

December 19, 2011

Chairman Thomas Harkin  
Senate Committee on Health, Education, Labor and Pensions  
615 Senate Hart Office Building  
Washington, DC

*Re: S. 2020 Keeping All Students Safe Act*

Dear Chairman Harkin:

We are pleased to support S. 2020, the Keeping All Students Safe Act as introduced on December 16, 2011. We sincerely thank Chairman Harkin for his unwavering commitment to the safety and welfare of our nation's children and for introducing such a strong and comprehensive bill. This bill would promote the development of effective intervention and prevention practices that do not impose restraints and seclusion; protect all students from physical or mental abuse, aversive behavioral interventions that compromise health and safety, and any restraint imposed for purposes of coercion, discipline or convenience, or as a substitute for appropriate educational or positive behavioral interventions and supports. Importantly the bill also works to ensure the safety of all students and school personnel and promote positive school culture and climate.

For years, schools' use of restraint, seclusion, and aversive interventions was unpublicized and little-known, despite their widespread use. However, recent reports by COPAA and the National Disability Rights Network (NDRN), and Congressional testimony of the U.S. General Accounting Office have served to shine a spotlight on these abusive practices. See e.g., [\*Unsafe in the Schoolhouse: Abuse of Children with Disabilities, COPAA\*](#) (Jessica Butler, 2009); *School is Not Supposed to Hurt: Investigative Report on Abusive Restraint and Seclusion in Schools*, NDRN (2009); *Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers* (GAO-09-719T). This bill recognizes that "physical restraint and seclusion have resulted in physical injury, psychological trauma, and death to children in public and private schools," as described in these reports. Existing laws alone have not protected students against such abuse and injury, though many do offer important protections. The bill, therefore, includes a critically important savings clause that preserves existing additional rights under state and federal law.

COPAA is a national organization of parents, advocates and attorneys dedicated to protecting the civil and educational rights of children with disabilities, whose members represent families in 48 States and the District of Columbia. As such, COPAA believes this legislation is a crucial first step toward the ultimate goals of eliminating abuse and restraint in schools and assuring that children who exhibit challenging behaviors obtain appropriate, safe, and effective educational services. COPAA is at the forefront of efforts to establish such federal protection and has been working on this issue for a number of years as a proud member of the Alliance to Prevent Restraint, Aversive Interventions and Seclusion (APRAIS), and the Consortium for Citizens with Disabilities (CCD).

Specifically, COPAA supports the bill because it contains many provisions that provide a minimum floor of protection that does not yet exist in many states. We are pleased that the bill establishes

minimum standards for the use of restraint and prohibits locked seclusion in educational settings. Restraint may only be imposed on a student if there is imminent danger of serious bodily injury. We are very pleased that the bill prohibits restraint as a planned intervention in students' education plans, including behavior plans and Individual Education Programs (IEPs). We applaud the emphasis on evidence-based practices shown to be effective in the prevention of the use of physical restraint; in keeping both school personnel and students safe in imposing physical restraint in a manner consistent with this proposed Act; in the use of data-based decision-making and evidence-based positive behavioral interventions and supports, debriefing, conflict prevention, behavioral assessments, de-escalation of challenging behaviors, and effective and safe conflict management.

COPAA remains committed to raise the bar of protection and safety for all students and will work tirelessly to pass this critical legislation. We will not rest until all students are protected in accordance with the principles outlined in our document: [COPAA Declaration of Principles Opposing the Use of Restraint, Seclusion and Aversive Interventions](#).

Sincerely,

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