



October 27, 2022

The Honorable Sylvia Garcia
1620 Longworth House Office Building
Washington, DC 20515

Re: 68 Civil and Human Rights Organizations Oppose the Proposed No Kids In Cuffs Resolution in the U.S. Congress

Dear Representative Garcia,

The 68 undersigned civil, disability and human rights organizations that are national, state, and local groups advocate together to end the use of restraint and seclusion in U.S. schools. We also promote and protect the civil and human rights of Black Indigenous People of Color (BIPOC) students which includes students with disabilities, and students at the intersection of multiple marginalizations in their lives. Restraint and seclusion are traumatic and abusive practices which are disproportionately used on these children.¹ In light of our collective vision—where no students at any age or any stage of being enrolled in school are restrained or secluded in school, **we write to express deep concern and opposition to your plan to introduce the No Kids in Cuffs resolution.** We believe it is shortsighted, deeply flawed, and does not protect enough students. The *Keeping All Students Safe Act (KASSA) (H.R. 3474/S. 1858)* as you know, is much more robust and comprehensive. We urge you to halt any plans to introduce it in its current form.

Our number one goal is to create safe schools for all. This entails a number of federal legislative changes. The Alliance to Prevent Aversive Interventions and Seclusion (APRAIS), the Consortium for Constituents with Disabilities (CCD), and the Federal School Discipline Coalition (FedSDC) have made the passage of the KASSA a priority. KASSA, as introduced in this Congress by Reps. Don Beyer (D-VA), Chairman Bobby Scott (D-VA) and Donald McEachin (D-VA) will bring an end to the use of restraint and seclusion in schools. This is a priority that our members, which are made up of on-the-ground activists and in particular our BIPOC family organizations, have been demanding for years. The time for offering BIPOC students and families incremental solutions ended in the Summer of 2020 with this country's reckoning with racism and the system of harming and killing Black people. This includes Black students of all ages and with multiple marginalizations such as being disabled, LGBTQ, immigrants and so much more.

¹ According to the 2018 Civil Rights Data Collection, of the students restrained or secluded, 78 percent were students with disabilities. Although Black students comprise 15 percent of the student population, they represent 22 percent of students subjected to seclusion and 34 percent of students subjected to mechanical restraint. At: <https://www2.ed.gov/about/offices/list/ocr/docs/restraint-and-seclusion.pdf>

We appreciate you joining with over 112 colleagues in the House to cosponsor KASSA which enjoys broad and deep support among the disability rights, education, and civil and human rights community including from the Consortium for Constituents with Disabilities (CCD)², the Federal School Climate and School Discipline Coalition (FedSDC)³, the Leadership Conference on Civil and Human Rights (LCCHR)⁴, APRAIS⁵, 17 State Attorney Generals⁶, the Biden-Harris Administration⁷, and others. Collectively, we are actively working to help Congress move this bill so that schools, districts, and states have a set of minimum federal standards for restraint and a federal prohibition on the use of seclusion along with the resources to train school personnel so that all students can attend school without fear.

While we share the desire to end the use of handcuffs as a form of restraints on children and know you are an ardent advocate for the protection and safety of children, we believe the resolution is flawed in both substance and message. In brief, our primary concerns with the No Kids in Cuffs resolution as is currently written are:

- It does not align with what the numerous listed family groups, civil and human rights organizations, disability advocacy, attorney groups and politicians are calling on Congress to rectify.
- It focuses only on eliminating the *use of handcuffs on young children* and does not support the elimination of harmful restraints for **ALL** students of any age –which suggests youth and young adult students are not also harmed, traumatized, and killed by these practices.
- It is silent on all other forms of trauma-inducing restraint (e.g., chemical, mechanical, prone, supine, any form that would limit blood flow to the brain etc.).
- It focuses on the 'secondary trauma' that adults experience, rather than the true victims—the students of all ages. In fact, the resolution calls out the trauma affecting school-based law enforcement whom we know hold significant power and authority in schools.
- It does not address seclusion whose use by school teams often include law enforcement who are typically involved in the restraint of Black and Brown students and students with disabilities.
- It gives political cover to groups who claim to promote equity in educational opportunity and civil rights of children *yet as of today have not indicated support for KASSA for reasons that remain problematic to the care and protection of all students* and are most likely due to perception that there is a lack of training, lack of available resources, and often the long-held belief that ‘some’ children deserve or need to be secluded and/or restrained.⁸

² See: <https://www.c-c-d.org/fichiers/CCD-letter-on-KASSA-2022.pdf>

³ See: https://www.idra.org/wp-content/uploads/2021/07/FedSDC-Sign-on-Letter_Reccomendations-in-Response-to-OCRs-RFI-on-School-Discipline_7.23.21_w.Signatories-FINAL.pdf

⁴ See: <https://civilrights.org/resource/co-sponsor-legislation-to-advance-safe-healthy-and-inclusive-school-climates/>

⁵ See: <https://www.stophurtingkids.com/learn-more>

⁶ See: https://portal.ct.gov/-/media/AG/Press_Releases/2021/KASSA_Letter_to_Congress_FINAL.pdf

⁷ See: President Biden’s promise to “address the disparities in school discipline...” <https://joebiden.com/disabilities/#>

⁸ Note: KASSA provides immunity for teachers from any civil action and would provide training and dedicated resources for schools to comply with new federal minimum standards to eliminate use of these harmful abuses of children.

- It sets and promotes -from a national platform- a *much lower standard than KASSA* which is intentionally designed to protect **ALL** children.⁹

By way of background, we have worked extensively with the lead organizational supporter of the No Kids in Cuffs resolution to develop amenable language in a resolution that would not undermine KASSA. Initially, we invited that group to work with us to move KASSA, as is our work ethic to work in coalition with others to resolve and bring an end to these horrific practices and create safe schools for all students. Our invitations and edits were rejected. Notably, we made every effort to bring the lead organization into the APRAIS coalition and sought to find a workable solution consistent with the goals of not only KASSA, but the goals of the many civil and human rights organizations who are working for its passage.

We appreciate your interest and shared goal to do more at the federal level to prevent the trauma and abuse of children. This is admirable work, and we want to be supportive. However, should you proceed with the resolution as currently drafted, we will publicly oppose it, and will ask our national civil rights, human rights, and disability partners to do the same. As you determine what is next, we do hope we can reach a workable agreement that supports the goals of KASSA and the many students, families, and organizations who support KASSA. This could include any number of options that supports our mutual interest in assuring the safety and welfare of all students, especially BIPOC students, and students with disabilities.

We are here to work with you and your staff and welcome an opportunity to work together to end the use of restraint and seclusion. Please contact:

Dara Baldwin, Center for Disability Rights, dara.baldw@ncdr.us

Cyrus Huncharek, National Down Syndrome Congress, cyrus@ndsccenter.org

Laura Kaloi, Council of Parent Attorney and Advocates & Center for Learner Equity, lkaloi@stridepolicy.com

Robyn Linscott, The Arc of the United States, linscott@thearc.org

Christopher Scott, Open Society Policy Center, christopher.scott@opensocietyfoundations.org

Sincerely,

#####

The Alliance to Prevent Restraint, Aversive Interventions, and Seclusion (APRAIS) is a coalition of organizations and advocates who dedicate their time and resources to ending restraint and seclusion abuse in U.S. schools and work together in support of the Vision: All children with disabilities should grow up free from the use of restraint, seclusion, and aversive interventions to respond to or control their behavior, and from the fear that these forms of behavior management will be used on themselves, their siblings or their friends. www.stophurtingkids.com

⁹ Note: KASSA has been looked at as a model for state-based legislation and it is our belief that any federal initiative that deviates from the KASSA standard might also negatively influence state efforts, resulting in less than adequate state level bills.

Consortium for Constituents with Disabilities is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the millions of children and adults with disabilities are fully integrated into the mainstream of society. www.c-c-d.org

The Federal School Discipline Coalition (FedSDC) is a diverse group of organizations and individuals committed to advocating for legislative and federal action to protect the interests and educational rights of Black and Brown students and youth through a racial justice and educational equity lens. We advocate that all children deserve to go to schools that create environments and experiences that help them to succeed. Establishing police-free schools and ending the use of seclusion, harmful and dangerous restraints, and corporal punishment while implementing effective, non-punitive, and culturally sustaining practices in schools and alternatives to school discipline is a core value for FedSDC.

ORGANIZATIONS

Able South Carolina
Access Living of Metro Chicago
Access Ready
Alliance Against Seclusion and Restraint
American Civil Liberties Union
Autism Alliance of MI
Autism Society of America
Autism Society of Texas
Autistic People of Color Fund
Autistic Self Advocacy Network
Autistic Women and Nonbinary Network
Bazelon Center for Mental Health Law
Blacks in Law Enforcement of America
Center for Disability Rights
Center for Law and Social Policy
Center for Learner Equity
Center for Popular Democracy
Church WORLD SERVICE
CommunicationFIRST
Council for Learning Disabilities
Council of Parent Attorneys and Advocates
Crisis Prevention Institute
Detroit Disability Power
Dignity in Schools Campaign
Disability Law Colorado
Disability Rights Education & Defense Fund

Disability Rights Maryland
Disability Rights Michigan
Drug Policy Alliance
Easterseals
Epilepsy Foundation
Fathers and Families Coalition of America
Georgia Advocacy Office
Georgia Coalition for Equity in Education (GCEE)
Justice Strategies
Juvenile Law Center
Learning Disabilities Association of America
Learning Disabilities Association of Texas
Legal Aid Justice Center
Legal Council for Health Justice
Lives in the Balance
MENTOR
Michigan Education Justice Coalition
National Association of Councils on Developmental Disabilities
National Association of School Psychologists
National Association of State Head Injury Administrators
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Youth Law
National Disability Rights Network (NDRN)
National Down Syndrome Congress
National Organization for Women
Native American Disability Law Center
NETWORK Lobby for Catholic Social Justice
Network Lobby for Catholic Social Justice
Nollie Jenkins Family Center
NuLawLab
Open Society Policy Center
Parent Advocacy Consortium
Public Advocacy for Kids (PAK)
Rebuilding Independence My Style
SPAN Parent Advocacy Network
Special Education Equity for Kids in Connecticut (SEEK)
TASH
The Advocacy Institute
The Arc of the United States

The Center for Civil Rights Remedies at UCLA's Civil Rights Project
The Daniel Initiative

cc: Chairman Bobby Scott
Chairwoman Patty Murray
Chairman Don Beyer
The Honorable Christopher Murphy
The Honorable Donald McEachin
White House Domestic Policy Council