

**TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
TO THE CHILDREN'S COMMITTEE IN SUPPORT OF
S.B. 927
AN ACT CONCERNING SECLUSION AND RESTRAINT IN SCHOOLS**

February 24, 2015

Good Afternoon, my name is Kathryn Scheinberg Meyer and I am an attorney at the Center for Children's Advocacy in the Educational Success Project. CCA is a non-profit legal organization that provides holistic legal services for poor children in Connecticut's communities.

We **strongly support** Raised Bill No. 927, An Act Concerning Seclusion and Restraint in Schools, and the urgent need to reduce the prevalence of these damaging practices.

The Problem

As attorneys for low-income children, we often represent students with developmental and mental health challenges, those who are the most likely to suffer from being restrained and secluded in their schools or placements. As a voluminous body of research indicates, we have noticed that our clients' behaviors tend to *worsen* as a result of these destructive tactics.

For example, I have a 10-year-old client who is diagnosed with Post Traumatic Stress Disorder. He becomes very overwhelmed by large classrooms and excessive noise. Despite having had him placed in a small, self-contained environment, he was still struggling with this issue, and sometimes became agitated. During his episodes he was frequently restrained, sometimes for excessively long periods of time. He came home with marks and bruises so troubling that his mother took him to the ER for treatment. These actions by school staff created more anxiety at school for him, leading to more crises that resulted in more restraints, and so the cycle continued.

Though we had my client moved to a private therapeutic placement, he is still extremely distrustful of school staff and fearful of being in school due to his past treatment. The restraints that my client was subjected to have greatly exacerbated his condition, and truly constitute an educational and treatment failure on behalf of those charged with serving his needs.

Current Connecticut law is far too lenient in regards to restraint and seclusion. And unfortunately, even these overly permissive laws are contravened by school districts. For example, though the law allows physical restraint only as an emergency measure, we see clients being restrained for behaviors that do not meet this bar. Instead, restraint becomes a tactic that is all-too-quickly utilized for any kind of problem behavior. And the underlying need continues to go unmet.

The same is true for seclusions—schools do not meet even the very low bar that is set by Connecticut law. Seclusions are to be part of a purposeful and reasoned behavioral intervention plan. These plans are to be developed by the Planning and Placement Team working in concert to determine individualized needs. According to federal and state law, this team must promote parental participation and decision-making in this process. However, oftentimes parents feel that

their voices are discounted. Many parents do not want their children secluded but feel pressured by the team to accept this intervention.

It is important to highlight that male students of color with Autism or Emotional Disturbance classifications are disproportionately represented amongst those children who are secluded and restrained every year. Unfortunately we have seen these statistics born out with our own clients; sometimes the way a student looks affects the response to his or her crisis in the classroom. This is outrageous and unjust. We need to take a closer look at these statistics in order to protect children from this discriminatory treatment.

The Solution

This bill will prohibit school staff from using these severe measures absent true emergency, and specifically prohibits use of restraint or seclusion for “discipline” or “convenience.” Additionally, it requires the exploration of less restrictive means as a way to resolve the situation. This language is far stronger than what is currently in statute, and sends a clear message to districts that these actions to be taken as a *last resort*. Because of the damage that restraints and seclusion can and does have on children, we applaud this language.

By requiring districts to train school staff on the use of “de-escalation techniques,” this law will ensure that the adults working with our children with disabilities have expertise in dealing with crises in safe and appropriate ways. These staff members need to encourage appropriate coping strategies so that our children learn how to safely regulate their own emotions. Restraints and seclusions do nothing to teach emotional regulation.

We support the Office of the Child Advocate’s recommendations detailed in their recent *Restraints and Seclusions* report. We urge you to ensure that our children do not suffer from one more restraint or seclusion than is absolutely necessary.

Thank you.