

December 20, 2011

The Honorable Tom Harkin
United States Senate
Washington, DC 20510

Dear Chairman Harkin,

On behalf of the Association of University Centers on Disabilities (AUCD), we write to express our deep gratitude for introducing S. 2020, the Keeping All Students Safe Act, and for your commitment to the safety and welfare of our nation's children. This legislation is vital to protecting all children in schools from abuse, but is especially important for children with disabilities who disproportionately experience the use of restraint and seclusion while in school.

The Keeping All Students Safe Act will establish national minimum standards for the use of restraint and seclusion in school, thereby strengthening protections in every state and ensuring the safety of all students and school personnel. The bill also promotes a shift toward preventing problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports. Research by many of our University Centers has shown PBIS to be an effective intervention for children with disruptive or challenging behaviors across a broad age range and spectrum of behaviors. This shift of focus will help school personnel understand the needs of their students and address the source of challenging behaviors – a better result for everyone in the classroom.

We are also pleased that the bill would ban seclusion and confinement of children in locked rooms or spaces from which they cannot exit, and that the use of physical restraint is limited to emergencies posing a threat of serious bodily injury to self or others. Given evidence that these techniques have often been used for punishment or coercion, these restrictions are a significant step forward in ensuring a safe and positive learning environment for children. Additionally, it is important that restraint cannot be included as a planned intervention in Individualized Education Programs or other planning documents.

The bill also requires parental notification and a debriefing with school personnel when restraint is imposed on a student, allowing greater transparency for parents. We are particularly pleased that this section includes planning to conduct, review or revise a Functional Behavioral Assessment and identify antecedents to the behavior. Finally, the legislation addresses the need for allocation of resources and assistance to States to ensure that staff are adequately trained and certified in the use of evidence-based techniques to improve behavior.

We applaud you for your efforts and leadership, and we look forward to working with you to move this long-overdue legislation quickly through Congress.

Sincerely,



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