

Testimony for Public Hearing
Senate Education Committee
March 8, 2012

Melissa Wade
405 East Chippewa Street
Paola, Kansas 66071

HB 2444 – An Act Concerning Schools and School District; Relating to Seclusion and Restraint of Pupils

Good Afternoon Senate Education Committee Members. My name is Melissa Wade and I am an Educational advocate with Families Together, Inc., an educator in an urban school district and a mother of three children, two we are adopting and have special needs. I am here to support House Bill 2444. Restraint and seclusion in schools is occurring across the state and by supporting House Bill 2444 we can avoid unnecessary restraint and seclusion of Kansas children.

I speak to you from my own personal experience as a mother of a foster child who has been restrained and an employee of an urban school district. My fourth grade adoptive placement son has been physically restrained at school twice in less than one month. The first occurred on January 24, 2012 when he refused to move in the lunch line. The latest occurred on February 16, 2012 when he refused to leave the classroom to go to lunch.

The first occurrence we were informed by the principal via telephone that he was “carried to the principal’s office by the Physical Education teacher because he refused to move in the lunch line and his shoes and glasses were removed because he resisted being carried.” Trying to be fair parents, we informed the principal of the guidelines, our fear that they were not followed and us expecting the school to “stay within the rules provided by the state.”

There are dozens of cases across the United States in which our children have been improperly restrained by untrained staff. These cases have resulted in many deaths due to asphyxiation, injury to vertebral artery at base of the skull, and cardiac arrest. Many others have resulted in PTSD, and in our case a fear and loathing to return to the facility where our child is being held down when he is exhibiting normal autistic behavior because the staff feels “Morgan should act like the other kids”.

On January 30th Morgan’s IEP was reevaluated at our request with the support of TFI, ELC, ourselves, and the school. At this meeting it was made very clear that the guidelines are to be attached to Morgan’s IEP and be followed to prevent future occasions of restraint and seclusion. These amendments were approved and attached to Morgan’s IEP but not followed as Morgan was again physically restrained by his teacher and an aide for his refusal to leave the classroom. Again Morgan was not harming anyone in any manner and as a result of his inability to act like the other children he was pinned to the floor by his shoulders and feet. The teachers attempted to pick him up by

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his head and feet and removed his shoes and glasses when he resisted. This situation was not reported to the parents, state, or TFI. This type of situation is common in our schools and without oversight and regulations to hold those responsible I fear the school will continue to hide their transgressions from us which may result in the death of my child. Again I would not be the only one this has happened to.

These experiences of restraint have caused a lot of problems for my son. One of the biggest issues is getting him to go to school. On February 21, 2012 he had to be taken to the police department to get him to get out of the vehicle to go to school. He has said that he hates school, and that he doesn't want to be here because he hates the school, since these two instances of restraint occurred. The issues, time, expense, and trauma for the entire family has been great since Morgan was pinned to the floor for acting like an autistic child rather than a "normal fourth grader" as his teacher would say.

As an educator in an urban school district in the state, I have witnessed children who are not my own be restrained as well. Thankfully my son and the students I have seen restrained have not been injured, but the potential for harm is apparent when students are restrained unsafely. Fighting back from being held is a natural instinct, especially when you have had the experiences that come with foster care. Unsafe restraint could result in broken legs, arms, or other bodily harm that could lead to major injury to students and in many cases death. Therefore, I am requesting that you support House Bill 2444 and protect my son, the children I educate, as well as other special need students in Kansas from unsafe seclusion and restraint.

Thank you for listening and allowing me to speak to you today.

Sincerely,

Melissa Wade

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