

Passage of H.R. 4247

The Keeping All Students Safe Act

On March 3, 2010, the House of Representatives took up and passed H.R. 4247, the Keeping All Students Safe Act (formerly the Preventing Harmful Restraint and Seclusion in Schools Act). H.R. 4247 was introduced by Representatives George Miller (D-CA) and Cathy McMorris-Rodgers (R-WA) on December 9, 2009, and approved by the House Education and Labor Committee on February 23. The bill would significantly lessen the incidents of restraint and seclusion in school settings by outlawing its use as a disciplinary or therapeutic practice, limiting its use to incidents of immediate physical danger, and banning certain dangerous practices, such as prone restraint, outright. It would call for staff training, parental notification, and ban the inclusion of restraint and seclusion in an Individualized Education Plan.

Full text of the bill can be found at www.thomas.gov.

Representative Miller led floor debate on H.R. 4247, citing the need for swift passage to prevent future abuse through restraint and seclusion in schools. He noted that while he agrees with the bill's opponents that it is important to allow states and school districts to develop policies and practices that reflect local needs. State and local laws were inadequate and minimum Federal standards were needed. Chairman Miller also dismissed the argument that Congress needed to wait for Department of Education to collect data on the extent of the problem and added that while there are numerous documented incidents, one child being hurt or killed is evidence enough that a problem exists.

An amendment was agreed to which allows for a competitive grant process for awards under H.R. 4247. Subsequently, the bill passed easily by a vote of 262 yeas to 153 nays. For H.R. 2426 to become law, a Senate companion bill would need to be passed in the Senate, and any difference between the Senate and House bills would need to be reconciled. The president would have to sign that reconciled bill.

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