

Mr. President, in 1998, the Hartford Courant ran an award-winning series of stories about the use of restraint and seclusion in hospitals, residential facilities, and group homes for individuals with psychiatric and developmental disabilities.

The Courant uncovered a hidden epidemic, confirming 142 deaths occurring during or after the use of restraint or seclusion.

One of those 142 was an 11-year-old boy from my home state of Connecticut. He was restrained face-down in a position that restricted his air flow. He died as a result.

In response, I led the charge to establish federal standards to prevent the misuse of these practices. I helped pass The Children's Health Act of 2000, which included the Compassionate Care Act that I originally drafted to put these standards in place in certain hospitals and residential facilities. We wanted to include schools in this legislation, but were unable to do so. Sadly, the need could not have been greater.

Over the past year, reports from the National Disability Rights Network (NDRN), the Alliance to Prevent Restraint, Aversive Interventions, and Seclusion (APRAIS), the Council of Parent Attorneys and Advocates, Inc. (COPAA), and the Government Accountability Office (GAO) have painted a picture disturbingly similar to the one the Hartford Courant discovered more than a decade ago.

The statistics are chilling – hundreds of incidents of physical injury, psychological trauma, even death – but the stories are devastating.

Here are some of the examples the GAO found in their report released on May 19, 2009.

- A 14 year-old boy was restrained face-down by a teacher because he would not stay seated in class. The 230 lb. teacher sat on the 129 lb. boy, restricting his airflow and resulting in the boy's death.
- A 4 year-old girl with cerebral palsy and autism was restrained in a wooden chair with leather straps for being "uncooperative."
- In one school district, children with disabilities as young as 6 years old were allegedly placed in strangleholds, restrained for extended periods of time, confined to dark rooms, tethered to ropes, and prevented from using the restroom until they urinated on themselves.

To be clear, school personnel mean no harm, and my concern signifies no disrespect for the difficult job they do or the dangers they sometimes face.

But these tragic stories reflect inadequate training, and a lack of resources on the local level to implement effective interventions, such as school-wide positive behavioral supports.

Just as students have a right to learn in a safe environment, educators have a right to work in a safe environment. They should be provided with training and support to prevent injury to themselves and others.

In some states, like Connecticut, parents have successfully advocated for laws that provide these resources, as well as guidelines to ensure that they are used effectively.

But the patchwork of state laws and regulations is confusing.

According to the GAO study, 19 states have no law or regulations concerning restraint and seclusion in schools.

- Some laws apply to only certain schools or situations.
- Some apply to restraint but not seclusion.
- Only 19 states require parental notification.
- Only 17 states require staff training.
- Only 8 specifically prohibit restraints that restrict air flow.

Furthermore, this patchwork is obviously inadequate; according to a report by COPPA, over 71 percent of the 185 incidents they identified occurred in schools with no positive behavioral interventions or supports.

Therefore, Mr. President, I rise today to introduce the Preventing Harmful Restraint and Seclusion in Schools Act, a bill that will address this void.

It will establish clear minimum standards for the use of restraint and seclusion in schools, closely based on the Children's Health Act of 2000. It will also provide resources to assist with policy implementation and provide school personnel with necessary tools, training, and support.

Finally, it will improve data collection, analysis, and identification of effective practices to prevent and reduce restraint and seclusion in schools, so we may better understand the scope of the problem and the effectiveness of our solutions.

Specifically, the legislation will prohibit the use of restraint and seclusion in schools unless the student's behavior imposes an immediate danger of physical injury and less restrictive interventions would be ineffective.

It will prohibit the use of mechanical, chemical, and physical restraints that restrict air flow to the lungs.

It will require adequate training and state certification of school personnel imposing restraint or seclusion, immediate parental notification when such an incident occurs, and debriefing to prevent future incidents.

As a condition of receiving federal education funding, states will be required to submit annual plans to the Secretary of Education which describe their restraint and seclusion policies, and certify that minimum standards are being met.

States will also be required to report annually the total number of incidents of restraint and seclusion, disaggregated by demographic and other categories.

In order to assist states, local educational agencies, and schools with implementing policies and procedures to meet the minimum standards, competitive grants will be provided. Grants will also assist with the implementation of school-wide positive behavioral supports to further prevent incidents of restraint and seclusion.

Finally, the Department of Education will conduct, and provide to Congress, a national assessment which analyzes data on restraint and seclusion and effective practices in preventing and reducing incidents. This will provide us with a more accurate picture of the extent of restraint and seclusion in schools and help direct additional future efforts to ensure that our children and those who educate them are safe.

Mr. President, I want to thank the many organizations representing individuals with disabilities, students, teachers, and schools that all came to the table with recommendations. I am also grateful to Secretary Duncan for his leadership on this issue. Finally, I want to thank my colleague and good friend Chairman George Miller in the House of Representatives. Today, he's introducing companion legislation, and I look forward to working with him to make it law.

Every child has a right to be safe in the place where they go to learn and grow. Every educator deserves the training and support they need to do their jobs safely and effectively. This legislation will help to prevent tragedies in our schools. I'm proud to introduce it today, and I urge my colleagues to join me.

I yield the floor.