

**EDUCATION & LABOR COMMITTEE**

**Congressman George Miller, Chairman**

---

Thursday, February 4, 2010  
Press Office, 202-226-0853

**Chairman Miller Statement at Committee Mark-Up of the Preventing Harmful Restraint and Seclusion in Schools Act**

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a committee mark-up of H.R. 4247, the Preventing Harmful Restraint and Seclusion in Schools Act.*

\*\*\*

Good morning.

Today we consider the Preventing Harmful Restraint and Seclusion in Schools Act.

Congresswoman Cathy McMorris Rodgers and I introduced this bill in December for a simple reason: all children should be safe and protected at school.

Last year, the U.S. Government Accountability Office told our Committee about a shocking wave of abusive restraint and seclusion in our nation's classrooms.

They told us that hundreds of students in this country have been victims of this abuse.

In many cases these victims were our smallest and most vulnerable children: children as young as four and five, and many students with disabilities.

And in some instances, children died.

We learned that while restraint and seclusion should be considered emergency tactics used as a last resort, far more often these techniques are abused under the guise of discipline or to force compliance.

Last year, in California, districts reported more than 14,300 cases of seclusion, restraint and other "emergency" interventions.

With no federal laws on the books restricting restraint and seclusion in schools, state laws read like the Wild West. Many states have no regulations whatsoever.

We learned that children currently have greater protections from these practices in medical and mental health facilities than in classrooms, where they spend most of their time.

We also heard the heartbreaking stories of Cedric and Paige, two young students who were horribly abused by school staff using restraint and seclusion.

Like many other victims, Cedric and Paige were not posing a serious threat to their teachers or peers.

This hearing opened a flood gate for parents with their stories about their children.

Parents from Maine to Missouri who felt like they had nowhere else to turn, called our Committee to share the devastation they experienced when their child was improperly restrained or locked in a seclusion room.

We cannot allow their traumatic stories to be ignored.

When these abuses occur, it isn't just the individual victims who suffer.

It hurts their peers who witness these traumatizing events.

It undermines the vast majority of teachers and staff who are trying to give students a quality education.

It's a nightmare for everyone involved.

Immediately after our hearing last spring, Education Secretary Arne Duncan announced plans to encourage states' to review their policies on seclusion and restraint, and ensure that students are safe at school.

I understand the Department plans to release their findings in the coming weeks and I look forward to learning more about states' efforts.

But there is no question that basic federal protections are needed to make it clear that restraint and seclusion techniques should be used only as a last resort, when someone is in imminent danger of physical injury and there are no alternatives.

The Preventing Harmful Restraint and Seclusion in Schools Act will for the first time establish minimum safety standards in schools, similar to federal protections already in place for children in other facilities that receive federal taxpayer dollars.

The bill prohibits mechanical restraints, such as strapping children to chairs, misusing therapeutic equipment to punish students, or duct-taping parts of their bodies.

It prohibits chemical restraints, like medications used to control behavior without a doctor's prescription.

It prohibits any restraint that restricts breathing.

And it prohibits any aversive behavioral interventions that compromise health and safety, like denying students water, food, or clothing, denying access to the bathroom, or using pepper spray.

This bill will prohibit restraint or seclusion from being written into plans for individual student as intentional planned interventions, but allows for schools to plan for appropriate crisis intervention.

It will require schools to notify parents after incidents when restraint or seclusion was used, so that parents don't learn about these abuses from a whistle blowing teachers aid or classroom parent – or their own child's bruises.

This is about helping teachers, not punishing them.

This is about fixing a system that doesn't properly support teachers and other school staff.

That's why this bill asks states to ensure that enough school staff are properly trained to keep students and staff safe, but gives states and local districts the flexibility to determine the training needs of each individual school.

I know we all agree that nothing is more important than keeping our kids safe. It is time to end this abuse in our schools.

This legislation offers us that opportunity.

I am very proud that we worked in a bipartisan way to introduce this bill.

I'd like to thank Rep. McMorris Rodgers for her leadership and partnership in this effort.

I'd also like to thank the National Disability Rights Network, for first bringing this abuse to our attention and to the National School Boards Association and the nearly 100 other organizations endorsing the bill.

I urge all my colleagues to support this bill.

###