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Testimony of Support House Bill 1318
House Education
January 19, 2021

Chairman Owens and the committee members, my name is Kirsten Dvorak, executive director of The Arc of North Dakota, which includes all six Arc chapters in North Dakota: Bismarck, Bowman, Dickinson, Fargo, Grand Forks, and Valley City. Our mission is to improve people's quality of life with intellectual and developmental disabilities and actively support their full inclusion and participation in the community.

People with intellectual and/or developmental disabilities need supportive and caring relationships to develop full and active lives. Historically, people with intellectual and/or developmental disabilities across the age span have frequently been subjected to aversive procedures (i.e., electric shock, cold water sprays, and deprivations like withholding food or visitation with friends and family) that may cause physical pain, discomfort and/or psychological harm. Children and adults with intellectual and/or developmental disabilities are frequently subjected to physical restraint, including the use of life-threatening prone restraints.

Research indicates that aversive procedures such as deprivation, physical restraint, and seclusion do not reduce challenging behaviors and can inhibit the development of appropriate skills and behaviors. These practices are dangerous, dehumanizing, result in a loss of dignity, and are unacceptable in a civilized society. But students remain at



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risk of being subjected to traumatic, dangerous, and dehumanizing practices, referred to as seclusion and restraint, as a means of managing challenging behavior in school.

North Dakota Century Code addresses punishment, isolation, seclusion, and use of physical restraints, as well as other forms of punitive action in 25-01.2-09 and 25-01.2-10. This law expressly prohibits using isolation, seclusion, or physical restraints on individuals with developmental disabilities, except in extreme emergencies where there is a risk of harm to self or others. And even then, there are stringent rules surrounding the use and monitoring of seclusion and restraint. If North Dakota believes that all individuals with developmental disabilities who receive care from institutions, facilities, or individual settings, whether they are public or private agencies or settings, should not be subjected to seclusion and restraint, then why is it okay for our schools to engage in such dangerous and dehumanizing practices?

We ask that North Dakota legislation to protect our most valuable citizens, our children.

We ask for a do pass on HB 1318.