



School Administrators Alliance

Representing the Interests of Wisconsin School Children

TO: Assembly Committee on Education
FROM: John Forester, Executive Director
DATE: December 19, 2019
RE: AB 585 – The Seclusion and Physical Restraint of Pupils.

The School Administrators Alliance (SAA) is testifying for information only on Assembly Bill 585, relating to the seclusion and physical restraint of pupils. The SAA is officially neutral on this bill, but I want to make it very clear that we are not opposed to any portion of the bill.

I want to thank Senator Olsen and Representative Quinn for allowing the SAA to be a part of this bill development process to make improvements to Wisconsin's seclusion and physical restraint law. I also want to extend my appreciation to my colleagues with Disability Rights Wisconsin, WI FACETS, Wisconsin Family Ties, the Wisconsin Association of School Boards and other participants in the discussions that led to AB 585. It was a very lengthy process that required patience, compromise, accommodation and, most of all, determination on the part of everyone involved.

From our perspective, one of the most important provisions of this legislation would require districts to report seclusion and restraint data annually to the Department of Public Instruction (DPI) in addition to the reporting to local school boards required under current law. Over the past several years, numerous SAA members have shared with us the legal uncertainty they faced when determining if they should report district data involving a low number of seclusion or restraint incidents, and thereby potentially infringing on the privacy of certain students and their families. This change will largely remove this burden from local school districts and ensure greater consistency in the reporting and distribution of this information.

Some observers will see the additional requirements this legislation creates for school management (in the areas of data reporting, parent notification, staff debriefing, etc.) and they will wonder how the SAA could possibly sign off on this bill. I want the committee to understand that, in addition to including several district special education directors in the discussions, we also engaged the services of one of Wisconsin's finest special education attorneys to help guide our decision-making through every step of this bill development process. Ultimately, our attorney provided us with two major conclusions regarding the additional requirements in the bill: 1) These requirements mirror best practices that will help to best serve the interests of Wisconsin students; and 2) If districts perform these additional requirements with fidelity, it will significantly minimize potential legal liability involving incidents of seclusion and/or restraint. And I believe these conclusions should provide all of us with a good deal of comfort about this legislation.

Thank you for your consideration of our views. If you should have any questions regarding our position on AB 585, please call me at 608-242-1370.