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**TESTIMONY OF SARAH EAGAN, CHILD ADVOCATE FOR
THE STATE OF CONNECTICUT REGARDING SB 1053 and SB 1060**

Good afternoon, Senator Slossberg, Representative Fleischmann, and distinguished members of the Education Committee. I am Sarah Eagan, the Child Advocate for the State of Connecticut and I am submitting this testimony regarding Senate Bills 1053 and 1060 regarding suspension of young children and restraint and seclusion of children in schools.

The Office of the Child Advocate is an independent state agency that is charged with evaluating the delivery of state funded services to children and advocating for policies and practices that promote children's well-being and safety.

I. OCA strongly supports Senate Bill 1053, ***AN ACT PROHIBITING OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS FOR STUDENTS IN PRESCHOOL AND GRADES KINDERGARTEN TO TWO***

According to a recent report from the State Department of Education:

- There were over 1,200 children under the age of 7 who were suspended during the last school year.
- Over 900 of those children (76.1%) were Black or Hispanic; and the vast majority were boys.
- The number of students receiving at least one suspension has **increased in each of the past two years.**

There are success strategies being utilized in schools to help them achieve substantial reductions in suspensions over the last 3 school years. These strategies, according to the CSDE, include:

1. Professional learning for staff on diffusion, de-escalation, behavioral management, reducing challenging behavior, improving communication and repairing relationships.
2. Teaching students pro-social skills and self-regulation strategies.
3. Addressing disproportionality (Black/Hispanic) and understanding challenges of special education students.

4. Shift away from zero-tolerance policies.
5. Increased Social Work and Special Education staff.

In 2014, the United States Departments of Education and Health and Human Services issued a groundbreaking joint statement regarding the urgent need to reduce and eliminate the use of exclusionary discipline in early childhood settings.

USDE, HHS (2014): Frequent use of suspension and expulsion for young children is “*particularly troubling* given that research suggests that school expulsion and suspension practices are associated with *negative educational and life outcomes....* [and] *stark racial and gender disparities* exist in these practices, with young boys of color being suspended and expelled much more frequently than other children... *These disturbing trends warrant immediate attention* from the early childhood and education fields to prevent, severely limit, and work toward eventually eliminating the expulsion and suspension – and ensure the safety and well-being – of young children in early learning settings.”

II. OCA strongly supports Senate Bill 1060, *AN ACT CONCERNING THE USE OF RESTRAINT AND SECLUSION IN SCHOOLS.*

The Office of the Child Advocate is concerned about the use of restraint and seclusion for children for the following reasons:

1. Restraint and Seclusion are harmful for children and have caused *injury or even death* when used inappropriately or unsafely.
2. Restraint and Seclusion *increase* rather than decrease the likelihood of staff injury.
3. Restraint and Seclusion are *not shown* to be effective as therapeutic behavior interventions.
4. Restraint and Seclusion practices may **be reduced or even eliminated by the use of evidence-based prevention** and intervention frameworks, including Positive Behavior Supports, the Six Core Strategies, and increased support for children’s functional skill development.

OCA Investigates Restraint and Seclusion in CT Schools

In 2014 OCA investigated the use of restraint and seclusion in a cross-section of state-funded educational programs. **OCA’s review focused on the use of restraint and seclusion with elementary-school age children.**

OCA’s findings, based on observations, data reviews, field-work, and response to citizen concerns raise significant concern regarding the frequency with which young children with disabilities were restrained or secluded, the lack of documentation or actual compliance with state laws, and the prevalence of unidentified and unmet educational needs for children subject

to forceful or isolative measures. Significant concern is also raised regarding the spaces used for seclusion, which have included utility closets, storage closets, and cell-like spaces.

A critical theme underlying the recommendations for this report is the need to identify, evaluate and appropriately educate children in all areas of disability, with an emphasis on social-emotional and functional communication development from the youngest possible age.

Supporting schools' work with special-needs children *and* their caregivers, is a high and urgent priority. Teachers, administrators, and related providers must have the tools they need to help children at the *youngest ages*.

Restraint and Seclusion in CT, by the numbers:

Over the last 3 years, the Connecticut State Department of Education reported more than 1,313 incidents of a child being injured during a restraint or seclusion, with more than 2 dozen injuries categorized as “serious.”

2012-2014: Each year there are more than 30,000 incidents of seclusion and restraint affecting more than 2,500 students.

According to the Connecticut State Department of Education, children who are restrained or secluded in school:

- **May be as young as preschool,**
- **Are identified as eligible for special education due to a disability of **Autism or Emotional Disturbance,****
- **Are disproportionately male,**
- **Are disproportionately African-American or Hispanic.**

SENATE BILL 1060 is Critical Because Seclusion and Restraint Are Shown to be Traumatizing and Ineffective for Children and Staff

In 2009, the United States Department of Health and Human Services, issued a report emphasizing that the use of seclusion and restraint is dangerous and traumatic *not only to the individuals subjected to these practices, but also for the staff implementing them.*

In 2009, Federal GAO Investigators Reviewed Hundreds of Cases of Alleged Abuse and Death Related to Restraint and Seclusion of Children in Schools

New attention was brought to restraint and seclusion practices in our nation's schools after a 2009 Federal Government Accountability Report was issued, sounding an alarm after investigators reviewed “hundreds of cases of alleged abuse and death related to the use of these methods on school children during the past two decades.”

States around the Country Are Changing Their Laws and Policies Regarding Restraint and Seclusion in Schools

Recently, states such as Georgia, Ohio, Massachusetts, New Hampshire, and Alaska, to name only a few examples, have issued new policies and laws restricting restraint and seclusion, with Massachusetts issuing sweeping changes—limiting restraint, *prohibiting seclusion*, and increasing oversight—in January, 2015. New legislation is on the verge of passage in Virginia as well.

Senate Bill 1060 is Critical Because Too Many Children with Developmental Disabilities are Subject to Restraint and Seclusion—a practice that experts say represents “failure” for these children

In 2011, the federal Interagency Autism Coordinating Committee (IACC) issued a public letter to the U.S. Department of Health and Human Services outlining significant concerns regarding the pervasive use of restraint and seclusion for children with autism:

Federal Autism Coordinating Committee:

“[U]tilization of restraint or seclusion should be viewed as a treatment failure that exacerbates behavioral challenges and induces additional trauma.”

There are Effective Measures to Reduce Restraint and Seclusion

We must offer educators the tools they need to support children without using restraint and seclusion. Research and evaluation indicate that dramatic decreases in utilization of restraint and seclusion that can be achieved through implementation of evidence-based strategies such as **Positive Behavioral Interventions and Supports, the Six Core Strategies, and related trauma and expert-informed tiered interventions.**

Suggested Amendment for Senate Bill 927

Respectfully, OCA suggests that Senate Bill 1060 be restructured as a modification and revision of Connecticut General Statute 46a-150 *et seq* to ensure a consistent and reliable framework for the use of restraint and seclusion in all child-serving facilities and programs.

Respectfully,

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