

THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

December 8, 2009

Honorable George Miller
Chairman
Committee on Education and Labor
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I appreciate your efforts to develop legislation to limit the use of physical restraint and seclusion in schools and other educational settings that receive Federal funds, except when it is necessary to protect a child or others from imminent danger. I applaud your interest in addressing this very serious issue -- as you well know, abuse of restraint and seclusion has resulted not only in harm to children, but in their death. The Department of Education has identified a number of principles listed below that we believe would be useful for Congress to consider in the context of any legislation on this issue. These principles are that:

Any behavioral intervention must be consistent with the child's right to be treated with dignity and to be free from abuse, regardless of the child's educational needs or behavioral challenges.

Physical restraint and seclusion should never be used as punishment or discipline, nor in a manner that restricts a child's breathing.

Every instance of physical restraint and seclusion should be appropriately monitored to ensure the safety of the child, other children, teachers, and other personnel.

Teachers and other personnel should be trained regularly on the appropriate use of restraint and seclusion and the use of effective alternatives, such as positive behavioral intervention and supports.

Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable State or local laws.

Parents should be notified promptly following the use of restraint or seclusion on their child, and any such use should be documented in writing.

Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.

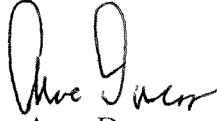
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Legislation should apply to all children, not just children with disabilities.

Legislation should promote the collection of data that would enable teachers, staff, and other educational personnel to understand and implement the preceding principles.

Again, I greatly appreciate your leadership on this important issue and look forward to continuing to work with you to address it. As you know, the Department is reviewing information about each State's laws, regulations, policies, and guidance on restraint and seclusion, which I will provide to you and make publicly available as soon as possible. The Office of Management and Budget advises that there is no objection to the submission of this letter from the standpoint of the Administration's program. If you have any questions, please do not hesitate to contact me.

Sincerely,



Arne Duncan