

Congress of the United States
Washington, DC 20515

SUPPORT BASIC PROTECTIONS FOR KIDS FROM PHYSICAL RESTRAINT IN SCHOOLS
SUPPORT H.R. 4247, THE KEEPING ALL STUDENTS SAFE ACT

Dear Colleague:

As Members of the Congressional Black Caucus who are active in education issues, we write to express our support for H.R. 4247, *the Keeping All Students Safe Act*. This legislation responds to issues raised during an Education and Labor Committee hearing on May 19, 2009, which examined the disturbing and shocking use of restraint and seclusion in schools. The hearing made clear that federal and state officials have little information about the frequency, nature, or effectiveness of these potentially-deadly practices in educational settings. The hearing further presented numerous studies, including one by the Government Accountability Office (GAO), documenting the need to restrict these practice to emergencies, provide staff training, and report data about which students experience these practices. *The Keeping All Students Safe Act* provides overdue federal leadership to document and regulate these techniques and to eliminate abusive tactics.

The GAO report and information recently released by the United States Department of Education clearly show an inconsistent set of state and local laws, regulations, and guidance surrounding these potentially-deadly practices. Nineteen states have nothing on the books regarding the use of restraint and seclusion, one state applies their guidance only to Pre-Kindergarten students, some states address either restraint or seclusion (not both), and some states leave it up to individual school districts to set policy. This fractured web of policies surrounding these potentially deadly and clearly harmful practices reveals the tremendous need for federal minimum standards that are applied nationwide to ensure the safety of all children as well as the safety of the teachers and staff who work with them.

Educational experts have expressed concerns that certain sub-groups of children and youth – especially those in special education – may be at heightened risk to experience these behavioral interventions. Given that minority students are disproportionately referred to special education and subjected to suspension and expulsion, we have serious concerns that minority children disproportionately experience these harmful and sometimes deadly restraint and seclusion practices. Passage of this important legislation will help regulate the use of seclusion and restraint, further document its use, and eventually eliminate the use of abusive restraint and seclusion through appropriate training.

For these reasons, we strongly support passage of H.R. 4247, *the Keeping All Students Safe Act*.

Sincerely,

Barbara Lee
Chairwoman
Congressional Black Caucus

Danny K. Davis
Co-Chair
CBC Community Reinvestment Taskforce

Eddie Bernice Johnson
Co-Chair
CBC Community Reinvestment Taskforce

Robert C. "Bobby" Scott
Co-Chair
CBC Education Subcommittee

Chaka Fattah
Co-Chair
CBC Education Subcommittee