

# United States Senate

WASHINGTON, DC 20510

June 24, 2019

The Honorable Kenneth L. Marcus  
Assistant Secretary  
U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

Dear Assistant Secretary Marcus,

We are writing today regarding a Government Accountability Office (GAO) report entitled “K-12 Education: Education Should Take Immediate Action to Address Inaccuracies in Federal Restraint and Seclusion Data,” which was publicly released on June 18, 2019.

In November 2017, it was brought to our attention that multiple school districts in Iowa were violating federal reporting requirements regarding the use of seclusion and restraint, and we brought these allegations to the attention of the Department of Education’s Office of Inspector General (OIG). Given media accounts of similar instances of misreporting around the country, we expressed concern that systemic problems exist related to restraint and seclusion reporting and data quality, and we asked OIG to investigate the matter.

Unfortunately, this GAO report confirms our suspicions. There are 30 school districts in the United States with over 100,000 students, and 10 of these districts reported no instances of seclusion and restraint. According to the report, nine of these districts “reported zero incidents but, according to explanations provided to Education or information districts provided publicly, had incidents they did not report, had incidents they were unable to report, or were not collecting the data.”

Likewise, our inquiry, which led to Office for Civil Rights (OCR) outreach to three Iowa school districts, was one of multiple examples cited by the GAO to suggest that misreporting of seclusion and restraint is occurring in school districts of all sizes.

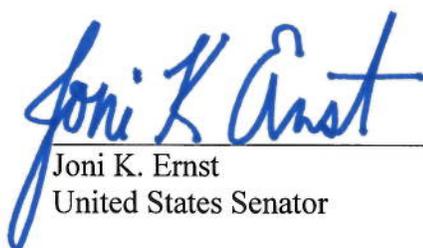
GAO recommended that the Department of Education “remind and clarify” for school districts that they should “only report zero incidents of restraint and seclusion when there are none” and should leave the field empty if they do not have the data. The report also recommended that school districts follow up with districts that have already submitted zero incidents for 2017-2018 school year to confirm their accuracy, take steps to ensure school districts that do not have data begin collecting it, and disclose “potential problems” with past seclusion and restraint data.

We commend the Department of Education for its recently announced initiative to address inappropriate uses of seclusion and restraint and to improve compliance with federal reporting

and disability laws. However, we remain deeply concerned about the integrity of OCR's seclusion and restraint data and widespread noncompliance with federal reporting requirements.

The accuracy of this information is critical to the safety and well-being of children in the classroom, especially children with disabilities. We respectfully urge you to immediately implement GAO's recommendations and take additional steps to ensure school districts provide accurate seclusion and restraint data.

Sincerely,

  
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Joni K. Ernst  
United States Senator

  
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Charles E. Grassley  
United States Senator