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June 2, 2023

BY EMAIL

Amy R. Romero
Assistant U.S. Attorney
District of Rhode Island
One Financial Plaza, 17th Floor
Providence, RI 02903

Re: Unlawful use of restraints in West Warwick and North Kingstown school districts

Dear Ms. Romero:

Attached please find four complaints by families in two school districts (West Warwick and North Kingstown) on behalf of their children. Two of the children attended Greenbush Elementary School in West Warwick and two attended Davisville Academy in North Kingstown.

All four parents who bring these complaints believe that their children were excessively and unnecessarily restrained by staff in these schools, in violation of their civil rights under federal law (and the state laws and regulations concerning restraint and seclusion.) The large number of restraints experienced by each child, and in some instances their duration, as well as injuries resulting therefrom, are indicative of a pattern where restraint has become a norm rather than a warning to adjust to alternative and preventative strategies. The fact that these restraints are not necessary if such research-based alternatives are applied is well-illustrated by the fact that two of the students secured other placements and have not been restrained at all in the months since they have been in the new placements.

Data obtained through public records (APRA) requests indicate that these two schools have used restraints at very high rates compared to other Rhode Island public schools, and that these restraints are applied repeatedly against just a few children, creating situations with the potential for high risk of mental trauma and physical injury.

Based on our inquiries with RIDE, programs developed by school districts for children with behavioral difficulties receive no additional scrutiny or oversight from RIDE beyond that applicable to the district overall. Unlike private schools addressing special education needs, they require no RIDE licensing or approval. While school districts

must provide annual restraint data for each school, based on RIDE's APRA response, it does not appear that extremely high restraint rates at particular schools have resulted in additional inquiry or oversight by the State Agency. The lack of scrutiny can be dangerous, especially in situations where turnover and attrition has led to insufficient staffing and/or training.

Based on our knowledge of the law governing restraint, best practices regarding the use of restraints and positive behavior supports, interviews with our clients, and our reviews of the records, including the successful experiences of two of the children in new placements without the use of any restraints, we believe that the use of restraints regarding these four children as well as other children in these districts has violated federal law, and we request that your office investigate these complaints and take action to require these school districts to comply with federal law regarding the use of restraints.

Very truly yours,

/s/Veronika Kot

Veronika Kot
Staff Attorney, RILS

/s/Ellen Saideman

Ellen Saideman
Cooperating counsel
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF RHODE ISLAND