com)

1. *Disability Rights Texas "Harmful Restraint of Students with Disabilities in Texas Schools; An Investigative Report."* 7 December, 2020.
2. *United States Government Accountability Office. "Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data."* April, 2020.
3. *United States Department of Education Civil Rights Data Collection. "The Use of Restraint and Seclusion on Children with Disabilities in K-12 Schools."* October, 2020.