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National Disability Rights Network Releases Follow-up Report on Seclusion Restraint in Schools; New Hampshire Senate Considering Legislation to Restrict Restraint of Children in Schools and Treatment Facilities

In Washington the National Disability Rights Network (NDRN) this week released a follow-up to its January 2009 report *School is not Supposed to Hurt*. The report, a shocking investigation chronicling the abusive use of seclusion and restraint on schoolchildren and a lack of state and federal regulation is updated with progress made in 2009. The NDRN update shows grassroots efforts are soaring and the federal government is beginning to take action, but states have been slow to combat abusive seclusion and restraint practices.

Yet, throughout the year, there continued to be numerous alarming cases of severe physical and emotional harm, and parents who had not come forward began to tell horror stories of harm to their own children in schools, even in New Hampshire. Curt Decker, Executive Director of NDRN, noted a phenomenal advocacy response to the initial report and throughout the year, but went on to say that “while there is a consensus that seclusion and restraint are not forms of treatment, children continue to be harmed because some states still have no laws or policies and school personnel lack necessary training.”

Only two states, Minnesota and Missouri, which had no existing state law last year, took legislative action. Many states still have no restrictions on seclusion and restraint in schools, including Alabama, Alaska, Arizona, California, District of Columbia, Georgia, Idaho, Indiana, Louisiana, Mississippi, Nebraska, New Jersey, Ohio, Oklahoma, South Carolina, South Dakota, West Virginia and Wyoming.

On the federal level, the report applauds the hard work of Congress, which included requesting a General Accountability Office report, holding a hearing in the House Education and Labor Committee, and legislation introduced in the House (H.R. 4247) by Representatives George Miller (D-CA) and Cathy McMorris Rodger (R-WA) and by Senator Christopher Dodd (D-CT) in the Senate (S. 2860). The House bill was favorably reported today by the House Education

and Labor Committee on a bipartisan 34-10 vote.

New Hampshire's Disabilities Rights Center, a member of NDRN, has been active in the effort to reduce the use of restraint on children in schools and treatment facilities in New Hampshire. A year ago the DRC investigated an incident which resulted in multiple injuries of a youth during an incident of restraint at the Sununu Youth Services Center, and since that investigation has conducted a continuing inquiry into restraint practices at the Sununu Center. The DRC's lawyers have also represented several families with children that have been mistreated and seriously injured as a result of improper restraint in schools and treatment facilities.

In New Hampshire, legislation has been filed which would outlaw the use of particularly dangerous restraint techniques such as face-down restraint holds and methods that restrict breathing and circulation and have caused death of individuals in New Hampshire and around the country. The legislation, sponsored by Senator Kathleen Sgambati, will be heard by the Senate Health and Human Services Committee on Tuesday, February 9 at 9 am. The Senate legislation would also require that the use of physical restraint of children be immediately reported to their parents or guardians, and that restraint data be recorded and reported to the departments of Education and Health and Human Services.

The restraint legislation is supported by New Hampshire's Child Advocacy Network (NH-CAN), a statewide coalition of over 100 partner organizations improving the health and well being of NH's children and families. Support of the restraint legislation is one of NH-CAN's 2010 priorities for New Hampshire's Children.

NDRN's 2009 and 2010 reports can be found at their website, <http://www.ndrn.org> .