



North Carolina Council on Developmental Disabilities

3125 Poplarwood Court
Suite 200
Raleigh, NC 27604

January 9, 2012

The Honorable Tom Harkin
Chairman, Senate HELP Committee
Washington, DC 20510

The Honorable Mike Enzi
Ranking Member, Senate HELP Committee
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Enzi:

On behalf of the North Carolina Council on Developmental Disabilities (NCCDD), thank you for introducing the **Keeping All Students Safe Act (S.2020)** and your unwavering commitment to the safety and welfare of our nation's children. The NCCDD supports this legislation and pledges to work with you for its enactment. The Keeping All Students Safe Act will establish needed national minimum standards to protect all school children nationwide. The bill will strengthen protections in every state.

In 2009, the Government Accountability Office documented hundreds of children subjected to restraint and seclusion in school, resulting in death, injury, and psychological trauma. All too often, the victims have been children with disabilities. In 2010, *Disability Rights North Carolina*, published a report citing cases of improper restraint and injury in our schools. This North Carolina report can be found at:

<http://www.disabilityrightsncc.org/intranet/downloadManagerControl.php?mode=getFile&elementID=2053&type=5&atomID=1067>.

The Keeping All Students Safe Act would ensure the safety of all students and school personnel and promote positive school culture and climate. The bill would emphasize conflict management, and evidence-based practices shown to be effective in preventing physical restraint. The bill would ban seclusion and confinement of children in locked rooms or spaces from which they cannot exit. Students have died or been injured in seclusion. The bill requires that those using restraint be trained in evidence-based techniques and renew their training certifications on a regular basis, establishing a strong standard nationwide. Far too many children have been injured by untrained personnel. The bill will prohibit including restraint as a planned intervention in Individual Educational Programs or other individualized planning documents. Existing laws alone have not protected students against such abuse and injury, though many do offer important protections. By creating a national floor of protection, your bill ensures that children will be protected in every state.

The Council on Developmental Disabilities works to advance supports for the estimated 172,000 persons with intellectual and developmental disabilities in our state. Our community grant awards and systems change efforts are guided by the core values set out by Congress in the Developmental Disabilities Bill of Rights and Assistance Act (P.L. 106-402). The Council is 40 members appointed by our Governor, with 60 percent of our Council comprised of persons with a developmental disability or a family member. Other members include representatives from the North Carolina General Assembly, our state service delivery agencies, non-profit and other professional groups.

We thank you very much for your strong work to protect schoolchildren from abusive interventions.

Sincerely,

Robert Rickelman, Ph.D., Chairman
The North Carolina Council on Developmental Disabilities

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An independent organization residing within the NC Department of Health and Human Services