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April 8, 2014

The Honorable Harry Reid
Senate Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Senate Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Tom Harkin
Chair, HELP Committee
United States Senate
Washington, D.C. 20510

The Honorable Lamar Alexander
Ranking Member, HELP Committee
United States Senate
Washington, D.C. 20510

Re: Over 200 National, State, Local Organizations Ask Congress to Act Now and Pass Restraint and Seclusion Bill (S. 2036) in Light of New Data Showing Over 100,000 Students Subjected to Procedures

We write to ask Congress to take action now and pass the Keeping All Students Safe Act, S. 2036, introduced by Senator Tom Harkin in February. America needs a national policy to address restraint and seclusion for all students in America's schools. We also thank Senator Harkin for his tremendous leadership in making schools safe.

New statistics released in March 2014 by the Department of Education showed that in 2011-12, 70,000 students were subjected to physical restraint, and 37,000, to isolated seclusion. These students were disproportionately students with disabilities, who comprise only 12% of the student population, but make up 75% of those restrained and 58% of those secluded. The data also showed that minority students were disproportionately subjected to these practices. For example, nearly 4,000 students were mechanically restrained. Of these students 36% were African-American, although African-American children comprise only 19% of students with disabilities. Mechanical restraints include using ties, straps, locking chairs and locking devices, and even duct tape.

In 2009, a Government Accountability Office (GAO) study found that children were injured, traumatized, and even killed through restraint and seclusion in schools. The GAO documented 20 students who had died in restraint. Other children have been killed or injured in seclusion rooms, including a student who hung himself in Atlanta while school staff were outside the locked room. A recent Senate HELP Committee investigation found that families have little or no recourse against the use of restraint or seclusion under current law, even when their child has died or been harmed.

The vast majority of states do not protect all children from dangerous seclusion and restraint. Only 14 states by law limit physical restraint of all children to emergencies where it is necessary to prevent imminent physical danger or serious physical danger. Similarly, 1 state bans seclusion of all children; 4

ban seclusion of children with disabilities, and only another 10 limit seclusion to physical safety emergencies. While federal law protects children from the use of restraints and seclusion in hospitals, no similar federal law exists to protect children in schools. We urge Congress to pass the Keeping All Students Safe Act bill (S. 2036), and create minimum restraint and seclusion standards in schools that will protect all children.

The Keeping All Students Safe Act will promote a shift toward preventing problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports. This shift will help school personnel understand the needs of their students and safely address the source of challenging behaviors – a better result for everyone in the classroom.

In many cases, the use of positive supports and interventions greatly diminishes and even eliminates the need to use restraint and seclusion. For example, the Centennial School in Pennsylvania, which serves children in 35 school districts, has slashed the use of restraint and seclusion from well over 1,000 occurrences per year to less than ten through the use of positive supports. After a year of positive supports, it turned its two seclusion rooms into a school store and supply closet. In 2012, there were 3 incidents of restraint and none of seclusion. The school employed 29% fewer personnel, no longer needing extra staff to manage restraint and seclusion. Compared to 1998, the last year before positive supports were implemented, suspension was down by 88 percent and truancy, by 50 percent.

Likewise, Montgomery County, Virginia Public Schools use “easily accessible, evidence-based practices” that enable busy school personnel to prevent disruption and crises as much as possible. These less restrictive measures work. In 2012, 86 percent of the district's students with individual positive behavioral support plans made “very significant” behavioral advances,” with crisis-level behaviors falling by 78% and targeted problem behaviors by 81%. Aside from the typical scrapes that occur between children in any public school setting, students with PBS plans injured no adults or children,” according to Senate testimony.¹ Reports and studies have also shown that students and staff are safer when positive interventions and supports, rather than restraint and seclusion, are used in schools.

S. 2036 will protect all children in school. It will ensure that physical restraints are used only in emergencies posing an imminent threat of physical danger. If less restrictive and dangerous measures like de-escalation, conflict management, and positive behavioral supports will prevent the threat, the bill will require that they be used. The bill will protect children from hazardous seclusion by banning it. It will require prompt parental notification. Only 20 states require parents of all children be informed of restraint and seclusion use today. It will ban the use of restraints that impede breathing or that are otherwise dangerous to children or staff. The bill will enable parents to seek a court order stopping the use of dangerous restraint or seclusion without exhausting administrative remedies and further delaying relief. The bill will ensure that staff are properly trained in evidence-based methods to minimize the use of restraint and seclusion and to protect children and staff. The bill will require reporting and data collection, disaggregated by subgroup. The data collection will better inform

¹ Testimony of Michael George, Director, Centennial School of Lehigh University, and Cyndi Pitonyak, Coordinator of Positive Behavior Interventions and Supports for Montgomery County, Virginia Public Schools; *Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students, Hearings before the Senate Comm. on Health, Education, Labor, and Pensions, 112th Congress (July 12 2012).*

decision-making and planning to avoid use of these procedures and will provide transparency and better public oversight.

We ask you Congress to act now and pass the Keeping All Students Safe Act and make our schools safer for students and staff. America needs more than the current patchwork of state laws. The new data showing that over 100,000 students were restrained and secluded demonstrates the need for change. We look forward to working with you to pass the bill.

For more information about this letter, please contact Jessica Butler, Congressional Affairs Coordinator, Autism National Committee, jessica@jnba.net (www.autcom.org).

cc: Members of the Senate Health Education Labor and Pensions Committee

Signed by Over 200 National and State Organizations

Advocacy Institute
American Academy of Child and Adolescent Psychiatry
American Association on Health and Disability
American Psychiatric Association
Association of University Centers on Disabilities
Autism National Committee (AutCom)
Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Center for Law and Education
Center for Public Representation
Conference of Educational Administrators of Schools
and Programs for the Deaf
Council for Children with Behavioral Disorders (CCBD)
Council of Parent Attorneys and Advocates, Inc.
Depression and Bipolar Support Alliance (DBSA)
Disability Rights Education & Defense Fund
Dup15q Alliance, Inc.
Easter Seals
Epilepsy Foundation
Exceptional Parent
Families Against Restraint and Seclusion
Family Network on Disabilities
Family Voices USA

Gay Lesbian & Straight Education Network (GLSEN)
Higher Education Consortium for Special Education
Learning Disabilities Association of America
National Association of Councils on Developmental Disabilities
National Association of County Behavioral Health and
Developmental Disability Disorders
National Association of State Mental Health Program Directors
National Autism Association
National Center for Learning Disabilities
National Council of La Raza
National Council on Independent Living (NCIL)
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society (NDSS)
National Empowerment Center
National Federation of Families for Children's Mental Health
National Fragile X Foundation
National Organization for Women Foundation
National Organization of Nurses with Disabilities (NOND)
OurChildrenLeftBehind.Com
Pacer Center
Prader-Willi Syndrome Association (USA)
Self-Advocates Becoming Empowered (SABE) Board
Southern Poverty Law Center
Specialized Training Of Military Parents (STOMP)
TASH
The Arc of the United States
The National Alliance on Mental Illness
Tourette Syndrome Association, Inc.
United Cerebral Palsy
William Kellibrew Foundation
Wrightslaw
Witness Justice
Stop Abuse Campaign
Lichtenstein Creative Media, Inc.
Parents and Teachers Against Violence in Education, Inc.
Pediatric Stroke Network, Inc.
Boat People SOS, Inc.

STATE ORGANIZATIONS

STATE

California Association for Parent-Child Advocacy (CAPCA)	CA
Disability Rights California	CA
Families For Early Autism Treatment	CA
Independent Living Resource Center, Inc.	CA
Educate. Advocate.	CA
Learning Rights Law Center	CA
AdvocacyDenver	CO
The Arc of Colorado	CO
Arc Thriftstores of Colorado	CO
Colorado Cross Disability Coalition	CO
Community Link	CO
CP of Colorado	CO
Easter Seals of Colorado	CO
Family Voices Colorado	CO
Mental Health America of Colorado	CO
Rocky Mountain Down Syndrome Association	CO
The Arc of Aurora (CO)	CO
The Arc of the Pikes Peak Region	CO
Connecticut Parent Advocacy Center	CT
Connecticut Parent's Union	CT
SpEd Connecticut, Inc.	CT
Autism Spectrum Differences Institute of New England, Inc.	CT
Advocates for Justice and Education	DC
Governor's Advisory Council for Exceptional Citizens	DE
Center for Independent Living of South Florida, Inc.	FL
disAbility Solutions for Independent Living	FL
Legal Aid Society of Palm Beach County	FL
Reveresco ABA Therapy	FL
Southern Legal Counsel, Inc.	FL
The Arc of Georgia	GA
Parent to Parent of Georgia	GA
Georgia Families Against Restraint and Seclusion	GA
Apraxia in Metro Atlanta	GA
Gwinnett SToPP	GA
Hawaii Disability Law Center	HI

Hawai'i Parents Special Education Advisory Council (HIP-SEAC)	HI
Autism Society of Hawaii	HI
Autism Bridges Maui	HI
Disability Rights Iowa	IA
Iowa School Social Work Association	IA
Tri State Down Syndrome Network	IA
Mental Health America of Illinois	IL
Mental Health Summit of Illinois	IL
Illinois School Counselor Association	IL
LIFE Center for Independent Living	IL
Illinois Children's Mental Health Partnership	IL
Mothers on a Mission, Inc.	IL
Special Kids, Special Families	IL
The Arc of Indiana	IN
Disability Rights Center of Kansas	KS
Kentucky Protection & Advocacy	KY
The Arc of Kentucky	KY
Advocacy Center (Louisiana Protection & Advocacy System)	LA
Disability Law Center (of Massachusetts)	MA
The Arc of Massachusetts	MA
Independent Living Center of the North Shore & Cape Ann, Inc.	MA
Mental Health Legal Advisors Committee Massachusetts	MA
Maryland Disability Law Center	MD
Maryland Education Advocacy Coalition for Students with Disabilities	MD
Maryland Coalition for Inclusive Education	MD
LDA of St. Mary's County	MD
Parent Advocacy Network for Differently-Abled	MD
Disability Rights Center Maine	ME
Maine Developmental Disabilities Council	ME
Maine Parent Federation, Inc.	ME
The Arc Michigan	MI
Michigan Protection and Advocacy Services Inc.	MI
Michigan Developmental Disabilities Council	MI
Michigan Association of Community Mental Health Boards	MI
The Respect ABILITY Law Center	MI
Michigan Alliance for Special Education	MI
Bridges4Kids (MI)	MI
Michigan Disability Rights Coalition	MI

The Arc of Northwest Wayne County	MI
Minnesota Disability Law Center of Mid-Minnesota Legal Aid (Minnesota Protection & Advocacy Center)	MN
Autism Society of Minnesota	MN
Minnesota Governor's Council on Developmental Disabilities	MN
Minnesota State Council on Disability	MN
The Arc Minnesota	MN
Down Syndrome Association of Greater St. Louis	MO
Missouri Developmental Disabilities Council	MO
Disability Rights Mississippi	MS
Just Advocacy of Mississippi	MS
Mississippi Center for Justice	MS
Mississippi Families as Allies	MS
Mississippi Psychiatric Association	MS
Parents United Together	MS
The Arc of Mississippi	MS
ADAPT Montana	MT
Parents, Let's Unite for Kids - PLUK	MT
Disability Rights North Carolina	NC
Council for Children's Rights	NC
Monarch/The Arc of Stanly County	NC
Tammy Lynn Center for Developmental Disabilities	NC
The Arc of Davidson County, North Carolina	NC
Disability Rights New Jersey	NJ
Education Law Center	NJ
Epilepsy Foundation of New Jersey	NJ
Learning Disabilities Association of New Jersey	NJ
New Jersey Association of Mental Health and Addiction Agencies, Inc.	NJ
New Jersey Coalition for Inclusive Education, Inc.	NJ
New Jersey PTA	NJ
New Jersey Special Education Practitioners	NJ
NJ Association of School Psychologists (NJASP)	NJ
Special Education Leadership Council of NJ	NJ
Statewide Parent Advocacy Network	NJ
The Arc of New Jersey	NJ
Family Voices New Jersey	NJ
Autism Family Services of New Jersey	NJ

Millburn-Short Hills (NJ) Parent Education Committee-MSPEC	NJ
Total Living Center, Inc.	NJ
Pegasus Legal Services for Children	NM
Advocacy for Children with dis-Abilities	NM
The Center for Self Determination	NV
Center on Human Policy at Syracuse University	NY
New York Association on Independent Living	NY
New York State Independent Living Council	NY
NYSARC	NY
Everyone Reading, Inc.	NY
Independent Living Center of the Hudson Valley Inc. (ILCHV)	NY
Independent Living Inc.	NY
Southern Tier ADAPT	NY
Southern Tier Independence Center	NY
Westchester Independent Living Center	NY
The Arc of Ohio	OH
4p- Support Group	OH
Association of Oregon Community Mental Health Programs	OR
The Arc of Pennsylvania	PA
Rhode Island Parent Information Network	RI
Protection and Advocacy for People with Disabilities - South Carolina	SC
The Arc of South Carolina	SC
Camp T.A.L.K.	SC
The Arc of the Midlands	SC
The Arc of Pickens County, SC	SC
The Arc Tennessee	TN
The Arc of Davidson County, Tennessee	TN
National Autism Association of North Texas	TX
Texas Network of Youth Services	TX
DFW Interfaith Coffee House	TX
Disability Law Center of Utah	UT
Special Needs Resource Project	UT
The Arc of Virginia	VA
Virginia Association of Centers for Independent Living	VA
Endependence Center, Inc.	VA
JustChildren Program (Legal Aid Justice Center)	VA
Autism Society of Northern Virginia	VA

Autism Society of Central Virginia	VA
disAbility Resource Center	VA
PELE Special Education Advocacy Clinic, William & Mary Law School	VA
The Arc of Central Virginia	VA
The Arc of Northern Virginia	VA
Disability Rights Vermont, Inc. (Vermont's P&A)	VT
Vermont Coalition for Disability Rights	VT
Disability Law Project of Vermont Legal Aid, Inc.	VT
Vermont Center for Independent Living	VT
Vermont Family Network	VT
Vermont Federation of Families for Children's Mental Health	VT
PAVE – Partnerships for Action, Voices for Empowerment	WA
Washington State Developmental Disabilities Council	WA
Autism Society of Washington	WA
Disability Rights Wisconsin	WI
Wisconsin Family Assistance Center for Education, Training and Support, Inc. (WI FACETS)	WI
Wisconsin Board for People with Developmental Disabilities	WI
Parents Helping Parents of WY, Inc	WY