June 17, 2013

The Honorable George Miller
Ranking Member
Education & the Workforce Committee
U.S. House of Representatives
Washington, DC 20515

Re: Over 200 National, State, and Local Organizations Ask Congress to Protect Schoolchildren from Dangerous Restraint & Seclusion In the House of Representatives’ Student Success Act

Dear Representatives Kline and Miller,

We, the undersigned, thank Congressman Miller for his proposed substitute bill which would include the Keeping All Students Safe Act in the Student Success Act. This is the House amendment of the Elementary and Secondary Education Act (ESEA). In 2009, a Government Accountability Office study found that children were injured, traumatized, and even killed through restraint and seclusion in schools. The GAO even documented 20 deaths of school children. It is vital that protections against restraint and seclusion be included in ESEA. We are deeply concerned that such protections are not included in the Majority bill, the Student Success Act (H.R.5), introduced by Chairman Kline. Instead, the Majority bill would continue the current dangerous patchwork of protections across this country. We urge the House Education and Workforce Committee to adopt Congressman Miller’s amendment, and make the Keeping All Students Safe Act part of ESEA.

It is time for a national policy addressing restraint and seclusion. In March 2012, the Civil Rights Data Collection showed that nearly 40,000 students were physically restrained during the 2009-10 school year. The data also showed that restraint and seclusion are disproportionately used upon students with disabilities and minority students.

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 cut the use of restraint and seclusion from well over 1,000 occurrences per year to less than ten through the use of positive supports. 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. Worker's Compensation costs even decrease significantly.

Congressman Miller’s Keeping All Students Safe Act will protect all children in school. It will ensure that restraint and seclusion are used only in emergencies posing an imminent threat of physical danger. Fewer than 20 states provide such protections for all children. If less restrictive and dangerous measures like de-escalation, conflict management, and positive behavioral supports would prevent the threat, the bill will require that they be used. The bill would require that schools take steps to notify parents within 24 hours, and follow up in writing. Today, more than half the states do not have laws requiring that parents of all children be informed when their child is subjected to these procedures. Prompt notification is important so parents can seek needed medical attention. The bill will ban the use of restraints that impede breathing or harm children or staff. It will ban dangerous mechanical and chemical restraints. The bill 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. Finally, the bill will require collection of data to better inform decision-making and provide needed transparency to allow public oversight.

We again thank Congressman Miller for including these vital protections in his proposed amendment to ESEA. We ask the House Education and Workforce Committee to include the Keeping All Students Safe Act in its amendment of ESEA. We are very concerned because the Majority bill (H.R. 5) does not do so. For too many children, protection from restraint and seclusion will continue to depend on the state in which they live. America needs more than the current patchwork of state laws to ensure that every child is safe and in a positive environment.

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

Signed By Over 200 National, State, and Local Organizations

Over 50 National Organizations
Advocacy Institute
American Academy of Child and Adolescent Psychiatry
American Association for Geriatric Psychiatry
American Association on Health and Disability
American Psychiatric Association
American Psychiatric Nurses Association
Association of University Centers on Disabilities
Association on Higher Education And Disability (AHEAD)
Autism National Committee
Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Boat People SOS, Inc.
Center for Law and Education
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.
Disability Rights Education & Defense Fund
Disability Rights Legal Center
Dup15q Alliance, Inc.
Exceptional Parent
Families Against Restraint and Seclusion
Family Network on Disabilities
Gay Lesbian & Straight Education Network (GLSEN)
Gray Panthers
Higher Education Consortium for Special Education
Mental Health America
National Association of Councils on Developmental Disabilities
National Association of County Behavioral Health and Developmental Disability Disorders
National Autism Association
National Center on Learning Disabilities (NCLD)
National Disability Rights Network
National Down Syndrome Society
National Down Syndrome Congress
National Empowerment Center
National Federation of Families for Children’s Mental Health
National Fragile X Foundation
National Organization of Nurses with Disabilities (NOND)

National Organization for Women Foundation
OurChildrenLeftBehind.Com
Pacer Center
Parents and Teachers Against Violence in Education, Inc.
Pediatric Stroke Network, Inc.
Prader-Willi Syndrome Association (USA)
Self-Advocates Becoming Empowered (SABE) Board
Southern Poverty Law Center
Specialized Training Of Military Parents (STOMP)
TASH
Teacher Education Division of the Council on Exceptional Children
The Arc of the United States
The National Alliance on Mental Illness
The National Council on Independent Living (NCIL)
The William Kellibrew Foundation
United Cerebral Palsy
Witness Justice
Wrightslaw

**Over 150 State and Local Organizations**

- California Association for Parent-Child Advocacy (CAPCA) CA
- Disability Rights California CA
- Families For Early Autism Treatment CA
- Educate. Advocate. CA
- Independent Living Resource Center, Inc. CA
- Colorado Cross Disability Coalition CO
- The Arc of Colorado CO
- Arc Thriftstores of Colorado 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
- AdvocacyDenver 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
- CT Families for Effective Autism Treatment (CTFEAT) CT
- Smart Kids with Learning Disabilities CT
- Advocates for Justice and Education DC
- Delaware Developmental Disabilities Council DE
Governor’s Advisory Council for Exceptional Citizens, DE
Southern Legal Counsel, Inc., FL
Legal Aid Society of Palm Beach County, FL
Center for Independent Living of South Florida, Inc., FL
disAbility Solutions for Independent Living, FL
Reveresco ABA Therapy, FL
Parent to Parent of Georgia, GA
The Arc of Georgia, GA
Autism Society Georgia Chapter, GA
Georgia Families Against Restraint and Seclusion, GA
Gwinnett SToPP, GA
Apraxia in Metro Atlanta, GA
Living Independence for Everyone (LIFE), Inc., GA
Autism Society of Hawaii, HI
Hawaii’s Parents Special Education Advisory Council (HIP-SEAC), HI
Autism Bridges of Maui, HI
Disability Rights Iowa, IA
Iowa School Social Work Association, IA
Tri State Down Syndrome Network, IA
Illinois Children’s Mental Health Partnership, IL
Mental Health Summit of Illinois, IL
Illinois School Counselor Association, IL
Mental Health America of Illinois, IL
Autism Society of Illinois, IL
LIFE Center for Independent Living, IL
Mothers on a Mission, Inc., IL
Special Kids, Special Families, IL
The Arc of Indiana, IN
Disability Rights Center of Kansas, KS
The Arc of Kentucky, KY
Kentucky Protection & Advocacy, KY
Disability Law Center (of Massachusetts), MA
The Arc of Massachusetts, MA
Mental Health Legal Advisors Committee Massachusetts, MA
Lichtenstein Creative Media, Inc., MA
LDA of St. Mary's County, MD
Maryland Coalition for Inclusive Education, MD
Maryland Disability Law Center, MD
Maryland Education Advocacy Coalition for Students with Disabilities, MD
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New Jersey Association of Mental Health and Addiction Agencies, Inc. NJ
New Jersey Coalition for Inclusive Education, Inc. NJ
New Jersey Special Education Practitioners NJ
New Jersey PTA NJ
NJ Association of School Psychologists (NJASP) NJ
Autism Family Services of New Jersey NJ
Special Education Leadership Council of NJ NJ
Total Living Center, Inc. NJ
Advocacy for Children with dis-Abilities NM
Pegasus Legal Services for Children NM
Northern Nevada Autism Network NV
The Center for Self Determination NV
New York State Independent Living Council NY
Everyone Reading, Inc. NY
Independent Living Center of the Hudson Valley Inc. (ILCHV) NY
Independent Living Inc. NY
Jonathan Carey Foundation NY
NYSARC NY
Southern Tier ADAPT NY
Southern Tier Independence Center NY
The Arc of Ohio OH
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
The Arc of Pickens County, SC SC
The Arc of Coastal Carolina SC
Camp T.A.L.K. SC
The Arc Tennessee TN
The Arc of Davidson County, Tennessee TN
Texas Network of Youth Services TX
DFW Interfaith Coffee House TX
Special Needs Resource Project UT
The Arc of Virginia VA
Endependence Center, Inc. VA
Legal Aid Justice Center, JustChildren Program VA
Virginia Association of Centers for Independent Living VA
The Arc of Central Virginia VA
The Arc of Northern Virginia VA
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