

Date , 2010

VIA E-Mail to ameyer@doe.k12.ga.us and US Mail

Allan Meyer
Interim Director, Policy
Georgia Department of Education
2053 Twin Towers East
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RE: Proposed Rule 160-5-1-.35 Seclusion and Restraint

Dear Mr. Meyer:

I am writing to provide feedback regarding Proposed Rule 160-5-1-.35 “Seclusion and Restraint for all Students.” The Agency appreciates the opportunity to comment on the draft rule and to be involved in the development of the rule prior to its proposal. The Agency’s mission is to . . . As such, we are committed to the development of a rule that supports schools to educate children in safe and positive environments that foster learning and growth.

The Agency supports the Department’s decision to address the issue of restraint and seclusion through the development of a rule. In particular, Agency supports GDOE’s prohibition on seclusion, prone restraint, mechanical restraint, and chemical restraint. The comments below are designed to impose significant limitations on the use of physical restraint and to build safeguards into the process by which school personnel use restraint and seclusion on a student.

- Behavioral support for students must promote the right of all students to be treated with dignity and to be educated in a safe environment.
- Physical restraint, an inherently dangerous practice, should only be used in situations of risk of serious bodily injury and is only justified based on actual behavior of the student in the time of emergency.
- Physical restraint may never be used for disciplinary purpose, convenience of faculty or staff, or as a substitute for appropriate positive teaching strategies, techniques, and supports.
- Restraint is prohibited to those situations when less intrusive efforts are not effective and there is danger of serious bodily injury to self or to others.
- Schools should use Positive Behavior Supports as an intervention for students with disruptive or challenging behaviors. Early identification and intervention are key to effective utilization.

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- Physical restraint should only be applied to students by school personnel who have been trained and certified in a State-approved training program consisting of instruction not only in applying restraint, but also in de-escalation strategies and problem solving techniques.
- School systems should be required to document and report each specific instance of physical restraint on a student in their school.

Again, thank you for the opportunity to provide input on this proposed rule. We look forward to continuing to work with you to help keep the children of Georgia safe.

Sincerely,

John Doe

Agency

cc:

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