

NATIONAL
DISABILITY RIGHTS
NETWORK



Protection & Advocacy for Individuals with Disabilities

December 9, 2009

Representative George Miller
Chairman
House Education and Labor Committee
2181 Rayburn House Office Building
Washington, DC 20515

Representative Cathy McMorris Rodgers
1323 Longworth House Office Building
Washington, DC 20515

Dear Chairman Miller and Representative McMorris Rodgers:

On behalf of the National Disability Rights Network and the fifty-seven Protection and Advocacy systems we represent, I extend my thanks for your bipartisan introduction today of federal legislation which addresses the use of restraint and seclusion in schools.

The National Disability Rights Network (NDRN) is a nonprofit membership organization for the federally mandated Protection and Advocacy systems, created by Congress in the 1970's to protect the rights of individuals with disabilities. With a presence in every state, the District of Columbia, the Commonwealth of Puerto Rico, and United States territories, the Protection and Advocacy systems offer an advocacy and legal voice to individuals with disabilities to ensure the highest level of individual achievements. The Protection and Advocacy systems continually aims to uncover and eliminate maltreatment and ensure compliance with laws established to protect the rights of individuals with disabilities.

Protection and Advocacy systems have been advocating for the educational rights of children and their families for over thirty years. Passage of federal and state laws has created the promise of a free and appropriate public education for children with a disability, as well as expanded the opportunity for full inclusion of students with a disability in all aspects of society.

Unfortunately, as documented in a report released this year by NDRN entitled *School is Not Supposed to Hurt*, a disturbing nationwide trend of the use of restraint and seclusion has emerged, denying students full and safe inclusion in the nation's education system. In our report, Protection and Advocacy agencies across this country reported that school children have been killed, confined, tied up, pinned down, and battered through the use of restraint and seclusion. These actions cannot be allowed to continue, and the legislation you introduce today will help address this nationwide crisis.

We are pleased that your legislation addresses many of the problems documented in NDRN's report: Inconsistent (and sometimes non-existent) standards in many states on the use of restraint and seclusion in schools; Parents and guardians not being informed of the use of restraint and seclusion on their children; Use of inherently dangerous restraint and seclusion techniques with little to no training or monitoring; Use of restraint and seclusion in situations that clearly do not call for the use of such extreme techniques (i.e. blowing bubbles in milk, fidgeting in a chair), and the lack of reporting of such incidents to help the proper authorities identify where problems may exist that could be addressed with additional training and technical assistance.

Again, the National Disability Rights Network congratulates you on the introduction of this critical legislation, which protects every student, with or without disabilities, and teachers. We pledge to work with you to enact this important legislation in the near future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Curtis L. Decker", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the end.

Curtis L. Decker
Executive Director