



EQUALITY ♦ LAW ♦ JUSTICE

**Testimony to the Senate Education Committee
Support of HB 2444 – Freedom from Unsafe Restraint & Seclusion Act**

Chair Schodorf and the honorable members of the Committee. My name is Rocky Nichols. I am the Executive Director of the Disability Rights Center of Kansas. The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities.

Thank you for allowing me to testify on HB 2444, the Freedom from Unsafe Restraint & Seclusion Act. In summary:

- **HB 2444 is Based on the Growing National Consensus; Takes the Exact Wording from the Voluntary Guidelines Places them in Law** – These are reasonable standards regarding Restraint & Seclusion in public schools, based on the growing national consensus – 36 states have some type of standard with the force and effect of law.
 - The Kansas House agreed with the national consensus on this issue, as the bill passed by a 2 to 1 margin (82-41 bipartisan vote).
 - This is also a consensus position in the disability community, as the attached memo co-signed by 20 disability advocates attests.
- **HB 2444 is a Compromise Proposal that would:**
 - **Allow the potentially dangerous and deadly tactics of seclusion and restraint to continue to be used when there is an imminent risk of harm to self or others (as well as several blanket exceptions for altercations, weapons, etc.).**
 - Though some advocates call for banning these tactics altogether, this bill is not a ban. Again, this is a compromise proposal.
 - **Require training by staff to ensure that restraint or seclusion are used safely ... safe for the student and safe for the staff member.**
 - **Require parental notification when these dangerous and deadly tactics are used on their child.**
 - As you will hear, it is unfortunate but some parents have to find out that these tactics have been used when they find bruises on their child from the restraint hold or their child is traumatized and refuses to go to school.

Senate Education Committee
Date: 3-8-12
Attachment # 2-1

- **HB 2444 is a Measure who's Time has Come – Parents of students with disabilities have been patient and reasonable waiting for effective standards on Restraint & Seclusion with the force and effect of law – not voluntary guidelines.**
 - The voluntary guidelines are failing students with disabilities and their parents.
 - The stories in the attached flier are all examples since the voluntary guidelines have been in effect.

This Issue Started with the Senate Education Committee directing KSDE to take Action Back in 2005 – Hopefully this Committee with Finish the Job in 2012.

The disability and parent advocacy community do feel that we have been extremely patient and we have in fact come full circle back to the Senate Education Committee on this issue. It was the Senate Education Committee that held the original vote on this issue in 2005 (regarding then SB 241). After hearing from many parents and advocates who were concerned that the issue of restraint and seclusion in public schools needed enforceable standards to ensure a consistent policy statewide, the Senate Education Committee at the time agreed. In fact, by a unanimous vote, this committee voted back in 2005 to direct KSDE to come up with policies, rules and regulation to ensure that this problem was addressed consistently statewide. KSDE, through its governing body the State Board of Education, got close to following that directive, but ultimately they did not. They passed voluntary guidelines on restraint and seclusion in 2007. The Board was within one vote of passing enforceable rules and regulations (by a vote of 5-4).

Since 2007, parents and advocates have been patient. We have honestly tried since then to work within the voluntary guidelines. Alas, a voluntary guideline is just that, voluntary. So, after several years, we are forced to come back to your committee to get real relief by passing a standard with the force and effect of law to ensure a consistent standard and protections statewide.

From the minutes of Senate Education Committee, passed unanimously back in 2005: "Senator Teichman moved to direct the State Department of Education to develop policies, rules and/or regulations about the usage of restraints and seclusion rooms, the appropriate use of restraint seclusion time out rooms, the physical characteristics of such rooms, and appropriate training of teachers ... seconded by Senator Lee. The motion carried."

Voluntary Guidelines are Failing Students with Disabilities – We Need Consistency Statewide with Enforceable Standards for these Dangerous & Deadly Tactics -

We know that there are great schools and excellent teachers in Kansas who are following the guidelines and implementing them effectively. We praise them for their effort! However, you don't pass laws like this for those that are already doing the right thing. You pass laws like this to ensure that you have a consistent standard statewide, and to ensure that all students, parents and teachers can be protected and benefit from these standards.

Unfortunately, the current voluntary guidelines are failing Kansas students and their parents. Until Kansas joins the other 36 (and growing) states with protections in law, Kansas Legislators and policymakers will continue to hear case after case of examples of where students were inappropriately secluded or restrained, harm was done, and parents were never told about it.

HB 2444 takes verbatim the current voluntary guidelines and puts them into Kansas law, to ensure they are applied consistently across the state and that these minimum standards can actually protect children, parents and teachers.

These are minimal standards, based on the growing national consensus on this issue:

- **These are the same standards in President George W. Bush's New Freedom Initiative Report**, which states: "seclusion and restraint are safety interventions of last resort ... In light of the potentially serious consequences, seclusion and restraint should be used only when an imminent risk of danger to the individual or others exists and no other safe, effective intervention is possible."
- **These are based on the same standards and policies that the federal government and the US Department of Health and Human Services have had under Republican and Democrat Presidents alike** (Bush, Clinton and Obama).
- Why should the place where our kids spend the MOST time – schools – be the place where they receive NO protections? Standards on seclusion and restraint (like the federal one above) apply to almost everywhere children receive services, except schools!
- **36 states have enacted protections** on the use of these tactics in schools with the force and effect of law (source: 2012 Autism National Committee report). Kansas needs to join the growing national consensus on this issue!
 - Only 13 states have "voluntary guidelines" like Kansas.
- **NO FISCAL EFFECT!** – According to the Division of Budget and KSDE, "enactment of HB 2444 would have no fiscal effect" (see official Fiscal Note, Jan. 31, 2012).
- **These standards are a compromise** – Wording from HB 2444 comes verbatim from the language drafted by KSDE staff and a Committee of educators, parents, disability advocates, School Administrators. Originally these were drawn up as rules and regulations by KSDE staff, however, in the end they were passed as voluntary guidelines back in 2007 on a slim 5-4 vote.
- **What the standards of HB 2444 do NOT do. HB 2444:**
 - Does NOT ban or eliminate the ability to use seclusion and restraints
 - Some parents & disability organizations won't support this because it doesn't go far enough (many want to ban these tactics altogether). It's a compromise
 - Does NOT impact "time out" (having a student taking a break, sitting on a carpet square, going to another location to cool off where they are granted egress, etc.).
 - Does NOT take away local control. These are bare minimum standards and each local school district may adopt standards above the minimum in HB 2444.

Fiction vs. Fact – Some Additional Information on HB 2444.

Fiction = Some incorrectly indicate that complaints with the Kansas State Department of Education (KSDE) or the Office of Civil Rights (OCR) as well as mediation or due process are avenues to address these concerns.

Fact = There is no standard with the force and effect of law. In order for complaints to be substantiated, they must be based on a violation of law. Parents cannot file an effective complaint based only on voluntary guidelines. Compliance complaints, mediation and due process are as only as effective as the law or enforceable regulation they are based on – and Kansas has none!

Fiction = Some talk about potential increased costs/unfunded mandates.

Fact = KSDE's fiscal note says HB 2444 has NO FISCAL EFFECT. KSDE already requires districts to report every incident of seclusion and restraint for every student in their buildings. The current reporting is only to KSDE. Currently, parents do NOT have a right to know their child was secluded or restrained. HB 2444 will fix that. Additionally, several conferees indicated that their district was already doing "everything right" and following the guidelines. These are the things schools either ARE or SHOULD be doing; therefore, passing them into law is reasonable and ensures consistency and accountability.

Fiction = Some suggest federal or state laws protect students from seclusion and restraint.

Fact = "No federal laws restrict the use of seclusion and restraints in public schools" (source: federal Government Accountability Office – GAO – report). Also, according to the Autism National Committee in their Jan. 2012 report, Kansas has no enforceable protections in law or regulation regarding seclusion/restraint. The report states that Kansas only has "voluntary guidelines," which do nothing.

Fiction = Some suggest this requirement in law would lead to trial attorneys enriching themselves with monetary settlements.

Fact = The bill provides NO ability to obtain monetary damages. In fact, without HB 2444 the likelihood of monetary damages actually increases. Why? Because with only "voluntary guidelines" children are at risk of getting hurt, or killed like in other states, due to the improper use of these dangerous tactics. Having voluntary guidelines and not having clear, consistent standards is a recipe for litigation and monetary damages.

Fiction = Some will suggest that the data doesn't show that this is a problem.

Fact = The data is incomplete, and not audited to ensure every school district is reporting data accurately. The disability community believes schools are under-reporting the use of seclusion and using these tactics improperly. Too often these rooms are called such things

as "Opportunity Rooms", "Calming Rooms", "Thinking Rooms" and the sort. Children are placed in these rooms for lengthy periods of time and are losing out on educational opportunities. Restraint data has only recently been collected. **If all the state does is collect data on the number of incidences under voluntary guidelines, that's like closing the barn door after all the horses have gotten out ... and simply counting them as they gallop down the road!**

Why Due Process, Mediation, Complaints to KSDE & USDE are NOT Effective and Why the Voluntary Guidelines are Not Effective Options for Restraint or Seclusion:
See attached for an additional document that goes into detail regarding this subject matter.

I would stand for questions on HB 2444.

Note: 20 organizations and advocates (collectively with dozens of member organizations who serve tens of thousands of people with disabilities) have signed a memo to the Legislature in support of HB 2444. A copy of this memo was hand delivered to your office earlier this week:

*Disability Rights Center of Kansas
Big Tent Coalition of Kansas
Interhab
Families Together
NAMI Kansas
Association of Community Mental Health Centers of Kansas
KCAL - Kansas Coalition for Autism Legislation
Autism Society for the Heartland (ASH)
Self Advocate Coalition of Kansas
TILRC – Topeka Independent Living Resource Center
JCDS – Johnson County Developmental Supports
PAIMI Advisory Council
Kansas Council on Developmental Disabilities
Kansas Mental Health Coalition
The Arc of Douglas County
Breakthrough House, Inc.
University of Kansas Center on Developmental Disabilities
Dr. Jane Rhys, Educational Advocate
Dr. Roy Menninger
Keys for Networking*

**Attachment Explaining Why Kansas' Voluntary Guidelines
on Restraint and Seclusion Lack Legal Enforceability:**

- I. SCHOOL DISTRICTS ARE NOT LEGALLY OBLIGATED TO COMPLY WITH VOLUNTARY GUIDELINES ON SECLUSION AND RESTRAINT.**
- VOLUNTARY GUIDELINES ARE JUST THAT, VOLUNTARY
 - THE CURRENT LEGAL REMEDIES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (I.D.E.A.) ARE COMPLETELY INADEQUATE FOR PARENTS SEEKING TO ADDRESS ISSUES OF SECLUSION AND RESTRAINT WITH THE SCHOOL DISTRICT
- II. I.D.E.A. (INDIVIDUALS WITH DISABILITIES EDUCATION ACT) ALLOWS THE FOLLOWING POTENTIAL PARENT REMEDIES TO ADDRESS SPECIFIC DISAGREEMENTS WITH THE DISTRICT CONCERNING THEIR CHILD'S SPECIAL EDUCATION AND RELATED SERVICES. UNFORTUNATELY, WITHOUT A ENFORCEABLE STANDARD ON RESTRAINT AND SECLUSION, THIS PROCESS – WHICH IS OFTEN STACKED IN THE SCHOOLS' FAVOR, WILL NOT CREATE A REMEDY.**
- REQUEST IEP TEAM MEETING TO ADDRESS ISSUE OF CONCERN WITH DISTRICT
 - FILE A FORMAL COMPLIANCE COMPLAINT WITH THE KANSAS STATE DEPARTMENT OF EDUCATION
 - FILE A COMPLAINT WITH THE OFFICE OF CIVIL RIGHTS, UNITED STATES DEPARTMENT OF EDUCATION
 - REQUEST MEDIATION TO ADDRESS ISSUE OF CONCERN WITH DISTRICT
 - FILE A NOTICE OF DUE PROCESS
- III. ALL OF THE ABOVE LISTED I.D.E.A. POTENTIAL LEGAL REMEDIES ARE INADEQUATE AND DO NOT OFFER REDRESS ON SECLUSION AND RESTRAINT ISSUES. PARENTS CANNOT EFFECTIVELY ENFORCE A VOLUNTARY GUIDELINE.**
- IV. I.D.E.A. MANDATES THAT PARENTS MAY REQUEST AN IEP TEAM MEETING TO DISCUSS ANY EDUCATIONAL ISSUE OF CONCERN, BUT UNFORTUNATELY THE**

PARENT IS OFTEN OUT VOTED AS THE SCHOOL STAFF MAKE UP THE VAST MAJORITY IF NOT ALL THE OTHER IEP TEAM MEMBERS.

- PARENT MAY REQUEST THAT THE IEP TEAM ADDRESS ISSUE OF SECLUSION AND RESTRAINT FOR THEIR CHILD.
- I.D.E.A. DOES NOT REQUIRE THAT SCHOOLS AGREE WITH PARENTS RESOLUTION ON SECLUSION AND RESTRAINT ISSUE.
- I.D.E.A. DOES NOT ADDRESS SECLUSION AND RESTRAINT ISSUES. IN FACT, IN A REPORT ISSUED THIS WEEK (WEEK OF MARCH 5, 2012) THE NATIONAL DISABILITY RIGHTS NETWORK, THE DISABILITY COMMUNITY CORRECTLY POINTED OUT THAT NO FEDERAL LAW EXISTS ON RESTRAINT AND SECLUSION AND THAT THE US DEPT. OF EDUCATION WAS NOT DOING ENOUGH IN THIS AREA.
- UNDER CURRENT POLICY, REGULATING SECLUSION AND RESTRAINT IN KANSAS FIRST REQUIRES PARENTS TO KNOW THAT SUCH GUIDELINES EXIST, WHICH IS A RARE OCCURANCE. PARENTS MUST THEN REQUEST THE IEP TEAM ATTACH THE GUIDELINES TO THEIR CHILD'S IEP.
- THIS SQUARELY PUTS THE BURDEN OF ENFORCING SECLUSION AND RESTRAINT ON THE PARENT'S SHOULDERS AND CREATES A LOOPHOLE FOR THE DISTRICT TO AVOID RESPONSIBILITY.
- THIS WILL LEAD TO UNEQUAL TREATMENT OF STUDENTS WITH DISABILITIES ACROSS ALL DISTRICTS IN KANAS ON THE ISSUE OF SECLUSION AND RESTRAIN, AS NO STATE LAW EXISTS THAT SETS A UNIFORM STANDARD FOR ALL STUDNETS.
- ATTACHING THE GUIDELINES TO AN IEP MAKES THEM BINDING FOR THAT STUDENT ONLY. HOWEVER, ATTACHING GUIDELINES TO IEP'S CREATES UNTENDABLE PROBLEMS FOR PARENTS IN NEGOTIATING WITH THE DISTRICT.
- IF THE DISTRICT DECLINES TO ATTACH THE GUIDELINES, PARENTS ARE LEFT WITH NO RECOURSE FOR THEIR CHILD. THEY ARE AT THE WHIMS OF THE SCHOOL DISTRICT, WHICH PERPETUATES THE INCONSISTENCIES STATEWIDE.

V. JURISDICTION – FORMAL COMPLIANCE COMPLAINTS - PARENTS HAVE A WINDOW OF ONE YEAR TO FILE A FORMAL COMPLIANCE COMPLAINT WITH THE KANSAS STATE DEPARTMENT OF EDUCATION. HOWEVER FOR A

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COMPLAINT TO BE VALID IT MUST BE BASED ON AN ENFORCEABLE STANDARD.

- COMPLAINTS MUST ALLEGE THAT THE DISTRICT HAS VIOLATED THE I.D.E.A. AND THE KANSAS ACT FOR EXCEPTIONAL CHILDREN. NEITHER OF THESE ACTS HAS LANGUAGE DEALING DIRECTLY WITH RESTRAINT OR SECLUSION.
- KSDE MUST DETERMINE IT HAS JURISDICTION PRIOR TO INVESTIGATING THE COMPLAINT.
- KSDE HAS JURISDICTION TO INVESTIGATE COMPLAINTS PURSUANT TO I.D.E.A. AND THE KANSAS ACT FOR EXCEPTIONAL CHILDREN THAT ARE TIMELY FILED.
- KSDE WILL DISMISS UNTIMELY FILED COMPLAINTS AND COMPLAINTS THAT ALLEGE VIOLATIONS OTHER THAN I.D.E.A. AND KANSAS ACT FOR EXCEPTIONAL CHILDREN. THIS CREATES A DOWNWARD SPIRAL WHERE THE PARENT CAN FILE A COMPLAINT, BUT THAT COMPLAINT ON RESTRAINT OR SECLUSION WILL BE DISMISSED WITHOUT AN ENFORCEABLE STANDARD.

VI. JURISDICTION – OFFICE OF CIVIL RIGHTS, UNITED STATES DEPARTMENT OF EDUCATION

- PARENTS HAVE A WINDOW OF 180 DAYS TO FILE A COMPLAINT WITH OCR ALLEGING A VIOLATION OF I.D.E.A., SECTION 504 OF THE REHABILITATION ACT, AND THE ADA.
- OCR MUST DETERMINE IT HAS JURISDICTION PRIOR TO INVESTIGATION OF COMPLAINT.
- OCR WILL DISMISS UNTIMELY FILED COMPLAINTS AND COMPLAINTS THAT ALLEGE VIOLATIONS OTHER THAN SECTION 504, I.D.E.A., AND THE ADA.
- NEITHER THE I.D.E.A., NOR SECTION 504 OF THE REHABILITATION ACT, NOR THE ADA PROHIBIT OR REGULATE THE USE OF SECLUSION AND RESTRAINT IN SCHOOLS.

VII. I.D.E.A. PERMITS A PARENT TO FILE DUE PROCESS REQUEST ANYTIME THERE IS A DISAGREEMENT WITH THE DISTRICT ON SERVICES, PLACEMENT, ETC.

- SPECIFICALLY, I.D.E.A. PERMITS A PARENT TO FILE DUE PROCESS WHEN A DISTRICT:
(1) Proposes to initiate or change the identification, evaluation, or educational placement

of the child or the provision of FAPE to the child; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. SEE 34 C.F.R. 300.507(a)(1); 34 C.F.R. 300.503 (a)(1)

- THE I.D.E.A. ALSO PERMITS A PARENT TO FILE A DUE PROCESS REQUEST ANYTIME THERE IS A DISAGREEMENT RELATING TO THE IDENTIFICATION, EVALUATION, OR EDUCATIONAL PLACEMENT OF A CHILD WITH A DISABILITY, OR THE PROVISION OF FAPE TO THE CHILD. 34 C.F.R. 300.507(a)(2)
- THE I.D.E.A. REQUIRES THAT STUDENTS RECEIVE A FREE APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT. UNFORTUNATELY, PROVING THAT A STUDENT WAS DENIED FAPE IN THE LRE DUE TO SECLUSION AND RESTRAINT IS A NEARLY IMPOSSIBLE STANDARD TO PROVE. YOU WOULD HAVE TO SECLUDE AND OR RESTRAIN THE CHILD SO OFTEN FOR SO LONG THAT THIS TACT IS SIMPLY NOT AN EFFECTIVE OPTION.

VIII. JURISDICTION FOR DUE PROCESS

- PARENT AND/OR DISTRICT MAY FILE A REQUEST FOR DUE PROCESS ALLEGING A VIOLATION OF I.D.E.A..
- THERE IS A TWO YEAR STATUTE OF LIMITATIONS ON DUE PROCESS REQUESTS.

IX. DUE PROCESS IS INADEQUATE TO RESOLVE SECLUSION AND RESTRAINT ISSUES FOR THE FOLLOWING REASONS:

- I.D.E.A. HEARING OFFICER LACKS JURISDICTION TO MAKE DETERMINATION ON SECLUSION AND RESTRAINT COMPLAINTS
- **I.D.E.A. OFFERS NO REMEDY TO CORRECT SECLUSION AND RESTRAINT ISSUES**
- **DUE PROCESS IS INTIMIDATING PROCESS TO PARENTS**
- DUE PROCESS HAS CHILLING EFFECT ON THE RELATIONSHIP WITH IEP TEAM
- TIME INVOLVED IN DUE PROCESS ACTION

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- CHILD REMAINS IN CURRENT EDUCATIONAL PLACEMENT DURING PENDENCY OF DUE PROCESS AND SUBSEQUENT APPEAL
- COST OF RETAINING COUNSEL FOR PARENTS
- SCHOOL HAS COUNSEL AND EXPERTS
- POTENTIAL FOR PARENT TO BE ACCESSED SCHOOL DISTRICT ATTORNEY FEES
- POTENTIAL FOR THE ATTORNEY REPRESENTING THEM TO BE ACCESSED FEES

X. SENATE BILL 2444 OFFERS PROTECTION AND ENFORCEABILITY FOR CHILDREN AGAINST SECLUSION AND RESTRAINT IN SCHOOLS. IT PROVIDES THE FIRST STANDARD WITH THE FORCE AND EFFECT OF LAW TO OFFER PROTECTIONS WITH THESE DANGEROUS AND POTENTIALLY DEADLY TACTICS.

Vote FOR HB 2444 - Protect Students from Unsafe Restraint & Seclusion

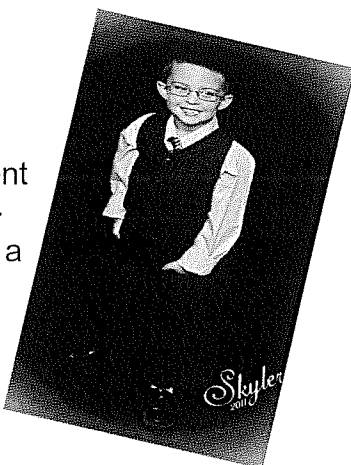
Ike's Story



Ike is a typical 10 ½ year old child from Wichita. Ike has been secluded and restrained several times by school staff who lacked the proper training on how to de-escalate or safely apply these dangerous tactics, all without his parent's knowledge or consent! Kris, one of Ike's parents, personally witnessed a couple of the inappropriate uses of restraint, including a teacher slamming Ike to the floor while two other teachers held him prone, and another time when a staff member forced little Ike to stand against the wall like criminal while she forced the significant weight of her body against his little legs and knees. Ike is lucky he doesn't have permanent damage! Ike's example, like all the examples in this document, happened after the "voluntary guidelines" went into effect. To prevent future stories like this, vote for HB 2444!

Skyler's Story

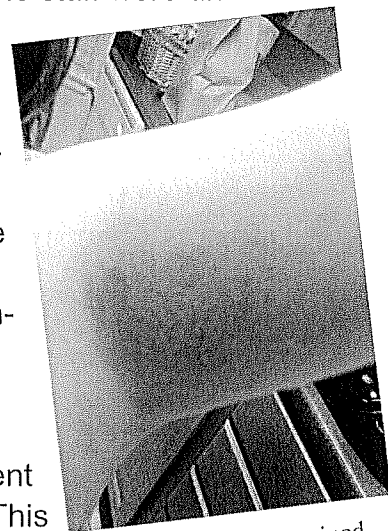
Skyler is a 7-year old Johnson County student who was physically restrained and placed in a seclusion room on more than one occasion even though he did not pose a danger to himself or others.



According to testimony to the Children's Committee by his adopted mom and biological grandmother, Julie, the emotional and physical toll on little Skyler has been nothing short of overwhelming. Julie said, "The more he was placed in this room, his fears escalated to the point where he now has a phobia and he is deathly afraid of the dark, he cannot go the bathroom by himself, and he has to have someone with him when he leaves the room." 36 other states have enforceable standards with these tactics. Kansas only has voluntary guidelines.

Alexis' Story

Alexis is a 10 year old student with a disability from Johnson County who was inappropriately restrained. She was then physically dragged by two school staff down the hall, out the school and to the bus. The staff were untrained in the safe use of restraint. Dragging a child like this is never a safe use of restraint. Because of this improper restraint, Alexis had to be rushed to the Children's Mercy ER with multiple injuries, including a significant shoulder sprain, bruises and scrapes. After the incident her mother Cathy said, "This is unacceptable. Our children should not have to go through anything like this." She's right. We need a consistent statewide policy. We need HB 2444.



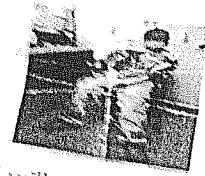
One of the bruises sustained after the improper hold

NOTE TO LEGISLATORS: All the examples in this flier happened after the "voluntary guidelines" were in effect. These parents provided testimony to the House Children's Committee on only a couple days notice of the hearing! There are far too many Kansas parents & kids with similar stories!

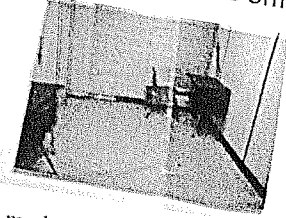
Austin's Story

Austin is a 13 year old with an intellectual disability from Lansing Kansas. Austin has had both seclusion and restraint used on him for discipline, punishment and convenience of staff. He is sent to the seclusion room for fidgeting (see picture). Austin also is forced into seclusion if he gives someone a hug. Like many children with his type intellectual disability, he likes to hug people. The seclusion room (it's mistakenly called an "office") has no windows and the door is closed, so staff can't observe him. Austin was improperly secluded up to 4 times per week for up to 2 hrs. a day!

need calm hands and calm feet



Or I will go to the office

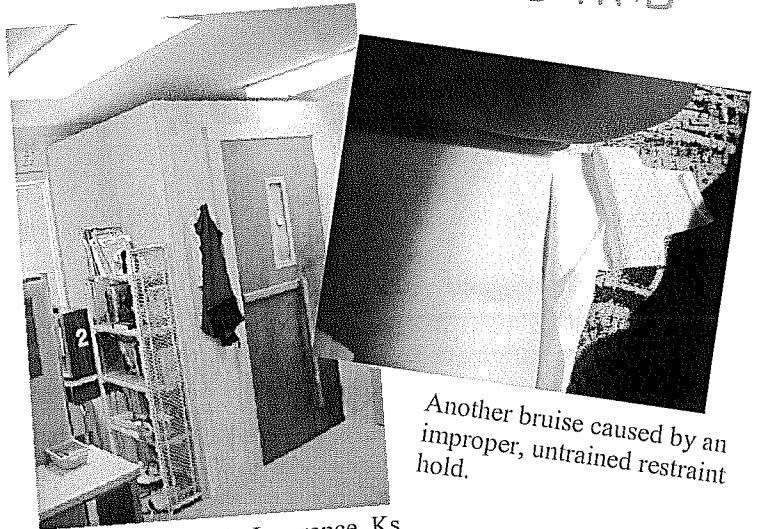


Flier made by the school to intimidate Austin to not "fidget"

School should be like this ...



... NOT like this



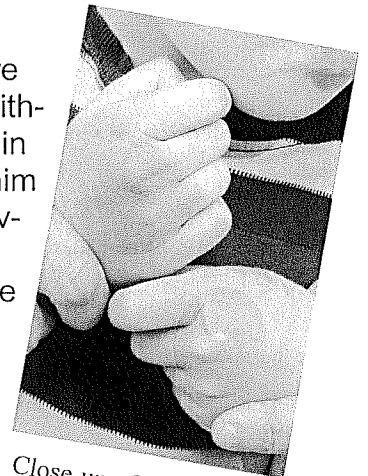
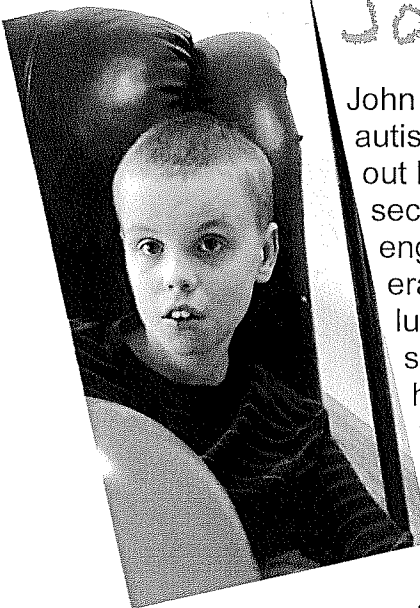
Seclusion room in Lawrence, Ks

Another bruise caused by an improper, untrained restraint hold.

John's Story

John is a 10 year old boy in Johnson County with severe autism. John was placed in seclusion several times without his parent's knowledge or consent. Being placed in seclusion caused John emotional harm which made him engage in self-injurious behavior, biting his hands several times a day, leaving behind terrible cracked calluses. John is mostly non-verbal, but it was clear the seclusion was causing him emotional and physical harm. His parents loved John & didn't know what to do. They pulled him out of public school and sent him to the private Kansas City Autism Training Center, where they used positive behavioral interventions, avoided seclusion, and alleviated his behavior problems ...

at a cost of over \$100,000 to John's parents!



Close-up of the physical harm caused by the improper seclusion



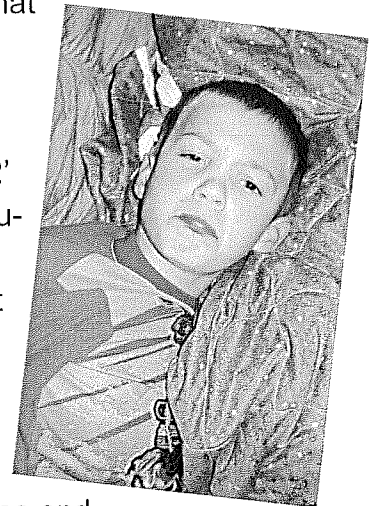
Dylan's Story

A Wichita family had to home school their 2nd grade son with Asperger's Syndrome after only 25 days in the Maize schools district because the environment at school became "toxic." Their child was being restrained without their knowledge or consent. During one incident

Dylan was in music class and the stimulation of 22 beating drums triggered a manifestation of his Asperger's, making him scared to the point where he tried to leave the room. Instead of understanding how to work with a kid with Asperger's, the teacher, according to testimony from his parents and eye witness accounts, restrained Dylan "on his back and to the surprise of his peers, his legs were pinned down while he screamed and hollered." Ironically, his parents would have been turned into SRS if they did what the school did! And the school did this without the parents knowledge or consent!

Alex's Story

Alex is an 8 year old child with Autism and other disabilities who lives in Garnett Kansas. Since the beginning of this school year (August 2011) Alex has been placed in the seclusion room 18 times for a total of 355 minutes! The room is a 5' x 5' structure made of concrete with a locking door with a window cut out. Prior to that when Alex was in kindergarten, he was placed in an incredibly small (2' x 2') wooden seclusion room "structure" without a door. Alex's parents requested, but were never provided, the number of times and minutes he was forced into seclusion as a kindergartner. Unless you pass HB 2444, parents will never know if their kids are secluded or restrained.



Kaliya's Story

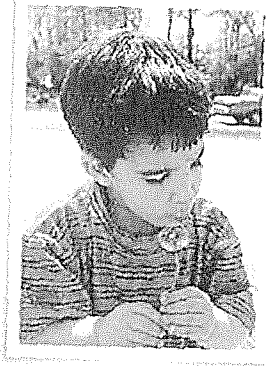
Kaliya is a 12 year old little girl with Autism in Kansas City. Two years ago (after the guidelines were adopted) her mother found out in the worst way possible that school staff were secluding her. According to her mom, Tonia, she was called to the school because of how Kaliya was "reacting" to being forced into a seclusion room. Tonia said:

"When I saw her, she was naked, she had taken off all her clothes while in the seclusion room. Her pupils were dilated and she was covered in sweat after struggling. I knew that she was being left alone in the 'recovery room' and she was panicked. They completely isolated her. It was such a small space, I don't know how they can think it was going to help calm her."

According to Tonia, the seclusion room was a makeshift box-type area built out of 2'x4's and plywood in the back of one of the classrooms. It was only three feet wide and too small for an adult to safely fit inside. Kaliya was traumatized so dramatically from being forced into this small seclusion room that it forced these terrible reactions from her. The school staff should have known better than to force a little girl with Autism into a 3 foot wide space.



Mother of Cedric Napoleon, Texas school restraint death

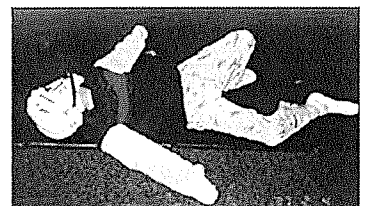


"They killed his spirit long before his body."

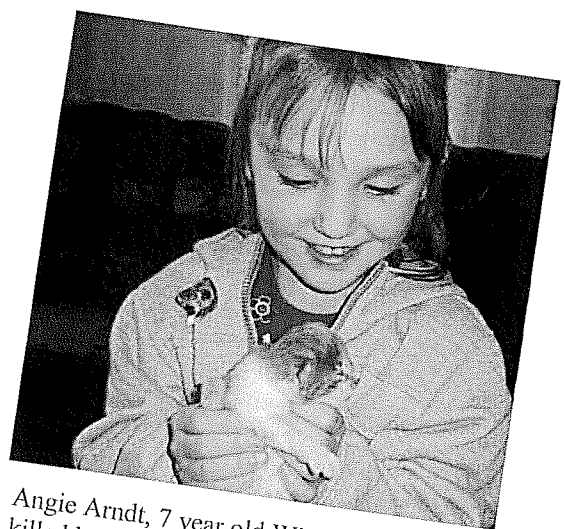
JANET ROACH
mother of Matthew Goodman,
shown at about age 4

PLEASE, don't wait for
another tragedy to happen
in Kansas.

Pass HB 2444 Now!



Matthew Goodman, restraint death in Ohio



Angie Arndt, 7 year old Wisconsin girl
killed by improper restraint at school



Jonathan King, died in a Georgia school
due to improper restraint



For more information contact:
Rocky Nichols
Disability Rights Center of Kansas
785-806-5777
rocky@drckansas.org



EQUALITY ♦ LAW ♦ JUSTICE

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This is a new development in Alex's Story.

