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Senate Judiciary Committee
House Criminal Justice Subcommittee
State of Tennessee
600 Dr. M.L.K. Jr Blvd
Nashville, TN 37243

March 14, 2022

Re: OPPOSITION to SB2101/HB1934

Dear Honorable Members of the Senate Judiciary Committee and House Criminal Justice Committee:

National Council on Severe Autism represents the interests of families affected by severe forms of autism and related disorders. We have reviewed SB2101/HB1934, a proposal targeted at disabled students with severe behaviors, and join other disability advocacy groups in opposition.

First, we would like to state that we share the sponsor's concerns for the health and welfare of teachers, staff and students. We care deeply about the wonderful people who devote themselves to teaching children with disabilities and agree they deserve a work environment free from intentional assaults. The question is how to achieve that.

This much we know: the criminalization and incarceration of children with severe disabilities is not the answer. In our experience it is exceedingly rare to find a child with a severe behavioral disorder who comprehends the nature of the law, or even the consequences of his/her actions. They act impulsively, typically out of sensory overload, inability to regulate emotions, explosive anxiety, or related reasons. Therefore, a law like this can have no deterrent effect, nor from a legal standpoint can it address the near-complete lack of *mens rea* in these children.

Students who pose these dangers deserve placements, including residential placements, where they can receive proper treatment from staff trained to handle these circumstances. It is our understanding that such specialized placements are scant in Tennessee, a state with no acute stabilization units for children with intellectual and developmental disabilities. For those students who remain in more traditional special education placements, teachers need proper support staff, training, equipment, skilled behavior consultations to develop effective BIPs, better access to occupational therapists, among other solutions. Building capacity and modifying environments is the proper path to addressing and preventing severe behaviors for disabled students.

We all want to keep students and teachers safe. But fining and incarcerating students with severe disabilities cannot be the answer, either from a pragmatic or moral perspective. Thank you for your consideration of our comments and please do not hesitate to reach out if we can be of any assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jill Escher', is written over a light blue horizontal line.

Jill Escher
President