



Current Happenings in Federal Public Policy: Children's Mental Health

10 November 2014

Joanne Juhnke

Policy Director






WISCONSIN FAMILY TIES

What Happens in DC **DOESN'T** Stay in DC



Three Proposed Laws

- Keeping All Students Safe Act (KASSA)
S. 2036/H.R. 1893 
- Creating Hope and Opportunity for
Individuals and Communities through
Education Act (CHOICE Act)
S. 1909/H.R. 4773 
- Helping Families in Mental Health Crisis
Act of 2013 (“Murphy Bill”)
H.R. 3717 


What are Seclusion & Restraint?

- **Seclusion:**

The isolation of a child in a room or space, from which they are prevented from leaving.


- **Restraint:**

The mechanical, manual, or chemical immobilization of a child's whole body or parts of the body.



“The use of restraint and seclusion can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behavior.”

-- Arne Duncan, U.S. Secretary of Education



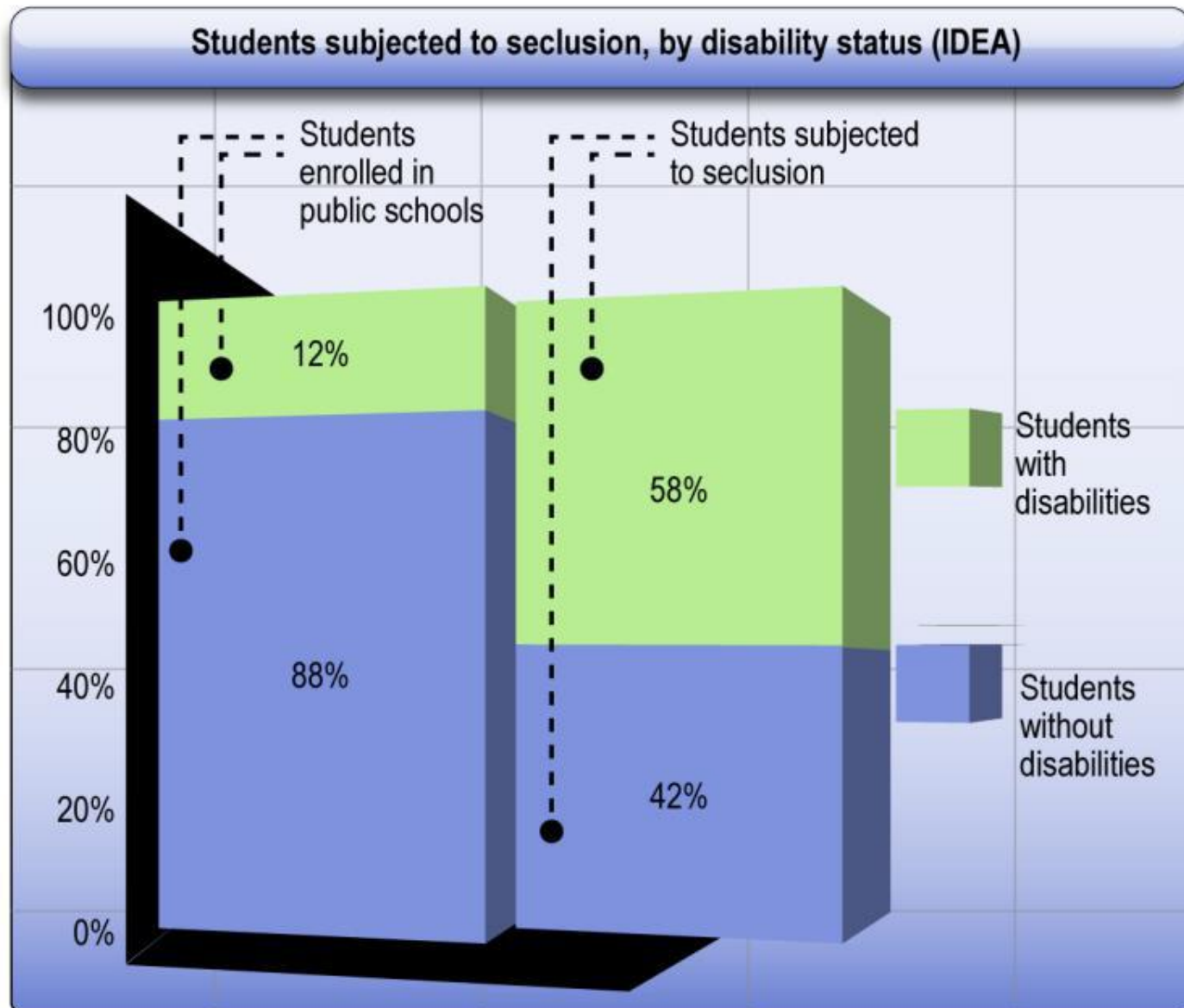
“Will you ask my teachers not to hurt me when they hold me down?”

Video: Restraint & Seclusion: Hear Our Stories

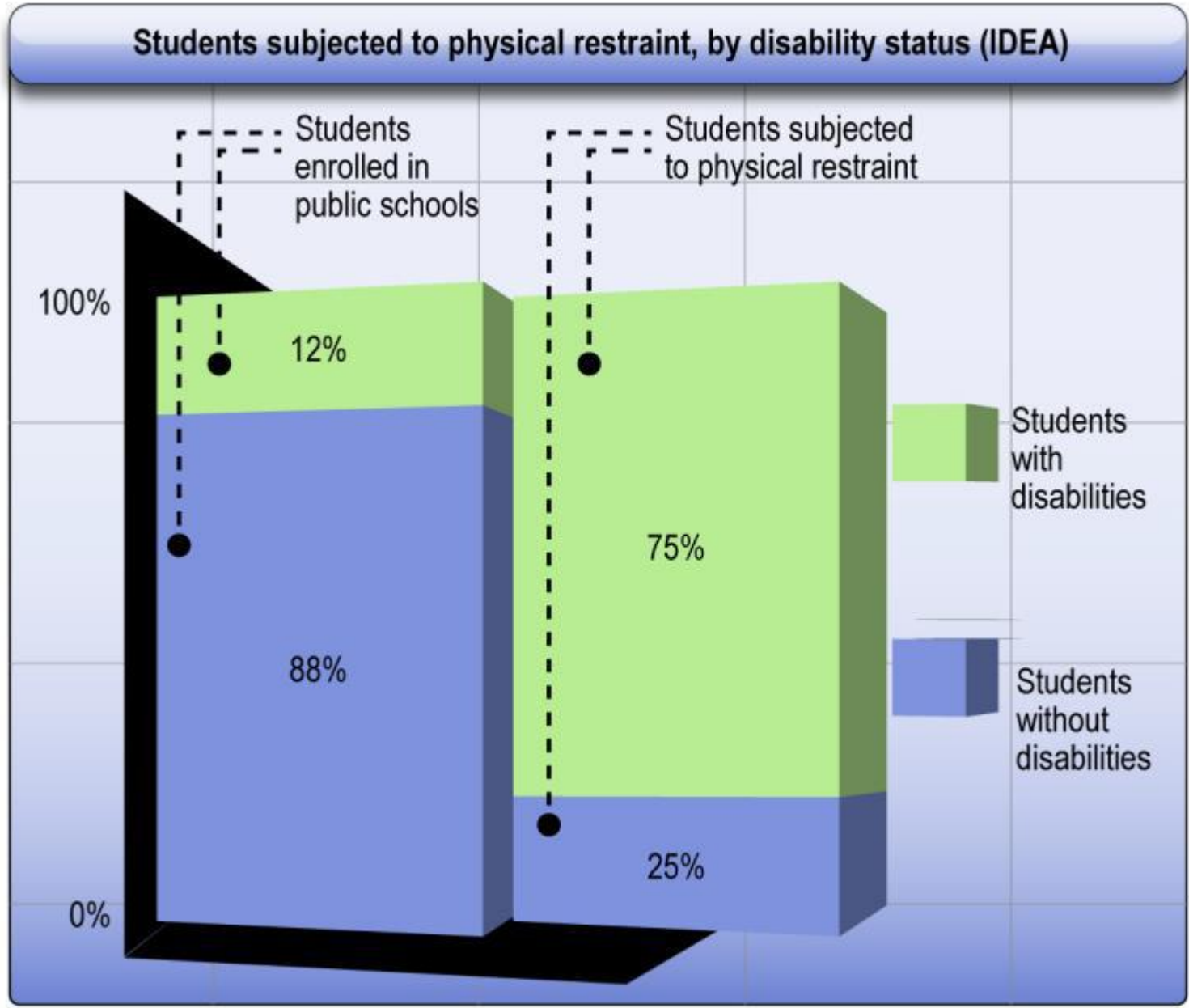
<http://stophurtingkids.com/the-film/>

Report: Out of Darkness...Into the Light

<http://tinyurl.com/outofdarkness2009>



SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2011-12.
Credit: Joseph B. Ryan, Ph.D., Clemson University, Congressional Briefing, June 24 2014



SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2011-12.
Credit: Joseph B. Ryan, Ph.D., Clemson University, Congressional Briefing, June 24 2014

Wisconsin Family Ties Survey (March 2014)

Survey: Has your child been secluded or restrained at school?

IEP Yes, MH Yes	IEP Yes, MH No	IEP No, MH No
43%	20%	0%

Restraint and Seclusion Frequently Used for Reasons Other Than Emergencies

<i>Staff Reasons Stated for Using Restraint</i>	<i>Staff Reports</i>
1. Noncompliance	48.4%
2. Leaving Assigned Area	19.4%
3. Disrespect	7.3%
4. Property Misuse	7.3%
5. Disrupting Class	6.5%
6. Physical Aggression	3.2%
7. Threats	3.2%
8. Horseplay	3.2%
9. Harassment	0.8%

<i>Staff Reasons Stated for Using Seclusion</i>	<i>Staff Reports</i>
1. Leaving Assigned Area	32.6%
2. Noncompliance	31.9%
3. Disrupting Class	11.2%
4. Property Misuse	10.1%
5. Disrespect	4.5%
6. Physical Aggression	2.8%
7. Harassment	2.4%
8. Threats	2.0%

Ryan, J.B., Peterson, R.L., Tetreault, G. & Van der Hagen, E. (2007). Reducing seclusion timeout and restraint procedures with at-risk youth. *Journal of At-Risk Issues*. 13(1), 7-12.

Credit: Joseph B. Ryan, Ph.D., Clemson University, Congressional Briefing, 24 June 2014.

Wisconsin Act 125 (2012)

- Seclusion or restraint may only be used if the student's behavior is an **immediate risk** to the **physical safety** of themselves or others, **and it is the least restrictive option possible**
- Seclusion rooms must not be locked; physical restraint only, and some holds are prohibited
- Parents/guardians must be notified
- Incident reports; annual report to school board (but not to DPI)
- Only applies to school staff (not contractors)

KASSA: Keeping All Students Safe Act

S. 2036 / H.R. 1893

- Nationwide!
- Stronger than Wisconsin's law:
 - Requires reporting to education departments
 - Covers contract-employees, including school resource officers
 - Senate version has a higher standard for physical restraint; disaggregates data by disability; prohibits seclusion altogether





School Vouchers: A State Issue Becoming Federal

- Vouchers: Programs that use public funding (tax dollars) to pay tuition for students at private schools.
- No established Wisconsin disability organization supports creating a voucher program for students with special needs.

Voucher Drawbacks for Students with Disabilities

- Loss of IDEA rights / protections – private voucher schools don't have to follow IDEA
- Private school disability-discrimination
- Voucher schools not required to employ special education teachers or therapists
- Draining funds from public schools



CHOICE Act (S.1909/H.R.4773)

- “Creating Hope and Opportunity for Individuals and Communities through Education Act”
- Would amend the IDEA to:
 - Allow IDEA funding to be used in state voucher programs for students with disabilities
 - Explicitly exempt those private voucher schools from having to follow the IDEA
 - Allow voucher demonstration-projects to discriminate on the basis of disability (only prohibits discrimination by “race, color, national origin, or sex”)



Would amend the IDEA to:

- Allow IDEA funding to be used in state voucher programs for students with disabilities
- Explicitly exempt those private voucher schools from having to follow the IDEA



“The Murphy Bill” (HR 3717)

- Helping Families in Mental Health Crisis Act of 2013
- Introduced by Rep. Tim Murphy (R-PA) on the anniversary of the Sandy Hook shootings.
- Opposed by:
Wisconsin Family Ties, Mental Health America of Wisconsin, NAMI Wisconsin, Grassroots Empowerment Project, Survival Coalition, Disability Rights Wisconsin, WI Council on Mental Health

What's up with the Murphy Bill?

- Expands involuntary treatment and ties such expansion to receipt of the Mental Health Block Grant (\$7 million in Wisconsin)
- De-emphasizes self-determination, recovery and trauma-informed care
- Reduces SAMHSA (Substance Abuse & Mental Health Services Administration) resources for peer-run services and family supports

More Murphy Bill

- Diminishes youth & family participation in advisory councils
- Imposes cuts (85%!) and restrictions on state Protection and Advocacy programs for adults and children with mental illness
- Perpetuates unfounded link between mental illness and violence, even while proposing an anti-stigma initiative



What's Next?



- **KASSA** – We'll keep trying next legislative session!
- **CHOICE Act** – It will return, and we'll need to bring the unequivocal opposition.
- **Murphy Bill** – Urgent need for dialog and alternatives. Alternative bill this year by Rep. Ron Barber, did better prioritizing community mental health and recovery and trauma-informed care, but still used a mass-violence frame. We can do better.
- **Sign up for Wisconsin Family Ties policy updates and calls to action!**

Thank you!

Joanne Juhnke

Policy Director, Wisconsin Family Ties

16 N. Carroll St., Suite 230

Madison, WI 53705

Phone: 608-261-0532

joanne@wifamilyties.org



WISCONSIN FAMILY TIES