



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

January 4, 2012

The Honorable Tom Harkin
731 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Harkin:

The undersigned organizations of the Consortium for Citizens with Disabilities Education Taskforce write to thank you for introducing the Keeping All Students Safe Act and your unwavering commitment to the safety and welfare of our nation's children. The undersigned organizations support this legislation and pledge to work with you for its enactment.

In 2009, the Government Accountability Office documented hundreds of children subjected to restraint and seclusion in school, resulting in death, injury, and psychological trauma. All too often, the victims have been children with disabilities. The Keeping All Students Safe Act will establish needed national minimum standards to protect all school children nationwide. The bill will strengthen protections in every state. The bill would ensure the safety of all students and school personnel and promote positive school culture and climate. The bill would promote the development of effective intervention and prevention practices, emphasize de-escalation, conflict management, and evidence-based practices shown to be effective in preventing physical restraint; and mandate the use of data-based decision-making and evidence-based positive behavioral interventions and supports.

The bill would ban seclusion and confinement of children in locked rooms or spaces from which they cannot exit. Students have died or been injured in seclusion. It will restrict physical restraint to emergencies posing a threat of serious bodily injury to self or other. Schools will no longer be able to use this dangerous technique to punish children, coerce compliance, for behavioral infractions, or as a substitute for positive behavioral support or proper educational programming. It may not be used when less restrictive measures would be effective and must end when the emergency ends. No longer will children be kept in restraint for hours. And if light force would stop the threat, staff could not use maximum force that would harm or injure the child. The bill will ban restraints that are life threatening (including those that interfere with breathing), mechanical and chemical restraints, aversives that threaten health or safety, and restraints that interfere with the ability to communicate or which would harm a child.

The bill requires that those using restraint be trained in evidence-based techniques and renew their training certifications on a regular basis, establishing a strong standard nationwide. Far too many children have been injured by untrained personnel. The bill also requires that parents be notified within 24 hours that their child has been restrained. Parents must know to watch for concussions and other injuries, as well as trauma. Staff and family will debrief after restraint is used, to prevent its use in the future. States must collect data on the use of restraint and seclusion, make it available to members of the public, and use the data to minimize further use of these techniques. Such information is vital. Teachers, staff, and parents who report violations of the law would be protected from retaliation. The bill will prohibit including restraint as a planned intervention in Individual Educational Programs or other individualized planning documents.

Existing laws alone have not protected students against such abuse and injury, though many do offer important protections. By creating a national floor of protection, your bill ensures that children will be protected in every state. We thank you very much for your strong work to protect school age children from abusive interventions.

Sincerely,

American Association of People with Disabilities
Association of University Centers on Disabilities
Autism National Committee
Council of Parent Attorneys and Advocates, Inc.
Disability Rights Education & Defense Fund
Easter Seals
Higher Education Consortium for Special Education
Learning Disabilities Association of America
Mental Health America
National Alliance on Mental Illness
National Association of Councils on Developmental Disabilities
National Council on Independent Living
National Disability Rights Network
National Down Syndrome Society
National Parent Teacher Association
The Advocacy Institute
The Arc of the United States
The National Center for Learning Disabilities
Tourette Syndrome Association

The Consortium for Citizens with Disabilities is a coalition of nearly 100 national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, the CCD has advocated on behalf of people of all ages with disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society. For additional information, please contact:

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