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217 Devon Boulevard
Devon, PA 19333
July 23, 2007

Mr. Arthur Coccodrilli, Chair
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Mr. Coccodrilli:

I enclose a copy of my letter to the director of the State Board of Education in order to bring to your attention a very unfortunate proposal to amend 22 PA Code Chapter 14 to allow the use of free, unlimited 30 minute restraints on special needs children and to place the use of restraint as a "behavior support" method in a child's IEP. This proposed amendment was inserted at the last possible minute, without due consideration. If enacted, such a policy permitting routine use of restraint would be very dangerous for children and harmful to the Commonwealth as well because of the responsibility for damages which would follow.

In the event that the State Board passes this or a similar amendment, would you please encourage your I.R.R.C. colleagues to consider the bad consequences for all concerned and not allow it to go forward.

Thank you.

Yours truly,

Joan Bergquist
Joan Bergquist

INDEPENDENT REGULATORY
REVIEW COMMISSION

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AUTISM SUPPORT AND ADVOCACY IN PENNSYLVANIA (ASAP)

Advocating a social change agenda by and for people with autism spectrum disorder

217 Devon Boulevard
Devon, Pennsylvania 19333
July 23, 2007

Mr. Jim Buckheit, Executive Director
State Board of Education
333 Market Street
Harrisburg, PA 17126-0333

Dear Mr. Buckheit:

Autism Support and Advocacy in Pennsylvania strongly protests the proposal now before the State Board of Education to codify the use of restraints on special education students. Our organization is a statewide non-profit, all volunteer, parent-directed association working since 1988 toward the full inclusion of Pennsylvania's citizens with autism, P.D.D. or other profound disorders of communication and behavior in all aspects of our society. Research evidence suggests that autism results from an underlying difficulty with expressive movement and its regulation, severely challenging the individual to keep body movements, including sensory responses, in balance and control. These sensorimotor problems cause difficulty in reacting to other individuals and to the environment in ways which will be productive and understood.

The proposed amendments to 22 PA Code Chapter 14 which would allow free and unlimited thirty second restraints to be used on students and would even list restraint in a child's IEP as a "behavior support" are unacceptable on professional, medical, and ethical grounds. Furthermore, permitting the use of such tactics in the guise of behavior management for special needs children, especially students with autism spectrum disorder, will place the state, as well as the children, in jeopardy.

Professional best practices based on solid research use positive approaches, whereas punishment has been shown to be ineffective either as an educational method or as a way to improve behavior. Allowing for restraints to be used almost as a matter of routine, instead of working to anticipate and prevent problems, substitutes physical force for professional skill.

You are no doubt aware that students have been physically hurt and some even killed through the use of restraint procedures. Unfortunately it does not take much time to do lasting damage. Occasionally true emergencies of really dangerous behavior can happen and need to be handled for the safety of all concerned. However, a child who experiences these restraints (how often? how elastic the timing of 30 seconds?) especially for behaviors that may be misinterpreted or due to his disability, is at real risk of acquiring post-traumatic stress. Instead of a therapeutic, safe setting, his special education program becomes the source of increased disability

Consider also the effect of such policies on teachers. As the Zimbardo prisoners/guards experiment with Stanford University psychology students demonstrated years ago, assigning the

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PENNSYLVANIA COMMISSION

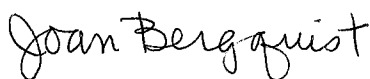
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role of "enforcer" to otherwise decent people profoundly changes their behavior toward other humans. It is unethical to put school personnel in such a position, which is likely to change their own attitudes and behavior for the worse.

Not the least of the reasons to reject a School Code policy of allowing restraints would be the Commonwealth's responsibility—legal, financial, and political—for any of the tragedies and damages that are sure to come if these dangerous but ineffective methods are permitted. Please, once and for all, abandon this ill-considered proposal. It has no place in 22 PA Code Chapter 14.

Yours truly,



Joan Bergquist, ASAP Treasurer

cc: The Honorable Edward Rendell, Governor
The Honorable Edwin Erickson
The Honorable Andrew Dinniman
The Honorable Jane C. Orié
The Honorable Dennis O'Brien
The Honorable Barbara McIlvaine Smith
The Honorable Duane Milne
→ Mr. Arthur Coccodrilli, Chair, I.R.R.C.
Ms. Michaelé A. Totino, I.R.R.C.