



Committee on Catholic Education

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194 • 202-541-3132 • FAX 202-541-3390

February 25, 2010

Re: H.R. 4247, *Preventing Harmful Restraint and Seclusion in Schools Act*

Dear Members of the House of Representatives,

As Chairman of the Committee on Catholic Education of the United States Conference of Catholic Bishops I wish to acknowledge the efforts of the Members of the House Education and Labor Committee to reduce the use of harmful and dangerous restraint and seclusion in schools. We agree completely with your desire to protect and enhance the safety and well-being of all students enrolled in both public and private schools.

However, we must urge you to vote against H.R. 4247 in its present form.

We believe it would be unprecedented and intrusive for the Federal government to involve itself in some of the activities that would be required by H.R.4247, such as:

Sec. 3 (5)(C) - collecting and analyzing data from private schools;

Sec. 4 (11)(A)(II)(ii) - extending the requirements of this legislation to every private school which has even one student or one teacher participating in a program administered by the U.S. Department of Education; and

Sec. 5 (a) - requiring school personnel to be certified in crisis intervention, although federal education law has never before imposed certification requirements on private school educators.

It is clear from the language of *ESEA* and *IDEA* that it was Congress' intent, and properly so, to avoid federal involvement in the internal administration of private (nonpublic) schools. By ignoring that principle, H.R. 4247 in its present form crosses a dangerous line, **without any demonstrated need to do so**. The only private schools cited in the report of the U.S. Government Accountability Office (GAO-09-719T) that apparently led to the drafting of H.R. 4247 were either residential facilities or schools which served emotionally disturbed teens.

I urge you to alter the scope of this unnecessarily intrusive legislation so that it focuses directly on the dangerous types of situations referenced in the GAO report, rather than imposing intrusive and onerous data collection, coverage, and certification requirements on private schools.

Sincerely,

Most Reverend Thomas J. Curry,
Auxiliary Bishop of Los Angeles
Chairman, USCCB Committee on Catholic Education