



**Autism National Committee, Inc.**

*21 years of working for civil rights and justice for people with autism*

[www.autcom.org](http://www.autcom.org)

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December 17, 2011

The Honorable Tom Harkin  
Chairman, Committee on Health, Education, Pensions, and Labor  
United States Senate  
Washington, DC 20510

Re: Support for Keeping All Students Safe Act

Dear Chairman Harkin,

The Autism National Committee (AutCom) is a 21-year-old national nonprofit organization of people with autism, family members, advocates, and other professionals dedicated to protecting and advancing the civil rights of adults and children with autism, pervasive developmental disorder, and related differences of communication and behavior. Our members across America have long fought against abusive restraint, seclusion, and aversives.

AutCom salutes you for introducing the Keeping All Students Safe Act to protect children from dangerous restraint and seclusion. Your bill will strengthen protections for children in every state, setting a new high water mark in protecting children from abuse in school.

Today, only 28 states have have significant protections against restraint/seclusion in statutes and regulations, which have the force of law and may not be disobeyed. Another 6 states provide some narrow form of limited protection (e.g., a ban on isolating a preschooler alone or in a dark room). 13 states have nonbinding voluntary policy guidance which can be disobeyed. Five states have nothing at all. (These numbers add up to 52 because they include the District of Columbia and Missouri is counted twice, for its narrow statute and its nonbinding policy). The Keeping All Students Safe Act will instead provide binding mandatory protection nationwide.

Your bill will create a much-needed federal statute that would protect all schoolchildren in America from abuse. Thirty miles and a state line, or where a child's parents live or find work, should not determine whether the child is protected.

Abusive interventions are neither educational nor effective. They are dangerous and unjust, resulting in death, injury, and psychological trauma. The Government Accountability Office (GAO) found that hundreds of children have been subjected to these techniques, including a 7 year old dying after being held face down for hours by staff, 5 year olds tied to chairs with duct tape and suffering broken arms and bloody noses, and a 13 year old hanging himself in a seclusion room.

Studies and news reports have shown that many of the children who have been abused have had autism. One second grader with autism in Iowa was kept in a locked seclusion room so long that she wet her pants and was not allowed to change. She was kept in the room long after any

emergency ended and placed in seclusion for conduct that posed little threat to anyone. She was restrained for hours. She regressed so badly that her parents were forced to home school her. Another seven-year-old with autism in Utah was forced into a seclusion room for hours as his teacher played his favorite videos outside and taunted him. He emerged from the room covered from head to toe with magic marker--the only way his parents knew something had happened. A teen in Georgia hung himself in seclusion.

AutCom believes your bill provides much needed protections for American children. Your bill would ensure the safety of all students and school personnel and promote positive school culture and climate. Your bill would ban seclusion and confinement of children in locked rooms or spaces from which they cannot exit. Students have died or been injured in seclusion. It will restrict physical restraint to emergencies posing a threat of serious bodily injury to self or other. Schools will no longer be able to use this dangerous technique to punish children, coerce compliance, for behavioral infractions, or as a substitute for positive behavioral support or proper educational programming. It may not be used when less restrictive measures would be effective and must end when the emergency ends. No longer will children be kept in restraint for hours. Staff may only use the force necessary to prevent the threatened injury, the same standard applied to defense of self or others in other situations. If holding a child's hand will be sufficient, staff may not push the child into a dangerous, full-body restraint. The bill will prohibit all restraints that are life threatening (including those that interfere with breathing), mechanical and chemical restraints, aversives that threaten health or safety, and restraints that interfere with the ability to communicate or which would harm a child.

Your bill will require staff who use restraint to be trained in evidence-based techniques and to renew their training certifications on a regular basis, establishing a strong standard nationwide. The New York Times-affiliated Bay Tribune reported this summer on the dangers poses by poorly trained personnel. Your bill will mandate that parents be notified within 24 hours that their child has been restrained. This is necessary so parents can watch for concussions and other injuries and seek medical treatment if necessary. It is not sufficient to simply leave notification decisions up to the school or allow longer periods for notification. Of the 28 states with meaningful legal protections, 20 have a notification standard of one school day or less.

Staff and family will debrief after restraint is used to prevent its use in the future. States must collect data on the use of restraint and seclusion, make it available to members of the public, and use the data to minimize further use of these techniques. Such sunshine is vital. Teachers, staff, and parents who report violations of the law would be protected from retaliation. The bill will prohibit including restraint as a planned intervention in Individual Educational Programs or other individualized planning documents. Your bill would promote the development of effective intervention and prevention practices, emphasize de-escalation, conflict management, and evidence-based practices shown to be effective in preventing physical restraint; and mandate the use of data-based decision-making and evidence-based positive behavioral interventions and supports.

Your bill will ensure that no child will be subject to abuse in the guise of education. It will ensure that every child's dignity and human rights are respected. No longer will parents put their child on the school bus unsure of whether the child will be safe or hurt during the day. No longer will abuse be used behind closed doors, unreported to parents or to the public.

The Autism National Committee thanks you very much for your magnificent work in introducing the Keeping All Students Safe Act. We are proud to support your work, and look forward to passage of the bill. Thank you very much for your leadership in fighting pernicious abuses of children with disabilities in school.

Sincerely,

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