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May 3, 2012

The Honorable John Kline
Chairman
Committee on Education and the Workforce
U.S. House of Representatives
2181 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Kline:

Incidents of dangerous seclusion and restraint practices in America's schools continue to occur. From reports of "scream rooms" in Connecticut^[1] to a student dying while being restrained at a school in New York^[2], these incidents are tragic and students need protections to ensure their safety in school. Currently, only 30 States have taken steps to develop meaningful protections on the use of seclusion and restraint in schools.^[3] In March, the Department of Education released nationwide data showing that tens of thousands of children are subject to restraint and seclusion in school each year.^[4] The Department also found that students with disabilities and minority students are disproportionately subject to restraint and seclusion.

Unfortunately, the use of these dangerous practices on children, including very young children, is well established. In 2009, an investigation conducted by the Government Accountability Office (GAO) found hundreds of allegations that schoolchildren had been abused, and some even died, as a result of inappropriate uses of seclusion and restraint in classrooms - often at the hands of untrained staff.^[5] Furthermore, the report found that the abusive practices were used disproportionately on children with disabilities, some as young as three and four years old. As a result of this report, during the 111th Congress, our committee held a hearing and considered

^[1]Fenster, J. (January 11, 2012). "Officials: 'Scream rooms' common in Connecticut schools." *West Hartford News*, <http://www.westhartfordnews.com/articles/2012/01/11/news/doc4f0e209cd2e73450248371.txt?viewmode=fullstory>

^[2] Bernstein, N. (April 20, 2012). "Restrained Youth's Death in Yonkers Is Investigated." *New York Times*, http://www.nytimes.com/2012/04/21/nyregion/death-of-youth-at-leake-watts-center-in-yonkers-is-investigated.html?_r=1

^[3] Butler, J. How Safe is the Schoolhouse, An Analysis of State Seclusion and Restraint Laws & Policies (Autism National Committee 2012), <http://bit.ly/RSSstatelaw>.

^[4] U.S. Dept. of Educ., Office for Civil Rights, Civil Rights Data Collection, Revealing New Truths About Our Nation's Schools (March 2012), <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>.

^[5] United States Government Accountability Office, Seclusions and Restraints, Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers (2009), <http://www.gao.gov/products/GAO-09-719T>.

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bipartisan legislation addressing this pressing issue. In fact, the Keeping All Students Safe Act passed the House of Representative on March 2, 2010 with bipartisan support (262-153). Unfortunately, the bill did not become law, and the need for legislation continues.

Earlier this Congress, I re-introduced the Keeping All Students Safe Act (H.R. 1381). I respectfully request that the Committee consider this legislation. Children's basic safety is at stake. Specifically, this legislation would:

- Prevent and reduce inappropriate restraint and seclusion by establishing minimum safety standards in schools, similar to protections already in place in hospitals and non-medical community-based facilities;
- Ask States to provide support and training to better protect students and staff and prevent the need for emergency behavioral interventions; and
- Increase transparency, oversight and enforcement to prevent future abuse.

There is no excuse for torture or abuse in our schools. The Keeping All Students Safe Act works with States to protect schoolchildren from inappropriate uses of restraint and seclusion in our Nation's schools.

I look forward to working with you to schedule a markup of this important legislation. Thank you for your consideration of this request.

Sincerely,



GEORGE MILLER
Senior Democratic Member