



## NATIONAL CONFERENCE *of* STATE LEGISLATURES

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March 3, 2010

The Honorable Nancy Pelosi  
Speaker of the House  
H-232, US Capitol  
Washington, D.C. 20515

The Honorable John Boehner  
House Minority Leader  
1011 Longworth H.O.B.  
Washington, D.C. 20515

The National Conference of States Legislatures (NCSL), representing state legislators in the nation's 50 states, commonwealths and territories, is deeply troubled by the federal preemption of state policy in the Preventing Harmful Restraint and Seclusion in Schools Act (HR 4247).

HR 4247 is a well intended effort by the U.S. House of Representatives that ignores the leadership and progress made by states to protect students from harm during seclusion and restraint. Furthermore, the need to establish the federal regulations identified in the legislation is not supported by objective or carefully analyzed research. The U.S. Department of Education is in the process of gathering such information in the coming school year, and we strongly urge the House to allow this process to be completed and to make an informed decision based on sound research to determine whether federal legislation is needed to address this issue.

According to the U.S. Department of Education, 31 states currently have policies in place to oversee the use of seclusion and restraint with another 15 in the process of adopting similar policies and protections. HR 4247 would preempt these efforts in favor of federal guidelines that have little basis in research and would require states to adopt them within two years irrespective of the varying conditions in the states and without any consideration given to the costs associated with compliance.

State legislators, who have the constitutional responsibility to establish and fund the nation's system of public education, are concerned about another unfunded mandate and continued federal overreach into the daily operations of schools. HR 4247 is the latest example of this approach. The National Conference of State Legislators urges members of the U.S. House of Representatives to vote against HR 4247.

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August 27, 2009

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Sincerely,

A handwritten signature in black ink, reading "Larry M. Bell". The signature is written in a cursive style with a large, looping initial "L" and a long, sweeping underline.

Representative Larry M. Bell

Chair, Education Committee, North Carolina General Assembly

Chair, NCSL Standing Committee on Education