February 24, 2015

The Honorable Don Beyer
U.S. House of Representatives
Washington, DC 20515

Re: Over 200 National, State, and Local Organizations Thank You For Introducing Keeping All Students Safe Act (H.R. 927)

Dear Congressman Beyer;

We write to thank you for introducing the Keeping All Students Safe Act, H.R. 927, and to thank your cosponsors for supporting the bill. America needs a national policy to safeguard all students and staff from dangerous and deadly restraint and seclusion in schools. Thank you for your tremendous leadership and outstanding work in protecting American students.

Department of Education statistics show that in 2011-12, 70,000 students were subjected to physical restraint, and 37,000, to isolated seclusion confinement. 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 isolation, including a student who hung himself in Atlanta while school staff were outside the locked room.

The vast majority of states do not protect all children from dangerous seclusion and restraint. Fewer than 1/3 by law limit physical restraint of all children to emergencies where it is necessary to prevent imminent physical danger or serious physical danger. Similarly, fewer than 1/3 protect all students from non-emergency seclusion. While federal law protects children from the use of restraints and seclusion in hospitals, no similar federal law exists to protect children in schools.

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 students with disabilities.
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%.\(^1\) 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.

H.R. 927 will protect all children in school. It will ensure that 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 provide similar protections from seclusion. The bill will require prompt parental notification. Less than half of all 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. It will ban the use of aversives that threaten health and safety. 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 decision-making and planning to avoid use of these procedures and will provide transparency and better public oversight.

We thank you again for your leadership and outstanding work in introducing the Keeping All Students Safe Act, H.R. 927. America needs more than the current patchwork of state laws that leave children exposed to these dangerous and deadly practices. While students are protected in hospitals and other settings, they still lack protection in school.

More than 200 Signatories Begin on Next Page

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\(^1\) 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).
NATIONAL 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
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 Directors
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
Stop Abuse Campaign
Keep Students Safe, Inc.
Parents and Teachers Against Violence in Education, Inc.
Pediatric Stroke Network, Inc.
Boat People SOS, Inc.

STATE ORGANIZATIONS

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Maryland Education Advocacy Coalition for Students with Disabilities  
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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 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
Endependence Center, Inc.  VA
Virginia Association of Centers for Independent Living  VA
Virginia Board for People with Disabilities  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