

Restraint/Seclusion Bill Introduced Today in U.S. House of Representatives

Congressman George Miller (D-CA), ranking member of the House Education & Workforce Committee and Congressman Gregg Harper (R-MS) today introduced the Keeping All Students Safe Act, HR 1893, a bill to protect all students nationwide from restraint and seclusion. We salute and applaud them for their leadership in working to ensure that all students receive positive behavioral supports rather than be subjected to these dangerous practices.

Thanks to everyone who signed onto the letter from 200 organizations in support of the bill. The letter was shared with members of Congress by Congressman Miller's staff in advance of introduction. The full letter is here:

<http://democrats.edworkforce.house.gov/sites/democrats.edworkforce.house.gov/files/documents/HR1893-SandR2013-Support-AutCom.pdf>

The Keeping All Students Safe Act will provide vital protections for all American children. In 2009, a Government Accountability Office study found that children were injured, traumatized, and even killed through restraint and seclusion in schools. The GAO documented 20 deaths of school children. 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.

Please contact your members of Congress and ask them to Cosponsor and Support the Keeping All Students Safe Act, HR 1893. Dial 202-224-3121; ask for your Representative's Office, and then ask for the education aide. If you are unable to call and need to use email, go to

<http://bit.ly/RepWrit>. (You can also find your Representative's name here.) But please try to call if you can. I have attached a copy of the bill. The link to Congressman Miller's speech is here:

<http://www.youtube.com/watch?v=tgOTwD-UcOo&feature=youtu.be>

America today is a tattered patchwork of state laws and guidelines, where some students receive comprehensive protections only to lose them if their parents move across a river, down a highway, or to the next town. Only 19 states have statutes/regulations providing meaningful protections against both restraint and

seclusion for all children.

This is a summary of important points about the Keeping Students Safe Act, HR 1893, and reasons to support it.

- **The KSSA will ban restraint/seclusion except in emergencies where someone is in danger of physical harm.** Only 13 states by law limit restraint of all children to emergencies where it is necessary to protect someone from imminent physical danger or serious physical danger; only 11 states have laws protecting all children from non-emergency seclusion. Restraint and seclusion are so dangerous that they must be limited in this manner-to the absolutely rarest of circumstances when physical safety requires their use.
- **The KSSA will require that parents be informed if their child was restrained/secluded on the same day that the event occurred.** Parents should be notified very quickly so they can seek medical care for concussions, hidden internal injuries, and trauma, and to work with the schools to create positive environments for their children. 30 states by law or guidance support informing parents of at least some children within a day or as soon as possible, indicating that this is an important public policy. But as Congressman Miller has pointed out, far too often, parents never knew what happened to their child.
- **The KSSA will ban restraints that impede breathing, mechanical restraints, and chemical restraints. These are highly dangerous practices.** Of the 20 deaths the GAO documented, 4 were of children who said they could not breathe due to restraint. Only 20 states ban restraints that obstruct breathing for all children; 27 for children with disabilities. Only 14 states by law ban the use of dangerous chemical restraints; only 15 ban mechanical restraints. These include chairs and other devices that children are locked into; duct tape and bungee cords, ties, rope, and other things used to restrain children; and other devices. An Alabama child locked into a restraining chair and left alone in the bathroom turned the chair upside down and was hanging from the restraints, having urinated on herself.
- **The KSSA will prevent restraint/seclusion from being used when less restrictive alternatives, like positive supports and de-escalation, would eliminate any danger.** It would require them to end when the emergency ends. Some children have remained in seclusion/restraint until they can sit perfectly still or do other tasks unrelated to an emergency. Children with significant disabilities may be unable to respond to such commands and yet pose no threat of danger.
- **The KSSA will require that if children are placed in seclusion rooms, school staff must continuously visually observe them.** Children

locked in closets, bathrooms, and other rooms and spaces unobserved have been killed, injured, and traumatized. But the majority of states do not require continuous visual monitoring. At Atlanta teen died in seclusion while being checked on occasionally in 2007; an Indiana child attempted suicide while being monitored occasionally in 2011.

- **Instead of restraint and seclusion, the KSSA seeks to promote positive behavioral supports for all children.** The bill will shift schools toward preventing problematic behavior through the use of de-escalation techniques, conflict management and evidence-based positive behavioral interventions and supports. This shift of focus 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.
- **There is much evidence that positive supports and interventions are very successful.** 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.

The KSSA will also ban dangerous aversive practices that threaten safety; require the collection of data; and require appropriate training of staff. Far too often, untrained staff injure and harm students. Data is important to ensure that there is sunshine. When Florida introduced data reporting and collection, a number of school districts cut their use of restraint/seclusion.

We again salute Congressman Miller and Congressman Harper for introducing the Keeping All Students Safe Act. Congressman Miller has led efforts in the House to adopt restraint/seclusion legislation since 2009, including ordering the GAO study, holding hearings, and introducing and championing the bill.

Instructions for Contacting Congress to Support the Bill. Please call your Congressional Representatives and ask them to cosponsor the Keeping All Students Safe Act, 202-221-3121. Ask for your Representative. Then ask for his/her education aide. You can find your Representative on the House of Representatives website: <http://bit.ly/RepWrit> You can also go to that link to send an email message directly to your Representative, but it is much better if you call.

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