



December 4, 2009

The Honorable George Miller
United States House of Representatives
Washington, DC 20515

Dear Chairman Miller:

On behalf of APRAIS (The Alliance to Prevent Restraint, Aversive Interventions and Seclusion), this letter is to thank you for introducing legislation to address the issue of seclusion and restraint in schools. Seclusion, restraint and other aversive interventions in schools cause unnecessary trauma, injury and death to America's children.

Restraint or seclusion in education is often unregulated and reportedly all too common for behaviors that do not pose danger or threat of harm. A recent Texas Tribune review of state data shows public school educators used physical restraints roughly 100 times a day during the 2007-08 school year; with school staff restraining four of every 100 special education students for a total of 18,000 times, with some students being restrained dozens of times. More than 40 percent of restrained youth suffered emotional distress, including post-traumatic stress disorder.¹ No child should be subject to such abuse at school. Furthermore, evidence shows a disproportionate use of these techniques on students with disabilities, violating their right to nondiscrimination in accessing education. The fact that Texas has a fairly strong law on the use of restraint and seclusion indicates the need for minimal Federal protection and allocation of resources and assistance to States to assist in developing plans to reduce the use of these dangerous techniques.

There are numerous alternatives to restraint and seclusion, including positive behavioral interventions and supports and other de-escalation techniques. Efforts to reduce restraint and seclusion should be part of a strategy for school-wide safety and should include the development of district-wide policies, training for all educational staff, crisis preparation, interagency cooperation and student/parent participation. Proactive approaches need to be used, e.g., positive behavior interventions and supports that are safe, effective, and evidence-based. Research demonstrates that the use of preventative and positive approaches is a cost-saving approach that changes how schools respond to students, improving student behavior by promoting and reinforcing desired behaviors and eliminating the unintended reinforcement of and need to respond to problem behaviors.

¹ <http://www.texastribune.org/stories/2009/nov/02/disabled-students-restrained-public-schools/>

Research, recent reports, and the GAO investigation that you requested clearly establish that because restraints, seclusion and aversive interventions are so harmful, they must be prohibited except in the rarest of circumstances. Thank you again for introducing this legislation to prevent this harmful practice. APRAIS stands ready to assist in enacting legislation that fully protects each student's right to be safe at school.

The Alliance to Prevent Restraint, Aversive Interventions and Seclusion (APRAIS) consists of eighteen national organizations, and was established in 2004 by leading education, research and advocacy organizations to protect children with significant disabilities who exhibit challenging behaviors from abuse in schools, treatment programs and residential facilities. Again, we thank you for introducing this important legislation, and we look forward to continuing our work with the Committee to ensure protection of student and parent rights.

Sincerely,

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National Down Syndrome Congress

National Down Syndrome Society

The Arc of the United States

Children and Adults with Attention Deficit/Hyperactivity Disorder

National Disability Rights Network

The Bazelon Center for Mental Health Law

The National Alliance on Mental Illness

Family Alliance to Stop Abuse and Neglect

Council on Parent Attorneys and Advocates

Respect ABILITY Law Center

National Association of Councils on Dev. Disabilities

Association of University Centers on Disabilities

Families Against Restraint and Seclusion