

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

PREVENTING HARMFUL RESTRAINT AND SECLUSION IN SCHOOLS ACT

(House
of Representatives - March 03, 2010)

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4247, the Keeping All Students Safe Act. At the outset, let me thank Chairman MILLER, Congresswoman MCCARTHY, Congresswoman MCMORRIS RODGERS, and Congressman PLATTS for their leadership on this bill.

Last year, the Committee on Education and Labor held a hearing that examined the disturbing and shocking use of restraint and seclusion in schools. The hearing made clear that federal and state officials have little information about the frequency, nature, or effectiveness of these potentially-deadly practices in educational settings. Witnesses expressed concerns that certain groups of children and youth--especially those in special education--may be at heightened risk to experience these interventions. The hearing further presented numerous studies, including one by the Government Accountability Office, documenting the need to restrict these practice to emergencies, provide staff training, and report data about which students experience these practices.

Given that minority students are disproportionately referred to special education and given that minority students are disproportionately suspended and expelled, a number of my colleagues within the Congressional Black Caucus and I have serious concerns that minority children disproportionately experience these harmful and sometimes deadly restraint and seclusion practices. Given our concerns, we asked Chairman MILLER to lead a federal effort to document these practices and limit abuses. This bill provides such leadership. Passage of this important legislation will help regulate the use of seclusion and restraint, further document its use, and eventually eliminate the use of abusive restraint and seclusion through appropriate training.

H.R. 4247 provides basic protections for students within schools while still giving states and local districts the flexibility to tailor policies and procedures to meet their needs. This bill provides a balanced approach. It recognizes that there are times when danger is imminent and when restraint may be necessary. It also recognizes that seclusion and restraint are not educational services or therapeutic treatments and, consequently, should be administered by trained personnel and should be monitored.

The Keeping All Students Safe Act is bipartisan legislation that provides overdue federal leadership to document and regulate these techniques and to eliminate abusive tactics.

