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April 17, 2017

To The Honorable Susan Lontine

RE: HB 17-1276

Dear Representative Lontine:

Due to unforeseen circumstances, I am regrettably not able to speak in person today to support the proposed legislation prohibiting the use of certain restraints upon public school students. I am hopeful that you may be able to read this into the record and share my experiences with the full committee.

I served on Pueblo City School's Board of Education from 2005 until 2013. After being elected, I chaired a committee that brought forth a seclusion and restraint policy that the full board later passed. Prior to serving on the board, I worked with several parents whose children were placed in seclusion and restraints which included mechanical and prone. I had advocated for children who were placed in dark, barren closets, tied to chairs and even one student who utilized a wheelchair for mobility that was placed in a refrigerator box. He had tipped his chair over and was trying to chew his way out when his mother walked in. Our committee had to almost start from scratch. We could find no other Colorado School policies to use as a starting point. In the end, we cobbled together a policy that prohibits seclusion and prone restraints. Approved restraints could only be used for emergencies such as the safety of the student or other students in the room. Documentation had to be provided to the family and Individualized Education teams had to meet to review Education and behavior plans to avoid future restraints.

Despite the best effort from the board and direction to the Superintendent to provide professional development to the staff, I became aware of a student being held in a restraint desk in one of our elementary schools. Despite assurances from the building leadership to discontinue its use and warnings from Disability Law Colorado, the teacher continued to use the district built desk to restrain this 3<sup>rd</sup> grader. The mother ultimately sued and her daughter was awarded one million dollars in damages...a message about restraints you would think would be heard throughout the district. Sadly, that was not to be. Last year we discovered a new restraint chair in another school building that was not removed until we brought it to the new board's attention.

Most recently, on January 31<sup>st</sup> of this year Jose's grandmother walked into his classroom to find him being held down in a prone position by four adults. This 8-year-old has a diagnosis of autism. His crime was running down the hall trying to get into other classrooms. The Psychologist participating in the restraint tried to reassure her that they all had been through crisis intervention training. Apparently, they missed the class that warns of the dangers created using prone restraints and the alternative ways to keep a student safe. He was let go immediately when she entered the room.

I support this bill even though our school district already has a policy going back to 2005 with similar language. Most parents find out about the use of restraints in a school when they walk in on it happening. This data should be made public without jeopardizing student privacy to help parents in selecting a school for your child. The very best intentions of local control and local policy would only be enhanced by this bill and hopefully prevent a tragedy from happening in the future.

Respectfully Submitted

Stephanie Garcia  
Executive Director  
The Arc of Pueblo