



For more information, contact
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June 15, 2014

The Honorable Harry Reid
Senate Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Senate Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Tom Harkin
Chair, HELP Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Lamar Alexander
Ranking Member, HELP Committee
U.S. Senate
Washington, D.C. 20510

Re: Over 200 National, State, Local Organizations Ask Senate to Act Now and Pass Restraint and Seclusion Bill (S. 2036) to Protect Students and Staff From Dangerous Procedures

We write to ask the Senate to act now and pass the Keeping All Students Safe Act, S. 2036, introduced by Senators Tom Harkin and Chris Murphy in February. America needs a national policy to protect all students from restraint and seclusion. Far too often, restraint and seclusion are used when no one's safety is threatened, with very dangerous results.

Restraint and seclusion have killed, injured, and traumatized students, according to Congressional reports and hearings, and a 2009 Government Accountability Office report. The GAO documented 20 students who had died in restraint. One Georgia student hung himself in a seclusion room while staff sat outside the locked door; a seven year old died face down in physical restraint; and a young teen was suffocated in restraint by a teacher twice his size after he tried to get lunch. Recent news reports include stories about a child with Down Syndrome whose feet were duct taped so tightly that she could not walk off the school bus; a child with autism restrained face down for an extended period after a tantrum over a puzzle; and a girl with Cerebral Palsy who severed her finger when confined in seclusion.

Statistics released in March 2014 showed that in 2011-12, at least 70,000 students were subjected to physical restraint, and 37,000 to confinement in seclusion, and nearly 4,000, to mechanical restraint. These students were disproportionately students with disabilities and minority students.

In 2009, Congressman George Miller convened the first national hearings about restraint and seclusion in school. But American families continue have little or no recourse against the use of restraint or seclusion under current law, even when their child has died or been harmed, according to a recent Senate HELP Committee report. In addition, the majority of states do not protect all

children from dangerous seclusion and restraint. Many states allow their use even when no one is in danger. Roughly half of the states do not require parental notification or forbid life threatening restraint. Most do not forbid dangerous mechanical and chemical restraints.

The Keeping All Students Safe Act, S. 2036, will forbid the use of restraint except in emergencies threatening serious physical harm. It will ban seclusion. It will require same day parental notification, and collection of data to enhance public oversight. It will ban restraints that impede breathing, and dangerous mechanical and chemical restraints.

The Keeping All Students Safe Act will ensure that teachers have the tools and resources they need to prevent challenging behaviors through evidence-based positive behavioral interventions and supports, and keep students and staff safe. In many cases, positive supports and interventions greatly diminish and even eliminate restraint and seclusion. For example, the Centennial School in Pennsylvania cut restraint and seclusion use from over 1,000 occurrences per year to less than ten through the use of positive intervention plans. Montgomery County, Virginia uses “easily accessible, evidence-based practices” that have reduced crisis-level behaviors by 78% and targeted problem behaviors by 81%, according to Senate testimony. Restraint and seclusion are rarely used.

While federal laws protect children from the use of restraints and seclusion in hospitals, no similar federal laws protect children in schools. Parents deserve to put their children on the school bus and have them return home safe. We urge the Senate to act now and pass the Keeping All Students Safe Act bill (S. 2036), creating minimum restraint and seclusion standards that will protect all children in school, regardless of where they live. A river, a highway, or other state boundary should not determine whether a student is protected from these dangerous practices.

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

cc: Members of the Senate Health Education Labor and Pensions Committee

Signed by Over 200 National and State Organizations

Advocacy Institute
American Academy of Child and Adolescent Psychiatry
American Association on Health and Disability
American Psychiatric Association
Association of University Centers on Disabilities
Autism National Committee (AutCom)
Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law

Center for Law and Education
Center for Public Representation
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.
Depression and Bipolar Support Alliance (DBSA)
Disability Rights Education & Defense Fund
Dup15q Alliance, Inc.
Easter Seals
Epilepsy Foundation
Exceptional Parent
Families Against Restraint and Seclusion
Family Network on Disabilities
Family Voices
Gay Lesbian & Straight Education Network (GLSEN)
Higher Education Consortium for Special Education
Learning Disabilities Association of America
National Association of Councils on Developmental Disabilities
National Association of County Behavioral Health and
Developmental Disability Directors
National Association of State Mental Health Program Directors
National Autism Association
National Center for Learning Disabilities
National Council of La Raza
National Council on Independent Living (NCIL)
National Disability Rights Network
National Down Syndrome Congress
National Down Syndrome Society (NDSS)
National Empowerment Center
National Federation of Families for Children's Mental Health
National Fragile X Foundation
National Organization for Women Foundation
National Organization of Nurses with Disabilities (NOND)
OurChildrenLeftBehind.Com
Pacer Center
Prader-Willi Syndrome Association (USA)
Self-Advocates Becoming Empowered (SABE) Board
Southern Poverty Law Center
Specialized Training Of Military Parents (STOMP)
TASH
The Arc of the United States
The National Alliance on Mental Illness

Tourette Syndrome Association, Inc.
 United Cerebral Palsy
 William Kellibrew Foundation
 Wrightslaw
 Witness Justice
 Stop Abuse Campaign
 Keep Students Safe, Inc.
 Lichtenstein Creative Media, Inc.
 Parents and Teachers Against Violence in Education, Inc.
 Pediatric Stroke Network, Inc.
 Boat People SOS, Inc.

STATE ORGANIZATIONS

STATE

Alabama Disabilities Advocacy Program (ADAP)
 Disability Law Center of Alaska
 Disability Rights Center of Arkansas, Inc.
 Arizona Center for Disability Law
 California Association for Parent-Child Advocacy (CAPCA)
 Disability Rights California
 Families For Early Autism Treatment
 Independent Living Resource Center, Inc.
 Educate. Advocate.
 Learning Rights Law Center
 AdvocacyDenver
 The Arc of Colorado
 Arc Thriftstores of Colorado
 Colorado Cross Disability Coalition
 Community Link
 CP of Colorado
 The Legal Center for People with Disabilities and Older People
 Easter Seals of Colorado
 Family Voices Colorado
 Mental Health America of Colorado
 Rocky Mountain Down Syndrome Association
 The Arc of Aurora (CO)
 The Arc of the Pikes Peak Region
 Connecticut Parent Advocacy Center
 Connecticut Parent's Union
 SpEd Connecticut, Inc.
 Autism Spectrum Differences Institute of New England, Inc.
 Advocates for Justice and Education
 Governor's Advisory Council for Exceptional Citizens
 Community Legal Aid Society, Inc. (DE P&A)
 Delaware Developmental Disabilities Council

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Center for Independent Living of South Florida, Inc.	FL
disAbility Solutions for Independent Living	FL
Legal Aid Society of Palm Beach County	FL
Reveresco ABA Therapy	FL
Southern Legal Counsel, Inc.	FL
The Arc of Georgia	GA
Parent to Parent of Georgia	GA
Georgia Families Against Restraint and Seclusion	GA
Apraxia in Metro Atlanta	GA
Gwinnett SToPP	GA
Hawaii Disability Law Center	HI
Hawai'i Parents Special Education Advisory Council (HIP-SEAC)	HI
Autism Society of Hawaii	HI
Autism Bridges Maui	HI
Disability Rights Iowa	IA
Iowa School Social Work Association	IA
Tri State Down Syndrome Network	IA
Mental Health America of Illinois	IL
Mental Health Summit of Illinois	IL
Illinois School Counselor Association	IL
LIFE Center for Independent Living	IL
Illinois Children's Mental Health Partnership	IL
Mothers on a Mission, Inc.	IL
Special Kids, Special Families	IL
The Arc of Indiana	IN
Disability Rights Center of Kansas	KS
Kentucky Protection & Advocacy	KY
The Arc of Kentucky	KY
Advocacy Center (Louisiana Protection & Advocacy System)	LA
Disability Law Center (of Massachusetts)	MA
The Arc of Massachusetts	MA
Independent Living Center of the North Shore & Cape Ann, Inc.	MA
NAMI Greater Boston Consumer Advocacy Network (MA)	MA
Metro Boston Recovery Learning Community (MA)	MA
Southeast Recovery Learning Community (MA)	MA
Mental Health Legal Advisors Committee Massachusetts	MA
Maryland Disability Law Center	MD
Maryland Education Advocacy Coalition for Students with Disabilities	MD
Maryland Coalition for Inclusive Education	MD
LDA of St. Mary's County	MD
Parent Advocacy Network for Differently-Abled	MD
Disability Rights Center Maine	ME
Maine Developmental Disabilities Council	ME
Maine Parent Federation, Inc.	ME

The Arc Michigan	MI
Michigan Protection and Advocacy Services Inc.	MI
Michigan Developmental Disabilities Council	MI
Michigan Association of Community Mental Health Boards	MI
The Respect ABILITY Law Center	MI
Michigan Alliance for Special Education	MI
Bridges4Kids (MI)	MI
Michigan Disability Rights Coalition	MI
The Arc of Northwest Wayne County	MI
Minnesota Disability Law Center of Mid-Minnesota Legal Aid (Minnesota Protection & Advocacy Center)	MN
Autism Society of Minnesota	MN
Minnesota Governor's Council on Developmental Disabilities	MN
Minnesota State Council on Disability	MN
The Arc Minnesota	MN
Missouri Developmental Disabilities Council	MO
Missouri Protection & Advocacy Services	MO
Down Syndrome Association of Greater St. Louis	MO
Disability Rights Mississippi	MS
Just Advocacy of Mississippi	MS
Mississippi Center for Justice	MS
Mississippi Families as Allies	MS
Mississippi Psychiatric Association	MS
Parents United Together	MS
The Arc of Mississippi	MS
ADAPT Montana	MT
Parents, Let's Unite for Kids - PLUK	MT
Disability Rights North Carolina	NC
Council for Children's Rights	NC
Monarch/The Arc of Stanly County	NC
Tammy Lynn Center for Developmental Disabilities	NC
The Arc of Davidson County, North Carolina	NC
Disability Rights New Jersey	NJ
Education Law Center	NJ
Epilepsy Foundation of New Jersey	NJ
Learning Disabilities Association of New Jersey	NJ
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
NJ Association of School Psychologists (NJASP)	NJ
Special Education Leadership Council of NJ	NJ
Statewide Parent Advocacy Network	NJ
The Arc of New Jersey	NJ

Family Voices New Jersey	NJ
Autism Family Services of New Jersey	NJ
Millburn-Short Hills (NJ) Parent Education Committee-MSPEC	NJ
Total Living Center, Inc.	NJ
Pegasus Legal Services for Children	NM
Advocacy for Children with dis-Abilities	NM
The Center for Self Determination	NV
Center on Human Policy at Syracuse University	NY
New York Association on Independent Living	NY
New York State Independent Living Council	NY
NYSARC	NY
Independent Living Center of the Hudson Valley Inc. (ILCHV)	NY
Independent Living Inc.	NY
Southern Tier ADAPT	NY
Southern Tier Independence Center	NY
Westchester Independent Living Center	NY
The Arc of Ohio	OH
4p- Support Group	OH
Association of Oregon Community Mental Health Programs	OR
The Arc of Pennsylvania	PA
Disability Rights Network 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
Camp T.A.L.K.	SC
The Arc of the Midlands	SC
The Arc of Pickens County, SC	SC
The Arc Tennessee	TN
The Arc of Davidson County, Tennessee	TN
National Autism Association of North Texas	TX
Texas Network of Youth Services	TX
DFW Interfaith Coffee House	TX
Disability Law Center of Utah	UT
Special Needs Resource Project	UT
The Arc of Virginia	VA
Virginia Association of Centers for Independent Living	VA
Endependence Center, Inc.	VA
JustChildren Program (Legal Aid Justice Center)	VA
Autism Society of Northern Virginia	VA
Autism Society of Central Virginia	VA
disAbility Resource Center	VA
PELE Special Education Advocacy Clinic, William & Mary Law School	VA
The Arc of Central Virginia	VA

The Arc of Northern Virginia	VA
Disability Rights Vermont, Inc. (Vermont's P&A)	VT
Vermont Coalition for Disability Rights	VT
Disability Law Project of Vermont Legal Aid, Inc.	VT
Vermont Center for Independent Living	VT
Vermont Family Network	VT
Vermont Federation of Families for Children's Mental Health	VT
PAVE – Partnerships for Action, Voices for Empowerment	WA
Washington State Developmental Disabilities Council	WA
Autism Society of Washington	WA
Disability Rights Wisconsin	WI
Wisconsin Family Assistance Center for Education, Training and Support, Inc. (WI FACETS)	WI
Wisconsin Board for People with Developmental Disabilities	WI
Parents Helping Parents of WY, Inc	WY