

RE: ID#6-306 (2618)

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Ms. Michaela A. Totino
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INDEPENDENT REGULATORY
REVIEW COMMISSION

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Dear Ms. Totino,

I am very concerned that the proposed rules on restraining children are a reversion to the "bad old times."

Restraints are restraints--defining short-duration restraints as "not restraints" is Orwellian double-speak and is not fitting for an educational institution.

Positive behavior by the kids should be supported. "Behavior supports" can be interpreted to include forcing a child to do something, like color on a paper, that he or she is protesting. The rule should clearly state POSITIVE BEHAVIOR SUPPORTS each place that "behavior supports" is mentioned.

And, I am particularly concerned that prone restraints are being included at all. These have proven to be deadly! I have worked with parents whose child was struggling in respiratory distress, but the staff considered the person to be trying to fight, so continued to hold the child down until the child was dead. This is just one example. There is no way a doctor or a parent could give informed consent to prone restraint--too many things can go wrong.

The "need" for restraint is most often a program or personnel failure. To write restraints in as part of a "plan" is to presume that restraints are therapeutic or necessary, which is not the case. ANY emergency restraint needs a thorough debrief as to what went wrong--was the staff member baiting the student? were they in a "power struggle" over some task? what was going on BEFORE there was an "emergency"?

The parents should be consulted, and any changes in the child's plan should involve handling what brought on the emergency, not making it OK to restrain the child.

Yours truly,


Cassandra Auerbach
Citizens Commission on Human Rights