

January 5, 2009

The Honorable George Miller
United States House of Representatives
Washington, DC 20515

Dear Chairman Miller:

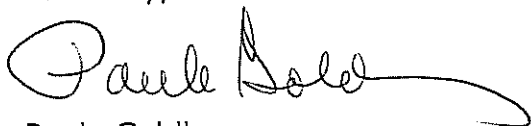
PACER wants to thank you for introducing H.R. 4247 to prevent and reduce the use of physical restraint and seclusion in schools. These procedures have contributed to injury, death, and long lasting emotional scars for children with disabilities.

A January 2009 National Disability Rights Network report documented that 22 states have no laws, policies, or guidance on seclusion and restraint. Ninety percent of the states allow prone restraints, which have been found deadly for some children. Only 45% of the states reported any type of requirement for notifying parents when these procedures are used. While we have had a federal law since 2000 regulating the use of these procedures in certain hospitals and health care facilities that receive federal funding, our schools have been allowed to use these procedures with untrained staff and in conditions and circumstances that can only best be described as "abusive" in many instances.

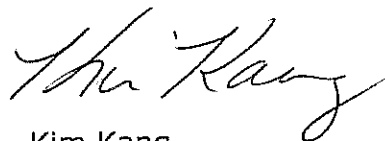
In 2007-2008, PACER received 18,382 requests for information and/or assistance from parents and professionals working with children with disabilities. In addition, PACER Center supported Minnesota legislation to establish emergency procedures for seclusion and restraint procedures in schools, which will be effective August 2011. In addition we are pleased that H.R. 4247 applies to any student in a school, not just special education students.

Again, we thank you for introducing this important legislation. If PACER Center can be of any further assistance, please do not hesitate to give me a call at (952) 838-9000.

Sincerely,



Paula Goldberg
Executive Director



Kim Kang
Public Policy Director

cc: Sharon Lewis