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Michigan House of Representatives
Education Committee
Testimony: Michigan Developmental Disabilities Council

The Michigan Developmental Disabilities Council (Michigan DD Council) would like to thank Lieutenant Governor Calley and the Michigan Legislature for their hard work and efforts in the preparation of House Bills 5409 – 5418. As drafted, these bills will implement greater protections for people with developmental disabilities from the unwarranted and dangerous use of restraint and seclusion, and guided with positive behavior supports.

There are two very applicable quotes from the U.S. Department of Education that we feel supports the intent of this legislation, and demonstrates the need for its passage. "There is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques." Furthermore, "physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff."¹

The bills that you have in front of you support's the position of the Department of Education as well as the Michigan DD Council. Children with disabilities are disproportionately the victims of the use of these practices over children without disabilities. According to 2011-2012 Civil Rights Data Collection (CRDC) for children served under Individuals with Disabilities Education Act (IDEA), 212 of the 603 reported incidents of mechanical restraint were used on a person with a disability, 1845 of 2569 physical restraints were used on a person with a disability, and 1297 of 2034 uses of seclusion were engaged on a person with a disability. These numbers are astonishing considering that only 13.1% of Michigan students are served under IDEA. These practices must end.

The use of restraint and seclusion has detrimental, if not deadly, impact on our children. The Government Accounting Office (GAO) reported that in 2003, a 15-year-old child with Autism from Michigan was held in prone restraint for approximately one hour and died due to this practice. It is a staggering thought that there are less restrictive measures in place for the use of restraint and seclusion in our prison system than for our children. Each child deserves to complete their education free from abuse, provided

¹ U.S. Department of Labor. Restraint and Seclusion: Resource Document
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dignity and respect, and within an environment that endorses positive behavior through proven means and methods.

The Michigan DD Council also supports the implementation of positive behavioral supports rather than policies that support negative reinforcement. National Education Association President Lily Eskelsen Garcia writes, "The most effective tool teachers have to handle problem behavior is to prevent it from occurring in the first place. Positive Behavioral Interventions and Supports (PBIS) programs help teachers recognize the significance of classroom management and preventive school discipline to maximize student success. PBIS strategies are critical to providing all young people with the best learning environment."²

The Michigan DD Council looks forward to working with the Michigan Legislation to ensure students with disabilities are educated in the most inclusive environments, free of abuse, and guided by positive behavior supports.

Sincerely,

Vendella M. Collins
Executive Director

² NEA, A Policy Brief. Behavioral Interventions and Supports: A Multi-tier Framework that Works for Every Student
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