



COMMONWEALTH of VIRGINIA

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October 1, 2026

General Assembly Building
P. O. Box 28782
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Dear Chairs Favola and Rasoul:

Chapter 756 (House Bill 1229) from the 2026 Virginia General Assembly Session requires the Virginia Department of Education (VDOE) to produce a report on the current implementation and utilization of the Board of Education's *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*. This report also includes a summary of the Department of Education's current processes and procedures and an analysis of current data.

If you have any questions or require additional information regarding this report, please contact Dr. Samantha Marsh Hollins, VDOE Deputy Superintendent of Special Education and Specialized Populations, at Samantha.Hollins@doe.virginia.gov or 804-750-8738.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenna Conway".

Jenna Conway
Superintendent of Public Instruction

JC/SMH/

REPORT ON REGULATIONS GOVERNING THE USE OF SECLUSION AND RESTRAINT IN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS IN VIRGINIA

Chapter 756 (House Bill 1229)

Presented to: General Assembly of Virginia Chairmen, Senate Committee on Education and Health and House Committee on Education

October 1, 2026



LEGISLATIVE DIRECTIVE

This report has been prepared and submitted to fulfill the requirements of Chapter 756 (House Bill 1229) from the 2026 Virginia General Assembly session. This legislation required the Virginia Department of Education (VDOE) to provide each local school board with a link to or a copy of the Board of Education's *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary School in Virginia (the Regulations)* and encourage each such board to fully comply with such regulations. The legislation also required VDOE to submit to the Chairs of the House Committee on Education and the Senate Committee on Education and Health no later than October 1, 2026, a report on the current implementation and utilization of such regulations that include 1) a detailed summary of the Department's current processes and procedures for enforcing such regulations, and 2) a compilation and analysis of data related to how such regulations are currently being implemented and utilized by public schools in each school division.

The VDOE disseminated communication regarding a link to the regulations and the legislative requirements via the [Virginia Education Update in Article: 2026-25-277](#) and published this information publicly on the agency's website. The VDOE also included the same information to local school divisions (July 23, 2026) and division directors of special education (August 5, 2026) through the annual application for state funds to support training requirements identified in the regulations.

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SUMMARY

This report is submitted pursuant to the requirements established by the General Assembly directing the Department of Education to support and monitor statewide adherence to the Board of Education's *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia*. In fulfillment of this directive, the Department has provided each local school board with a link to or copy of the regulations and has encouraged full and consistent compliance across all divisions.

As required, this report includes three key components. First, it presents a detailed background of the Department's current processes and procedures for enforcing the regulations, including oversight structures, monitoring activities, and compliance mechanisms. Second, it provides a landscape of state technical assistance and support for local school divisions in implementing the regulations. And finally, it provides a state-level analysis of data on how public schools in each school division are implementing and utilizing the regulations, offering insight into trends, levels of adherence, areas of strength, and opportunities for improvement.

Together, these sections are intended to give the Chairs of the House Committee on Education and the Senate Committee on Education and Health a clear, comprehensive understanding of the current statewide implementation of the seclusion and restraint regulations as of October 1, 2026.

BACKGROUND

The Regulations nor the section of the Code of Virginia that directed the VDOE to adopt the Regulations (Virginia Code Section 22.1279.1:1) provide a mechanism by which parents can seek state intervention when they believe that their child has been restrained or secluded in contravention of the Regulations. However, the VDOE can investigate sufficient complaints that cite allegations involving restraint or as part of its responsibility under the *Individuals with Disabilities Education Act* (IDEA) to investigate and resolve written complaints alleging a violation of IDEA and its federal and state regulations, including allegations that the student has been denied a free appropriate public education (FAPE).

FAPE is defined as special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state educational agency; including an appropriate preschool, elementary school, or secondary school education in the state involved; and are provided in conformity with the student's Individualized Education Program (IEP).

The United States Department of Education (USED) has issued guidance on a number of factors related to school climate that may have an adverse impact on FAPE. The Office of Civil Rights within USED has opined that the use of restraint or seclusion may, in some cases, result in a denial of FAPE. Refer to the *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities*, [69 IDELR 80](#) (OCR 2016). The Virginia Standards of Accreditation (8 VAC § 20-132 (2026)) contemplate that school divisions are responsible for providing a safe environment for teaching and learning. When the VDOE considers, through the course of an investigation of a state complaint, whether a school division has provided a safe and secure environment, the agency analyzes the legal and regulatory obligations in regulations adjacent to

the special education regulations, such as the *Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia* (12 VAC 20-750-5 et seq.). When considering whether a local educational agency (LEA) complied with regulatory requirements that fall outside of IDEA and its implementing regulations, the agency does not have the authority to sanction a school division for failure to follow the restraint and seclusion regulations in isolation. However, violations of the restraint and seclusion regulations may have a nexus with a student's disability and with the school's obligation to provide FAPE. The school's adherence to requirements in this area can constitute important evidence in the determination of whether an LEA met its FAPE obligations. Failure to comply with the restraint and seclusion requirements may constitute a denial of FAPE and may constitute a violation of IDEA.

In the 2024-25 and 2025-26 school years, the VDOE investigated several individual complaints and one systemic complaint involving allegations of restraint and seclusion. In two cases, the LEA was found to be in compliance. In two other cases, the LEA was cited for noncompliance. One case involved the improper use of positioning equipment; the other involved use of an unauthorized restraint during transportation of a student. In investigating a systemic complaint, the agency had insufficient evidence of inappropriate restraint against any student but found that the LEA had an appropriate school board policy but lacked implementing policies and procedures. In another case, involving an individual student, the agency found that the student had been improperly restrained. The local education agency's procedures were deficient. In both of these cases, the agency ordered, through corrective action, the LEAs to develop such procedures and conduct targeted training.

STATE TECHNICAL ASSISTANCE AND SUPPORT

The VDOE's Division of Special Education and Specialized Populations provides a series of free on-demand training modules to inform Virginia school personnel on the regulations and includes an assessment and a certificate that documents successful completion. Old Dominion University, which administers the website housing the modules, reports the following data on use of this module:

Period Covering: November 22, 2025 – August 11, 2026

Total unique passing attempts: 12,829

Cumulative Total of Successful Attempts (since inception of quiz): 254,941

The agency also provides technical assistance to school divisions on implementation of the regulations as well as guidance related to data collection, including a sample form for the emergency use of physical restraint or seclusion.

The VDOE has also overseen the dissemination of state funding to support statewide training and assistance for school divisions' continued implementation of and compliance with the regulations. Appropriated funds across fiscal years 2020 – 2027 have been allocated to applications from regions that include a training certification submission from divisions receiving state funding.

The VDOE's work related to restraint and seclusion extends beyond responding to individual incidents and includes a broader system of professional learning, technical assistance, including coaching, and resources designed to strengthen schools' capacity to proactively address student needs.

Through the VDOE's Training and Technical Assistance Centers (TTACs), the Virginia Commonwealth University Autism Center for Education (VCU-ACE), the Cooperative for Effective Behavior Intervention and Supports (CEBIS), and other state and regional initiatives, educators have access to training and technical assistance on evidence-based practices for students with disabilities, including students with autism and emotional disabilities. Through the Regional Autism Behavior Technical Assistance Network (RABTAN), systematic, behavior-focused training and coaching is provided to division-identified coaches, administrators, classroom educators, and paraprofessionals working in classrooms for students with intensive support needs. This work builds local capacity to improve academic achievement and social-emotional development while proactively addressing behavioral needs and strengthening schools' ability to respond effectively when concerns arise.

In addition, the Department's functional behavioral assessment (FBA) and behavior intervention plan (BIP) guidelines, accompanying modules, and statewide training help educators use FBAs to better understand the factors influencing student behavior and develop BIPs that address identified needs through individualized, function-based strategies and supports. Collectively, these efforts promote a consistent understanding of the science of behavior across the Commonwealth and provide practical resources for proactive behavior practices, explicit instruction of behavior-related skills, and the collection, analysis, and use of data to guide instructional and behavioral decision-making.

This work is complemented by broader professional learning focused on inclusive practices, positive behavioral supports, IEP development and implementation, and specially designed instruction (SDI). These efforts help educators understand and address students' academic, behavioral, communication, and functional needs through effective instruction, individualized supports, accommodations, assistive technology, and ongoing progress monitoring. Together, this work helps IEP teams and educators identify needs early, teach essential skills, and provide the supports students need to access instruction and participate meaningfully alongside their peers. Building this capacity helps schools move beyond reacting to interfering behavior toward proactively addressing needs that may contribute to escalation and reducing circumstances in which restraint or seclusion may be needed to maintain safety.

STATEWIDE AND LOCAL SCHOOL DIVISION DATA OVERVIEW

The Virginia Administrative Code (8VAC20-750-90) requires school divisions statewide to submit data annually to the VDOE on incidents of seclusion and restraint. For 2019-20 and 2020-21, this data was only reported for special education students in private schools. Beginning in 2021-22, reporting has been required for all public school students. This data is available and updated on the agency's [website](#)

The number of students with disabilities who were reported as experiencing an incident of restraint and/or seclusion has seen a modest increase from 2022 to 2025 (approximately 10%).

Despite this increase, the number of students reported as experiencing restraint and/or seclusion represented a relatively small proportion of the overall population of students with disabilities. Specifically, in 2024-25, less than 0.5 percent of students with disabilities were reported as experiencing restraint and/or seclusion. Consequently, approximately 99.5 percent of students with disabilities were not reported as experiencing an incident of restraint and/or seclusion.

Among the students with disabilities who experienced restraint and/or seclusion, approximately 80 percent are served in their local public school. Most of the remaining students with disabilities who experienced restraint and/or seclusion were served in Public Separate School setting which is a specialized public school facility serving students with disabilities typically, outside a regular school building.

The data also indicate that students with Autism or Emotional Disability accounted for approximately two-thirds of the students with disabilities who experienced restraint and/or seclusion each year. These data indicate that, while restraint and/or seclusion affected a relatively small percentage of students with disabilities overall, the students who experienced restraint and/or seclusion were concentrated within educational placements and primary disability categories. The patterns identified in these data may warrant additional examination of the educational settings, circumstances surrounding the use of restraint, and behavioral and instructional supports available to students who experience restraint.

Analysis of the three years of available data at the state level indicates that statewide restraint and seclusion trends from 2022 – 2025 show notable shifts in both student enrollment and the intensity of reported incidents. Enrollment rose slightly between 2022-23 and 2023-24 before declining the following year, yet restraint and seclusion measures did not follow the same trajectory. The number of students restrained increased steadily each year, while total restraints briefly dipped in 2023-24, they rose sharply again in 2024-25. Seclusion indicators showed a similar pattern: fewer total seclusions occurred in 2023-24, followed by a substantial increase in 2024-25. These patterns suggest that despite fluctuations in statewide enrollment, the use of restraint and seclusion is rising overall—particularly the volume of incidents—indicating potential changes in student needs, reporting practices, or school-level intervention approaches.

CONCLUSION

Data available from the VDOE has been used to fulfill the requirements of the legislation. Ongoing development related to technical assistance, data collection, analysis, and reporting will take into consideration findings from this report, communication with stakeholders, and a focus on behavioral and instructional supports for school staff. Support for staffing regarding training, technical assistance, and data analysis within the context of school safety could be supported by additional state funds or a dedicated portion of the already appropriated state funding to support state educational agency position(s).