



Report Highlights

Seclusion, Restraint, and Abuse/Mistreatment of Children With Disabilities In Public Schools

Louisiana Department of Education (LDOE)

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Why We Conducted This Audit

We evaluated how Louisiana addresses seclusion, restraint, and abuse/mistreatment of students with disabilities in elementary and secondary public schools. We conducted this audit because a 2023 U.S. Department of Education’s (U.S. ED) Office for Civil Rights (OCR) report found that students with disabilities nationwide make up 14% of total K-12 student enrollment, but account for 81% of students physically restrained, and 75% of students secluded. This is our third report on special education in Louisiana and contains two areas: one relating to seclusion and restraint, and one relating to abuse/mistreatment of students receiving special education services.

What We Found

Objective 1: Seclusion and Restraint

- **While LDOE is not required by state or federal law to monitor how school systems use seclusion and restraint, monitoring would help to ensure students with disabilities are provided protections in state law.** Given the risk of the negative impacts of improper seclusion and restraint, monitoring to ensure school systems use seclusion and restraint in accordance with protections in state law is vital. Other states and the U.S. Department of Education monitor the use of seclusion and restraint. LDOE stated that it does not have the legal authority to conduct this monitoring and would need additional resources to do so. However, we found that while state law does not explicitly require LDOE to monitor how and under what circumstances school systems use seclusion and restraint, it does give LDOE this authority.
- **LDOE could improve its process of reviewing seclusion and restraint data submitted by school systems to identify systems that may be underreporting.** For example, in academic year 2023-24, 115 (72.3%) of 159 school systems reported zero incidents of seclusion and restraint. LDOE could contact school systems that report no incidents or what appears to be too few incidents of seclusion and restraint to understand potential concerns the department may have with the numbers reported. Collecting accurate data is important to ensure the public and LDOE can make decisions based on reliable data.

This audit had the following objectives:
1: To evaluate LDOE’s oversight of the use of seclusion and restraint for students with disabilities.
2: To evaluate Louisiana’s laws and regulations regarding abuse allegations perpetrated by school staff on students with disabilities.

Excerpts from Two Parent Survey Responses

- “Four [school officials] pinned him to the ground in restraint that was banned at the district level because it is known to cause **positional asphyxiation**. The school called me to pick him up, I walked into the ISSP room and saw [School Official] pinning him to the ground. Also, I never received an official report of the restraint.”
- “My son described being **‘sat on’** and **‘suffocated’** and a staff member reported viewing this occurring through a classroom window but asked to remain anonymous. The restraints and seclusions he experienced were so traumatic that his life and ours are forever changed.”

Source: LLA 2023 SPED Parent Survey

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What We Found (Cont.)

- **While school systems are required by state law to submit their seclusion and restraint policies to LDOE, LDOE does not review these policies to ensure they contain provisions that are required to be followed in state law. We reviewed 50 policies and found 46 (92.0%) were missing important information provided in state law.** In addition, while LDOE has provided guidance to school systems relating to what to include in their seclusion and restraint policies and procedures, this guidance could be strengthened.

Objective 2: Abuse/Mistreatment

- **While recent legislation clarified Louisiana’s mandatory reporter law, we reviewed school systems’ policies and interviewed staff considered mandatory reporters and found that allegations committed by school personnel still may not be reported as required by state law.** LDOE should work with school systems to ensure that all mandatory reporters are aware that non-caregiver abuse allegations should be reported to law enforcement. This could involve developing a mandatory reporting policy template that school systems can use to help ensure consistency throughout the state.
- **Unlike other states, Louisiana does not have a process to ensure teachers who abuse, improperly use seclusion or restraint, or otherwise mistreat students have their certification sanctioned if they have not been criminally convicted.** In addition, Louisiana does not have a central registry of school employees who are not certified by the Louisiana State Board of Elementary and Secondary Education (BESE) but have abused or mistreated students.
- **The legislature provided LDOE \$8.8 million in state general funds for school systems to install and maintain cameras in self-contained special education classrooms.** As of August 2024, according to LDOE, 66 (39.8%) of the 166 school systems installed cameras using \$2.8 million (31.8%) of the \$8.8 million provided.

| Other State Comparison Teacher License Sanctions | | |
|---|-----------------|---|
| State | Code of Ethics* | Can Issue Sanction for less than a Conviction |
| Alabama | No | Yes |
| Arkansas | Yes | Yes |
| Florida | Yes | Yes |
| Georgia | Yes | Yes |
| Kentucky | Yes | Yes |
| Louisiana | No | No |
| Maryland | No | Yes |
| Mississippi | Yes | Yes |
| Oklahoma | Yes | Yes |
| Texas | Yes | Yes |
| Virginia | No | Yes |

*May also be called Professional Standards, Standards of Performance and Conduct, or Principles of Professional Conduct.
Source: Prepared by the legislative auditor’s staff using information from the 10 other states’ Department of Education or equivalent we reviewed.

This report contained 11 recommendations, and LDOE agreed with four, partially agreed with three, neither agreed nor disagreed with two, and disagreed with two. The report also included eight matters for legislative consideration.

View the full report, including management’s response, at www.la.gov.