



Fact Sheet: Keeping All Students Safe Act

The issue:

The harmful use of restraint and seclusion is a pervasive, nationwide problem. Federal legislation is essential to provide children in all states equal protection from these dangerous techniques and create a cultural shift toward preventive, positive intervention strategies. Teachers need the knowledge, training, tools and support to protect themselves and their students by preventing problem behaviors and maintaining a positive and healthy educational environment. Federal legislation restricting the use of restraint and seclusion would go a long way toward achieving those goals and assuring parents that their children are safe in our nation's schools.

Legislative Proposal:

H.R. 1893 *Keeping All Students Safe Act* was introduced in the House by Rep. George Miller (D-CA), with key bi-partisan support from Rep. Gregg Harper (R-MS). The bill currently has 66 bi-partisan co-sponsors. It first passed the House in 2010 with a bi-partisan vote of 228-184. The bill is currently before the House Committee on Education and Workforce, and is identical to the bill that was before the House in 2010 and 2011.

Senator Tom Harkin (D-IA) and Senator Chris Murphy (D-CN) are original co-sponsors of the Keeping all Students Safe Act, S 2036, introduced on 2-24-14. They are seeking co-sponsors for this bill. The bill currently has 4 co-sponsors.

Key Components of these bills

Both bills establish federal minimum safety standards to limit the use of restraint and seclusion in schools by:

- Banning the use of mechanical and chemical restraints, physical restraints that restrict breathing and aversive interventions that compromise health and safety. The Senate bill also bans seclusion.
- Limiting the use of restraint (and seclusion in the House bill) to emergency circumstances in which student behavior poses an imminent danger to safety and less restrictive interventions would not be effective.
- Requiring school personnel who implement the techniques to be trained and certified according to standards set by states, and require that they continuously monitor students during interventions;
- Requiring schools to establish procedures to be followed after restraint or seclusion are used, including parental notification and (in the Senate bill) a debriefing session to discover what went wrong as a way to further prevention efforts.
- Requiring states to report the yearly number of restraint and seclusion incidents; and
- Creating a discretionary grant program to assist states, districts and schools to

establish, implement and enforce the minimum standards; support data collection and analysis; support staff training; and improve school climate and culture through the implementation of school- wide positive behavior supports and other evidence-based practices.

Action Requested

House: To protect the safety of all students in our schools, please cosponsor this by contacting Jacqueline Chevalier of Representative Miller's staff (D-CA) at Jacque.Chevalier@mail.house.gov or 202-226-2068; or Scot Malvaney with Representative Gregg Harper(R-MS) at scot.malvaney@mail.house.gov or 202-225-5031.

Senate: To protect the safety of all students in our schools, please cosponsor this bill by contacting Lee.Perselay@help.senate.gov on Senator Harkin's staff or by calling 202-224-6201.

Additional Resources

- Alliance to Prevent Restraint, Aversive Interventions and Seclusion
<http://aprais.tash.org>
- Congressional Research Service. The Use of Seclusion and Restraint in Public Schools: The Legal Issues (2009), <http://opencrs.com/document/R40522>
- Council of Parent Attorneys and Advocates, Inc., Unsafe in the School House: Abuse of Children with Disabilities (2009),
http://www.copaa.org/pdf/UnsafeCOPAAMay_27_2009.pdf
- Government Accountability Office testimony before the Committee on Education and Labor, Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers (2009),
<http://www.gao.gov/new.items/d09719t.pdf>
- National Disability Rights Network, School is Not Supposed to Hurt (2009),
<http://www.napas.org/sr/SR-Report.pdf>
- National Disability Rights Network, School is Not Supposed to Hurt, Update (2010),
<http://ndrn.org/sr/srjan10/Schoo-%20is-Not-Supposed-to-Hurt-%28NDRN%29.pdf>
- Stop Hurting Kids, <http://stophurtingkids.com>