
EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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**Chairman Miller Statement at Committee Hearing On
“Examining the Abusive and Deadly Use of Seclusion and
Restraint in Schools”**

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 hearing on “Examining the Abusive and Deadly Use of Seclusion and Restraint in Schools.”*

Today’s hearing is the first ever Congressional investigation of the abusive and deadly misuse of seclusion and restraint in our schools.

Unfortunately, the issue of abuse and seclusion and restraint of children is not new to this committee.

Last year, we held hearings to examine allegations of abuse and death of teens in residential treatment programs, which led us to pass H.R. 911 earlier this year.

This bill establishes basic health and safety standards in those programs and was passed with overwhelming bipartisan support.

That’s because when we’re talking about keeping our children safe, it isn’t a partisan issue – it’s a moral obligation.

Sadly, we’re here again to talk about seclusion and restraint. But this time, we’re looking at children in our nation’s public and private schools.

In January, I asked the Government Accountability Office to investigate whether allegations of deadly and abusive seclusion and restraint in the schools are founded and widespread.

Simply put, the answer is yes.

What they found is alarming, eye opening and it is going to send shockwaves into every corner of this country. And it should.

The GAO will tell us very shortly that hundreds of students in this country have been victims of abuse in school.

In some cases, this abuse has been fatal.

Though it is not limited to students with disabilities, it is happening more often to these vulnerable children.

We will hear today from two parents, Ann Gaydos and Toni Price, whose lives have been devastated by teachers and classroom aides who went too far.

I thank them for traveling here today and for having the courage to speak publicly about the trauma they have experienced.

Federal law restricts the use of seclusion and restraint to emergency circumstances for children in hospitals, community-based residential treatment facilities, and other facilities supported by federal dollars.

Yet these rules do not apply to public or private schools.

This means an untrained medical professional is forbidden to inappropriately restrain a patient; and if they do, there are laws specifically targeted to address such behavior.

But untrained classroom staffs are abusing students in schools without any accountability because of a lack of federal oversight. Our children are bearing the physical and emotional burden of a system designed to fail them.

State regulation and oversight varies greatly; many states have no laws specifically governing the appropriate use of seclusion and restraint in schools.

And, parents are often unaware of the use of these abuses – until their child comes home with bruises or, tragically, can't come home at all.

School is a place for students to learn, grow and thrive. Families and communities trust teachers and school administrators to keep children safe.

Yet some educators are misusing behavioral interventions – interventions that were intended only to be used in emergencies as a last resort – for discipline or convenience in non-emergency situations.

Last year alone, in my home state of California, districts reported more than 14,300 cases of seclusion, restraint and other “emergency” interventions. We don't know how many of these cases were real emergencies.

Recent news reports document appalling stories of teachers tying children to chairs, taping their mouths shut, using handcuffs, denying them food, fracturing bones, locking them in small dark spaces, and sitting on them until they turn blue.

One might start to wonder what could possibly cause a teacher or classroom aide to abuse a child this way.

Well, we know what these children did: they fidgeted in their chairs or they were unwilling to follow directions. In some cases, they left the room or avoided a difficult task.

These behaviors are often a manifestation of the child's disability, yet the teachers, who are too often not appropriately trained to physically intervene, are restraining children anyway.

The vast majority of teachers and staff working in the schools are caring professionals who on a daily basis are making a difference in the lives of the children they teach.

But the teachers and staff who are abusing children must be held accountable for their actions.

It is wholly unacceptable for the egregious abuse of a child to be considered less criminal because it happened in a classroom.

It should be the opposite.

At a minimum, we should ensure our teachers are supported appropriately through training and classroom management resources.

I know educators are struggling with managing student behavior on many levels. Bullying and school violence are difficult issues that must be addressed.

Teachers and staff need to feel safe themselves, which is exactly why we must support ways to reduce problem behaviors in schools.

Approaches such as School Wide Positive Behavior Support can help establish a social culture and positive environment that uses data-driven decision-making to foster appropriate behavior and improve academic achievement.

Such practices have been shown to reduce office discipline referrals and problematic behavior.

Children should not be abused in our classrooms under the guise of discipline or punishment.

This must stop now.

Families should never be left wondering whether their child is safe in the care of their school.

And teachers should not feel compelled to use “emergency” interventions to manage behavior on a regular basis.

Congress must step in and fill the void that has resulted in scars that may never heal for these children and their families who have been victims of this abuse. I hope the next step will be to enact a federal policy to ensure the tragic stories we will hear today will never occur again.

Thank you.

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