



U.S. Senator Tom Harkin
Chairman
Senate Committee on
Health, Education, Labor & Pensions
United States Senate
SD-428 Dirksen Senate Office Building
SH-731 Hart Senate Office Building
Washington, DC 20510

U.S. Senator Chris Murphy
United States Senate
303 Hart Senate Office Building
Washington, DC 20510

RE: Preventing RESTRAINT AND SECLUSION IN PUBLIC SCHOOLS

DATE: FEBRUARY 28, 2014

Dear Senators Harkin and Murphy,

On behalf of the undersigned member organizations of APRAIS (the Alliance for the Prevention of Restraint, Aversive Interventions and Seclusion) we thank you for your strong leadership to ensure the protection of school children from abusive practices by introducing the Keeping All Students Safe Act (S. 2036).

The lack of protections for all students limiting the use of aversive behavioral strategies, restraint and seclusion has proven to be a disastrous missing component of our national education policy for children and parents. It is time to align federal education policy *with all other federal policy related to human services* and for the nation's youngest, most vulnerable citizens. The Keeping All Students Safe Act represents a culmination of years of advocacy against abusive behavioral interventions that dehumanize and harm students. The time to pass this bill is now – we can no longer endure harm to vulnerable children as a result of abusive practices when decades of research equip education professionals with positive, safe and effective alternatives.

A signature feature of the proposed legislation is the focus on evidence-based practices over dangerous practices which have no evidence base and result in negative outcomes for students. Two major strengths of this legislation are: 1) it articulates an expectation by Congress that schools emphasize PREVENTION of the need for emergency behavior interventions by establishing practices that are evidence based, and 2) it establishes federal protections against the use of those practices proven to be the most dangerous, such as life-threatening restraints that inhibit breathing, seclusion, and mechanical and

chemical restraints. There are many strong components of the bill, including the restriction of the use of restraint to emergency situations when there is an imminent danger of serious physical injury; the prohibition of including a plan for restraint use in education program planning; the required 24 hour parental notification; a required debriefing process; the emphasis on the use of Functional Behavior Assessments and Behavioral Intervention Plans with fidelity; and the requirements for personnel training and data collection. These provisions and others called for in the bill have been proven to protect children and adults in other settings, and will provide the desired protections for students in school. The bill also provides parents with options for ending the use of seclusion and restraint by making an exception to the IDEA requirement that they exhaust due process rights – a provision we strongly support.

In 2013, the Department of Education released an excellent resource on 15 principles regarding the use of restraint and seclusion in schools, which if adopted with fidelity, would go a long way in prevention and elimination of these dangerous practices. However, these principles are voluntary and offer families no recourse if schools do not choose to use them. The bill you are introducing today is essential in the establishment of real, enforceable protection for school children.

APRAIS was founded in 2004 with a mission to prevent the use of restraint, seclusion and other aversive interventions that deny people their humanity and rob them of their dignity. Thank you again for drawing the Senate’s attention to the urgent need to prevent these harmful practices. We stand ready to assist in enacting legislation that fully protects each student’s right to be safe at school.

Signed,

American Association of People with Disabilities	
Association of University Centers on Disabilities	Autistic Self Advocacy Network
Autism National Committee	Autism Society
Bazelon Center for Mental Health Law	
Children and Adults with Attention Deficit/ Hyperactivity Disorder	
Council of Parent Attorneys and Advocates	
Disability Rights Education & Defense Fund	Epilepsy Foundation of America
Families Against Restraint and Seclusion	Gamaliel Foundation
Family Alliance to Stop Abuse and Neglect	
National Alliance on Mental Illness	
National Association of Councils on Developmental Disabilities	
National Association of State Mental Health Program Directors	
National Autism Association	
National Council on Independent Living	
National Down Syndrome Congress	
National Down Syndrome Society	National Fragile X Foundation
Parent to Parent USA	RespectAbility Law Center
TASH	The Arc of the United States